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# Changing a Child Support Order

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# CHANGING A CHILD SUPPORT ORDER

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## General Overview

This guide offers information to help parents, and people who work with parents, better understand the child support review and modification process. It explains how parents can request to have their child support order changed when their financial situation changes. You'll see that much of this guide relates to changes handled by the child support agency, although some state-specific information addresses court processes. Parents and others can find phone numbers, websites, and forms (where available) to help start the modification process.

Parents who do not know a lot about the child support system may find this guide especially useful. It will also help parents who may not have access to the internet. The information focuses on how incarcerated parents can ask to have a child support order changed. And, it includes website links for partners to find more resources. If you want to help a parent navigate the child support system, this guide is for you!

The federal Office of Child Support Enforcement prepared the guide, consulting with the state and territorial child support offices. If a tribal program issued an order, please check with that program. Note that programs evolve and may offer newer information, so please check with your local child support agency for updates.

### Materials include:

- "Changing a Child Support Order" guide
- [54 modules](#), one for each state and territory with a child support agency

The guide will be available at federal correctional institutions and on the Office of Child Support Enforcement website, [www.acf.hhs.gov/programs/css](http://www.acf.hhs.gov/programs/css).

This guide was prepared by the federal Office of Child Support Enforcement. States and territories were consulted and many provided information and feedback. This guide does not have any binding legal authority and does NOT constitute legal advice. It should be a starting point for child support information. You may wish to consult a lawyer before using the forms or information provided in this guide.

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## Overview of the Child Support Program

Congress created the child support program in 1975. People often call it the IV-D (“Four-D”) program because Title IV-D of the Social Security Act created it. The federal Office of Child Support Enforcement (OCSE) oversees, regulates, and funds the Title IV-D program and conducts outreach. OCSE is within the United States Department of Health and Human Services, Administration for Children and Families.

In every state and in some federally recognized Indian tribes and organizations, the IV-D agency is responsible for providing child support services pursuant to Title IV-D of the Social Security Act. They provide the day-to-day processing of child support cases. Child support agencies help parents support their children by locating noncustodial parents; establishing legal paternity; establishing, enforcing, and modifying child support and medical child support obligations; and collecting and distributing child support money. Child support agencies are operated by state, tribal, county, or local governments according to program guidelines set forth in Title-IV-D of the Social Security Act. The agency may be located in the Department of Social Services, the Office of the Attorney General, or the Department of Revenue.

The mission of the child support program is to enhance the well-being of children by helping ensure they get the support they need from their parents. State and tribal child support program core functions include: locating noncustodial parents, establishing paternity, establishing and enforcing support orders, modifying orders when appropriate, collecting and distributing child support payments, and referring parents to other services. As child support programs move to a more family-centered model, the programs are adding innovative approaches and services so that parents have the resources they need to support their children and raise them in a positive way.

While programs vary from state to state, many have started to:

- Help parents solve problems early on
- Encourage parents to participate in the establishment of child support orders
- Educate parents about the child support program
- Establish realistic child support orders
- Use automated systems to discover missed payments as early as possible
- Notify noncustodial parents about missed payments before taking enforcement actions
- Modify (change) a support order to ensure that it stays consistent with a parent's ability to pay
- Reduce that portion of child support debt owed to the government if noncustodial parents start paying current support
- Pass through more support to families in public assistance cases instead of keeping it to repay the state for cash assistance

**Applying for child support services:** Any parent or custodian can apply for child support services to get help establishing a child support or medical support order or collecting support payments. People who have received assistance under the Temporary Assistance for Needy Families (TANF) or federally assisted Foster Care (and sometimes Medicaid) programs are automatically referred for child support services. An unmarried father can apply for services to establish paternity – a legal relationship with his child. A noncustodial parent whose case is not in the child support program can apply for services and make payments through the program. You can apply through the local, state, territory, or tribal child support office. Usually, applying to your local child support agency is most effective

**Asking for a change:** Either parent or custodian can ask to have a child support order reviewed at least every three years or whenever there is a substantial change of circumstances (such as loss of employment or incarceration), to make sure that the order remains fair. When parents have a significant change in their income or living situation, and they have a case with a child support office, it is important to contact that child support office as soon as possible to make sure that the child support order accurately reflects the new circumstances.

## Questions and Answers

### Using the Guide

This guide can help parents who already have a child support order and want to learn how to change it because their circumstances have changed. Most of the information in this guide relates to changes handled by the child support agency.

### What is the purpose of this guide?

This guide is for parents, and people who work with parents, to help them understand the child support review and adjustment process, sometimes called modification. It explains how parents ask to have their child support order changed because of a change in their financial situation. This guide offers resources to assist parents, such as addresses, phone numbers, websites, and forms. The guide can help parents who want to ask for a child support order change. It will help them [contact their local child support agency](#) and start the process.

### Who can this guide help?

Parents who want more information about how to try to change their child support order should start with this guide. It includes [copies of many of the forms and information](#) that some people can't access electronically. If you want to help a parent navigate the child support system, this guide is also for you! It includes links to websites and resources that partners who work with parents may use.

### I am a parent. How do I use this guide?

Find the state, territory, or tribe where you have a child support order or where you think you might have a child support order, and review the information about their child support program. You'll also find phone numbers, mailing addresses, and websites for each state, territory, and tribe. You will likely need to [contact the local child support office](#) in your state, territory, or county to take any action on your case.

### I am parent. Which child support office should I contact?

Identifying where to request a change to a child support order is complicated and may vary based on state law. Start by contacting the child support agency in the state, county, or territory where your child support order originated. If you are not sure where your child support order was first heard, established or originated, then contact the nearest child support agency where you live or where your children and the custodial parent live. Even if the child support agency you contact is not able to take action on your case, they should be able to tell you which agency to contact. If you have a tribal order, contact the tribal child support program.

### I am a parent. How do I contact a child support office?

Find the contact information in the [state guide](#). Some of the state guides suggest the best way to contact the child support office, such as by letter or telephone. When you contact the child support office, it may help to provide your full name, date of birth, Social Security number, the case name or docket number if known, children's names and dates of birth, and the other parent's known information, such as address and date of birth. You will not be allowed to have your order changed after the fact, so it is important to contact your local child support office and take the steps to ask to have your order changed as soon as your situation changes.

### I am a corrections worker (or I work with parents). How do I use this guide?

You can use this guide to talk to inmates about the importance of asking to change an order if their financial situation has changed because of their incarceration. You can work with the inmates to identify how to find and contact their local child support agencies. You can learn more about how to collaborate with local child support offices (see below).

# CHANGING A CHILD SUPPORT ORDER

## Changing an Order

Most of the information in this guide relates to changes handled by the child support program. Some parents have child support cases that are not handled by the child support program. For example, some parents hire lawyers to address child support in a divorce case that does not involve the child support program. A person who has a support order not handled by the child support agency can also file legal papers requesting the court to review the order.

### How are child support orders generally changed?

All states are required by federal law to have procedures for periodic review and adjustment (if appropriate) of child support orders handled by state child support agencies.

**The child support agency automatically reviews the support orders in “TANF” cases as least once every three years. In “non-TANF” cases, the child support agency will review the child support order at least once every three years at the request of either parent. Either party may request a review at any time based on a substantial change in circumstances.**

States conduct reviews in a variety of ways. Working with one or both parents, a state may:

- Review and, if appropriate, adjust the order according to the state’s support guidelines if the amount of child support under the order differs from the amount that would be awarded according to the guidelines;
- Apply a cost-of-living adjustment to the order according to a formula developed by the state; or
- Use automated methods (including automated comparisons with wage or state income tax data) to identify orders eligible for review, conduct the review, identify orders eligible for adjustment, and apply the appropriate adjustment.

### What is the difference between a judicial modification and an administrative modification?

The method to ask for a modification or change to a child support order may depend on the process you use and the type of child support program in your state, territory, or tribe. Some programs can change a child support order through an administrative process. This process is usually less formal than a judicial procedure, which is usually held in a courtroom and has judicial officers that make and enforce child support orders. Many child support programs use a court process to change child support orders, while others provide multiple ways to request a change.

### If I ask to have my child support order changed, will my support amount be decreased?

Not necessarily. The reviewing authority will decide if there has been a “substantial change in circumstances.” If your financial situation has improved, for example, your order may be increased. If you’ve lost a job, your order will probably be decreased, but it depends on your overall income and some other factors. The court or administrative officer makes the final decision.

### What if I am incarcerated – can I try to change my order?

Once a child support order is established, states and counties have varied procedures to seek a three-year review to modify or suspend the order. **Federal law requires states to review an order if the parent makes a request and shows that there has been a “substantial change in circumstances.”** In most states, you can ask to change your order if you are incarcerated. In only a few places, state law won’t allow it. Some states consider incarceration as “voluntary unemployment.” Contact your state or local child support agency to see if your child support order can be changed while you are incarcerated.

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## Why is trying to change my child support order important? Can't I just wait until I am released?

Generally, child support orders can be changed when your ability to pay changes substantially. Child support programs typically rely on one of the parents to request the change in amount. Child support orders are not automatically reduced when a parent enters prison, even if you don't have the ability to pay your order anymore. That is why it is important for you to contact your local child support office and ask for a change in your order. If you wait until you are no longer incarcerated, you will still owe the full amount of child support that built up while you were incarcerated. **You will not be allowed to have your order changed retroactively (after the fact) so it's important to ask for the change as soon as your situation changes.** Some states also impose interest on unpaid support.

For federal inmates, the Bureau of Prisons Program Statement, Inmate Financial Responsibility Program, outlines procedures for Bureau staff to help inmates develop a financial plan and monitor progress in meeting their obligations, including child support payments. To determine the amount owed, Bureau staff must have documentation such as a court order or judgment, or a letter with the inmate's obligation from a state child support enforcement unit.

## What if I am in a correctional facility in one state, but I think my child support order was issued in another state, or my children (or their caregivers) live in another state?

When the parent that is obligated to pay child support lives in one state and the child and custodial parent live in another, the case is called an "interstate" or "intergovernmental" case. Certain laws apply to these cases. All state, territorial, and tribal child support agencies must address child support issues, including location, paternity establishment, and establishment of support obligations, for children who live outside their borders. These cases may take more time to resolve because they involve more than one state or jurisdiction.

This guide does not provide in-depth information about how these cases are handled. The information for each of the [54 states and territories](#) is general information. You might want to consult one of the local child support offices for specific information. As a first step, contact the office where your child support order is, or was established. For tribal child support orders, contact the [tribal child support agency](#).

## What if I have more than one child support order?

State guidelines indicate how to share child support in cases with more than one support order, or when a parent has additional children. Each family must receive a portion of the available money. Depending on your state child support guidelines, having more than one support order may provide a reason to change the initial child support order. Ask your caseworker for more information on how to request a change to more than one order.

## How do local child support offices determine if an order should be changed?

As part of the request form, or as the next step in the process, most states require a financial statement (some refer to it as a worksheet) of wages, income, and standard allowable expenses. Most states also require a paystub or documentation of current income or economic status. Both parents should complete and return the income verification forms and attachments. If you don't have the most recent wage information, the child support agency may use previous earnings from other sources such as reported wages or tax filings. After applying the updated income information to the child support guidelines, many states require the newly calculated support amount to vary from the existing amount by a certain dollar figure or a certain percentage (10 or 20 percent) to enter a modified support order.

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## Order Amounts, Paternity, and Visitation

The individual [54 modules](#) for states and territories do not cover these topics. If you are interested in specific information on any of the topics below, please consult your local child support office or visit [www.acf.hhs.gov/programs/css](http://www.acf.hhs.gov/programs/css). You can also refer to the OCSE Child Support Handbook online at [www.acf.hhs.gov/programs/css/resource/handbook-on-child-support-enforcement](http://www.acf.hhs.gov/programs/css/resource/handbook-on-child-support-enforcement).

### How do states determine the initial child support amount?

All states have laws or rules that establish child support guidelines. Support guidelines are numerical formulas that the court or administrative agency uses to calculate how much a parent should contribute to a child's financial support based on parental income. State support guidelines vary. Most factor in the income of both parents. When a court or an administrative agency initially establishes a support order, it should set a realistic child support amount based on the parents' incomes. For an order to remain appropriate over time, the court or agency should periodically review the order to make sure it continues to reflect the parties' financial circumstances and child's needs.

### What if I want to establish paternity?

Under state law, a child born during marriage is presumed to be the child of those married parents. When a child is born outside of a marriage, paternity must be legally established for the child and parents to have certain legal rights and responsibilities. Putting the father's name on the child's birth certificate does not necessarily legally establish paternity.

All states have programs for birthing hospitals to give unmarried parents of a new baby born the opportunity to acknowledge the father's paternity. States must also help parents acknowledge paternity up until the child's 18th birthday through vital records offices or other designated offices. If a father signs an admission or voluntary acknowledgment of paternity, that is a legal determination of paternity. An "acknowledgment of paternity" becomes a legal finding of paternity unless the man denies he is the father within 60 days of having signed the paperwork. Paternity can also be established at a court or administrative hearing. This requires filing a legal action. If paternity is contested, the mother, child, and named father must submit to genetic tests at the request of either party or the child support agency.

Parents do not have to apply for child support services when acknowledging paternity, but a child support order cannot be established for a child who is born to unmarried parents until paternity has been established. Once established, a child gains legal rights and privileges, such as rights to inheritance, coverage under the father's medical and life insurance benefits, and possible entitlement to the father's Social Security and veterans benefits.

### How do I get a genetic test?

If a man is not certain that he is the father, the child support agency can arrange for genetic testing. The test involves gathering tissue samples (often from the inside of the cheek) of the man, mother, and child. Genetic test results can establish the probability of paternity to such a high degree that they often result in a legal presumption of paternity; however, in most states the test alone does not automatically result in a legal establishment of paternity. Instead, the genetic test results provide evidence of paternity in legal cases. The genetic tests can also exclude a man who is not the biological father. Inmates in Federal Bureau of Prison institutions should make arrangements with their Unit Team and Health Services Department to send and administer test materials.

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## What if I want to see my children?

Visitation and custody seem closely connected to child support, although the law separates the issues. Most states factor visitation and custody arrangements into their child support guideline calculations when establishing the amount of child support. Custodial parents cannot legally deny visitation rights because noncustodial parents have failed to pay child support. Similarly, noncustodial parents cannot legally withhold child support because custodial parents will not allow them to visit the children.

Child support agencies must provide child support services. They are not legally required, however, to provide access and visitation services, and most do not directly provide them. Your state child support agency can tell you about the access and visitation programs and other resources through the courts or other systems if you want to see your children.

## Debt

### I have a lot of child support debt. What can I do?

Arrears are child support payments that are past due. Even if your current child support order changes, you may still have arrears, or debt. Contact your local child support office and ask about debt compromise, debt forgiveness, or arrears management programs. Many child support offices have programs to reduce the portion of child support debt you owe to the government if you start paying current support.

You can find a list of states with debt programs as of March 2012 in the Appendix:  
[www.acf.hhs.gov/programs/css/resource/state-child-support-agencies-with-debt-compromise-policies](http://www.acf.hhs.gov/programs/css/resource/state-child-support-agencies-with-debt-compromise-policies).

## How can I make child support payments while I am incarcerated in a federal institution?

Discuss your obligations with your Unit Team during initial classification and subsequent program reviews. They will enroll you in the inmate Financial Responsibility Program and include your child support obligation in developing your financial plan. Your progress in meeting that obligation will be monitored during your program reviews. Normally child support payments are collected after any special assessments, court-ordered restitution and fines, and court costs have been paid in full.

## Disability

### What if I get disability (SSI or SSDI) – does that affect my child support?

It depends on the type of disability payments you receive. Low-income individuals who are disabled and have limited employment history may receive Supplemental Security Income (SSI) benefits. The child support program cannot use the garnishment process to collect child support from SSI payments because SSI is not related to employment.

Disabled individuals with sufficient employment history may receive Social Security Disability Insurance (SSDI) benefits. The child support program can use the garnishment process to collect child support from SSDI payments because SSDI is related to employment.

## Tribal Orders

### What if I have a tribal child support order?

More than 50 tribes operate tribal child support programs, providing services to Native American families consistent with tribal values and cultures. Like their state counterparts, tribal child support programs locate custodial and noncustodial parents, establish legal fatherhood (paternity), establish child support orders, enforce orders, and offer family-centered services and referrals. This guide does not cover how to request a change to your order if you have a child support order issued by a tribal program. You can contact your tribal child support office to learn more. See tribal child support contact information in the Appendix and at [www.acf.hhs.gov/programs/css/tribal-agencies](http://www.acf.hhs.gov/programs/css/tribal-agencies).

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## Military and Veterans

The Office of Child Support Enforcement offers a publication called “A Handbook for Military Families: Helping You with Child Support,” [www.acf.hhs.gov/programs/css/resource/a-handbook-for-military-families](http://www.acf.hhs.gov/programs/css/resource/a-handbook-for-military-families). Stateside Legal, <http://www.statesidelegal.org/>, is a site to assist military members, veterans and their families in finding free legal assistance help. The U.S. Air Force Legal Assistance website, <https://aflegalassistance.law.af.mil/lass/lass.html>, has general information about many legal topics and a Legal Services Locator to help you find your nearest Department of Defense legal assistance office.

### I am a veteran – how do I get help?

If you are a veteran and your support order does not reflect your current ability to pay or support needs, check with the child support agency or court to see if the order is still in line with the state child support guidelines. Most state child support agencies have designated military or veteran liaisons that can help you. Child support agencies in several states also have special projects to assist homeless and low-income veterans who owe past-due child support or need their orders modified.

### What if I am a reservist or National Guard member who has been activated, and my income changes?

When you are called to active duty, your child support order will not automatically change. You will need to request a modification to your child support order. The procedure for seeking a modification varies among the states. You may want to seek advice from a judge advocate, military legal assistance officer, or private attorney.

### What if I am active duty and my support order has changed?

The Defense Finance and Accounting Service (DFAS) needs to receive legal notice of the change because nothing will happen automatically. If a child support agency is handling your case, that agency usually issues the new income withholding order to DFAS. Once DFAS receives the new income withholding order, it will change the amount it withholds from your military pay.

## Getting Help - Parents

### Where do I apply for help to get child support?

If you have received help under TANF, Medicaid (in some circumstances), or federally assisted Foster Care programs, you do not have to apply for child support services; you automatically receive them. If you have not, you can apply for child support services through a state, territory, or local child support office. Usually, applying to a child support agency in your state is the most effective way; however, you have the right to apply to the agency in another state if you think that you'll receive better service. Phone directories usually list telephone numbers for state child support agencies under the state or county social services agency, or on the state's child support website. You can find the sites at [www.acf.hhs.gov/programs/css/resource/state-and-tribal-child-support-agency-contacts](http://www.acf.hhs.gov/programs/css/resource/state-and-tribal-child-support-agency-contacts).

See more information about how to apply for child support services at [www.acf.hhs.gov/sites/default/files/programs/css/how\\_do\\_i\\_apply\\_for\\_child\\_support\\_services.pdf](http://www.acf.hhs.gov/sites/default/files/programs/css/how_do_i_apply_for_child_support_services.pdf).

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## What if I want help to request a change to my child support order but don't want to go through the child support agency?

Most of the information in this guide relates to changes handled by the child support agency. However, some state sections provide information on how to request a change to your child support order using the court system without child support agency assistance. This is often described as the “pro se process” (where a party represents himself or herself in a legal matter). State and local courts sometimes provide modification forms on their court website, and some of those forms are attached in this guide. Other information or forms may be available on [www.lawhelp.org](http://www.lawhelp.org). The [www.lawhelp.org](http://www.lawhelp.org) website may provide state-specific information on how to find an attorney.

## Where do I go if I need more help?

This guide is just a starting point to help you understand the basics for changing a child support order. Contact your local child support office to get help with your case or learn how to apply for child support assistance, [www.acf.hhs.gov/programs/css/resource/state-and-tribal-child-support-agency-contacts](http://www.acf.hhs.gov/programs/css/resource/state-and-tribal-child-support-agency-contacts). For people who are willing but unable to pay because they don't have a job, many states have programs to help parents improve their job skills or find employment.

For more information, review OCSE Child Support Handbook at [www.acf.hhs.gov/programs/css/resource/handbook-on-child-support-enforcement](http://www.acf.hhs.gov/programs/css/resource/handbook-on-child-support-enforcement) and OCSE's series of fact sheets about child support, [www.acf.hhs.gov/programs/css/resource-library/search?tag=5519](http://www.acf.hhs.gov/programs/css/resource-library/search?tag=5519).

A few OCSE fact sheets relate to incarceration: Realistic Child Support Orders for Incarcerated Parents, [www.acf.hhs.gov/programs/css/resource/realistic-child-support-orders-for-incarcerated-parents](http://www.acf.hhs.gov/programs/css/resource/realistic-child-support-orders-for-incarcerated-parents) and “Voluntary Unemployment,” Imputed Income, and Modification Policies for Incarcerated Noncustodial Parents, [www.acf.hhs.gov/programs/css/resource/voluntary-unemployment-imputed-income-and-modification-laws-and-policies](http://www.acf.hhs.gov/programs/css/resource/voluntary-unemployment-imputed-income-and-modification-laws-and-policies). See these in the Appendix.

## I am incarcerated in a federal prison – how can staff help me?

Work with your Unit Team and let them know that you are a parent and have children you must support financially. Give them any documentation about your obligations. The Unit Team can direct you to institution resources to help you locate your child support office. You can also contact the institution Reentry Affairs Coordinator (RAC) to direct you to resources and programs to assist you with child support modifications.

## I reside in a federal Residential Reentry Center (RRC) – what do I need to know about child support?

As a resident of an RRC, you are expected to pay both subsistence and child support. Subsistence payments foster financial responsibility of residents during this phase of incarceration. You are also expected to address your debts, including child support, while in the RRC. If you have a child support order, you are expected to pay it. When you arrive at the RRC, inform the RRC staff or counselor of your child support obligation, and inform the child support agency of your release and location.

You can request a change to the amount of subsistence to enable you to make your child support payments. The Bureau of Prisons must approve modification of the subsistence amount collected by the RRC. If the state garnishes your pay check while you reside at an RRC, you and your case manager at the RRC can request a modification in the amount of subsistence collected at any time during your designation to the RRC or Home Confinement.

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## Getting Help – Staff

### **I work in a federal correctional institution and would like to do more to help incarcerated parents with their child support. Where do I start?**

For staff in the Federal Bureau of Prisons, coordinate with your Reentry Affairs Coordinator (RAC) to discuss how you can further develop collaborations and strategies in this area. The RAC should be in contact with the local child support agency and collaborate to address child support matters of parents who are incarcerated or in reentry. RACs can access [www.acf.hhs.gov/programs/css/resource/state-and-tribal-child-support-agency-contacts](http://www.acf.hhs.gov/programs/css/resource/state-and-tribal-child-support-agency-contacts) to express an interest in beginning a partnership. Ask if the child support agency works with incarcerated parents to address their child support matters. You may ask about debt forgiveness or employment programs to help noncustodial parents who are unable to meet their child support obligation. Local fatherhood programs may also help parents navigate the child support system. Many places have successful corrections or child support collaborations (see more below).

### **I work in an RRC – how can I assist with child support?**

When residents arrive at the RRC, staff should determine if they have child support obligations. Residents should inform the child support agency of their release and current location. You may be able to help them contact the appropriate child support agency, and encourage them to use this “Changing a Child Support Order” guide to address other questions. Residents of an RRC should address their debts, including child support while in the RRC. For more information, refer to the “Federal Corrections Staff Frequently Asked Questions.”

### **I work in a local child support office and I would like to do more to help incarcerated parents with their child support. Where do I start?**

Contact your local correctional institutions, including jails and state or federal prisons, and express your interest in helping parents who are incarcerated or in reentry. Every federal prison has a Reentry Affairs Coordinator (RAC) who can help. Also make sure Bureau of Prison’s case management staff has a copy of the court order or judgment ordering the child support or letter with the inmate’s obligation from a state child support enforcement unit. This will ensure that the obligations become part of the Bureau of Prison’s Financial Responsibility Program.

Some strategies for child support staff:

- Visit corrections facilities or station a staff person at the prison to meet individually with inmates.
- Produce videos or other materials to show to incarcerated parents.
- Offer modification materials to incarcerated parents.
- Help parents complete the required paperwork.
- Offer child support assistance at sentencing or at prison intake.

Some states have methods to make the modification process easier for incarcerated parents, such as offering telephonic hearings or videoconferencing in child support cases. Many states have reentry programs that provide child support services to parents after their release. Many child support programs help parents address barriers to reentry, such as employment and debt management assistance to reentering parents.

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## Glossary

**Acknowledgment of Paternity** – a voluntary recognition by a man, or both parents, that the man is the father of a child, usually provided in writing in an affidavit or a similar sworn statement. A witnessed acknowledgment of paternity that is signed by both parents constitutes a legal determination of paternity.

**Adjudication** – a legal determination by a court or an administrative agency.

**Administrative procedure** – the method that an executive agency uses to make and enforce support orders. It is typically less formal than a judicial procedure held in a courtroom, and in which judicial officers make and enforce support orders.

**Administrative modification** – see above, the method an executive agency uses to modify a child support order, typically without having a court hearing.

**Arrears/arrearage** – past due child support payments.

**Change of Circumstances** – the condition that shows a need for modification of a support order.

**Child support agency** – an agency in each of the 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, as well as in more than 50 Native American tribes. It is often called the “IV-D” (pronounced “Four-D”) agency because the federal legislation that established the child support program is in Title IV, Part D of the Social Security Act. See the list of state and tribal child support agencies at [www.acf.hhs.gov/programs/css/resource/state-and-tribal-child-support-agency-contacts](http://www.acf.hhs.gov/programs/css/resource/state-and-tribal-child-support-agency-contacts).

**Child Support Program** – the federal/state/local and tribal partnerships established under Title IV, Part D of the Social Security Act to locate parents; establish paternity; and establish, modify, and enforce child support orders.

**Consent agreement or consent order** – a voluntary agreement or order that both parties enter into and sign.

**Custodial parent (CP)** – the person who has primary care, custody, and control of a child. Some states use the term “residential parent.” Some states use the term “custodial party” or “caretaker” if the child resides with a relative, legal guardian, or some other legally responsible adult. When parents are separated or divorced, the court order usually designates which parent is the custodial parent.

**Custody order** – a legal determination that establishes who has care and control of a child, and with whom the child shall live. State and tribal laws vary with regard to custody issues (such as joint custody, sole custody, shared custody).

**Default** – the failure of a defendant to appear, or file a timely answer or response, in a civil case after the person has been served with a summons and complaint.

**Default judgment or default order** – a decision that a tribunal makes when the defendant fails to respond or appear after proper notice.

**Defendant** – the person against whom a civil or criminal proceeding is begun. The defendant in a civil proceeding is also called the “respondent.”

**Deviate from the guidelines** – a child support order amount that is different from the amount presumed by the applicable child support guideline.

# CHANGING A CHILD SUPPORT ORDER

Office of Child Support Enforcement • Administration for Children & Families • U.S. Department of Health and Human Services

**Disposable pay or disposable earnings** – wages remaining after subtracting mandatory deductions such as: federal, state, and local taxes; FICA and Medicare taxes; unemployment and workers' compensation insurance; state employee retirement system contributions; and additional deductions mandated by state law.

**Duration of support** – the period during which a parent has an obligation to provide financial support for a child. States have varying laws regarding duration of support.

**Enforcement** – the process of obtaining payment of a child support or medical support obligation. The most effective enforcement remedy is income withholding. Other enforcement remedies include federal and state income tax refund offset, license suspension, and seizure of bank accounts.

**Establishment** – the legal process of determining parentage or obtaining a child support order.

**Federal Office of Child Support Enforcement (OCSE)** – the federal agency responsible for oversight of the Title IV-D child support program. OCSE writes regulations that govern the state child support agencies, which are responsible for day-to-day processing of child support cases. OCSE also operates the Federal Parent Locator Service, which includes the Federal Case Registry and the National Directory of New Hires. OCSE is part of the Administration for Children and Families, within the Department of Health and Human Services.

**Federal Parent Locator Service (FPLS)** – a group of data sharing, collection and enforcement systems and telecommunication networks operated by the federal Office of Child Support Enforcement (OCSE) that supports the core mission of the child support program: location of parents, establishment of paternity, establishment of fair and equitable child support obligations, modification of support, and enforcement of support including such measures as income withholding. The FPLS includes the Federal Case Registry (FCR) and the National Directory of New Hires (NDNH). The FPLS also helps prevent improper payments in federal and state benefit programs. Regulations govern who is authorized to receive information from the FPLS, the authorized purposes for receiving the information, and the type of information that may be provided.

**Federally Assisted Foster Care** – a federal/state/tribal program that provides financial support to people, families, or institutions raising children who are not living with their parents.

**Filing fee** – a fee charged by a court for filing legal documents

**FRP** – Financial responsibility program – a policy directive in the Federal Bureau of Prisons that encourages each sentenced inmate to meet his or her legitimate financial obligations. Staff will assist the inmate in developing a financial plan for meeting those obligations and shall consider the inmate's efforts to fulfill those obligations as indicative of that individuals' acceptance and demonstrated level of responsibility. These efforts will be tracked and monitored throughout their period of incarceration.

**Finding** – the formal determination by a court or an administrative agency that has a legal effect.

**IV-D (pronounced "Four-D") Child Support Program** – the federal/state/local and tribal child support programs established under Title IV-D of the Social Security Act.

**Garnishment** – an enforcement remedy under which part of a person's wages and/or other type of income is withheld for the payment of a debt. Some states refer to a garnishment as a "withholding" or an "attachment."

**Genetic testing** – DNA analysis of inherited factors (usually by tissue or saliva test) of the mother, child, and alleged father that can help prove or disprove that a particular man fathered a particular child.

**Guidelines** – the numerical formulas that states and tribes use to set child support obligations. Support guidelines are based on the income of the parent(s) and other factors as determined by state and tribal law. Tribunals must use guidelines to determine the child support amount; unless there is a written finding that applying the guidelines would be inappropriate in a particular case.

# CHANGING A CHILD SUPPORT ORDER

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**Imputing income** – a method of determining child support amount that is ordered based on a presumed income and/or assets rather than actual pay.

**Interest accrual** – the amount of interest that accrues on an unpaid child support obligation.

**Judicial procedure** – the method by which judicial officers make and enforce support orders. It is usually held in a courtroom.

**Judicial modification** – see above, the method by which a modification occurs in a court proceeding.

**Judgment** – the legally binding decision by a tribunal on the rights and claims of the parties to an action. A judgment may also be called a “decree” or an “order.”

**Jurisdiction** – the legal authority that a court or an administrative agency has over particular persons, certain types of cases, and in a defined geographical area.

**Legal father** – a man recognized by law as the male parent.

**Medicaid program** – a program administered state by state that provides federally funded medical support for low-income families.

**Medical support** – Health care coverage provided to a child pursuant to a support order. It includes insurance coverage; cash medical support, including payment of health insurance premiums; and payment of health care bills (including dental and eye care). Indian Health Service and TRICARE are also acceptable forms of medical support.

**Non-assistance case** – a child support case that did not originate due to referral from a TANF program and where no support is owed to the state.

**Noncustodial parent (NCP)** – the person who does not have primary care, custody, and control of a child.

**Obligation** – the duty of support that a parent or spouse owes to a child or spouse. A support order usually expresses that obligation as an amount of money that the parent or spouse must pay as financial support or medical support for the child(ren) or spouse.

**Obligee** – the person to whom a duty of support is owed; the person who receives support payments. The obligee is often also called the “custodial parent.”

**Obligor** – the person who has the obligation to provide financial support or medical support; the person who is making support payments. The obligor is often also called the “noncustodial parent.”

**Order** – the legally binding decision by a tribunal on the rights and claims of the parties to an action. An order may also be called a “decree” or “judgment.”

**Parentage** – the legal mother-child relationship or father-child relationship as determined by state or tribal law.

**Party** – a person involved in a legal transaction or court proceeding

**Paternity judgment** – the legal determination of fatherhood.

**Petitioner** – the person who files a civil action. The petitioner is also called the “plaintiff.”

# CHANGING A CHILD SUPPORT ORDER

Office of Child Support Enforcement • Administration for Children & Families • U.S. Department of Health and Human Services

**Plaintiff** – the person who files a civil action. The plaintiff is also called the “petitioner.”

**Pleading** – The legal document containing the factual allegations, typically the complaint and answer.

**Presumption of paternity** – a rule of law under which evidence of a man’s paternity (such as genetic test results) creates a legal inference that the man is the father of a child. (See *rebuttable presumption*)

**Probability of paternity** – the statistical likelihood that the alleged father is the biological father of the child, as indicated by genetic test results.

**Pro se** – a procedure in which a party represents himself or herself in a legal matter.

**Public assistance** – money granted from the state, tribal, or federal government to a person or family for living expenses. Eligibility is based on need and varies among programs. Applicants for certain types of public assistance (for example, Temporary Assistance for Needy Families or TANF) are automatically referred to their state or tribal child support agency for child support services. This allows the state or tribe to seek support payments from the noncustodial parent so the custodial party can become more self-sufficient and the state or tribal government can recoup some of its public assistance expenditures.

**RAC** – a federal correctional institution’s Reentry Affairs Coordinator who has responsibility for coordinating local reentry efforts, which include fostering partnerships and developing resources that assist offenders in preparation for a successful return to their communities.

**RRC** – Residential Reentry Center (halfway houses) – a Bureau of Prisons contract facility that provides assistance to inmates who are nearing release. They provide a safe, structured, supervised community environment, as well as employment counseling, job placement, financial management assistance, and other programs and services. RRCs help inmate gradually rebuild their ties to the community and facilitate supervising offenders’ activities during this readjustment phase.

**Rebuttable presumption** - a legal inference that can be overcome by evidence. Regarding paternity, this would mean presenting evidence that the man could not be the child’s father (such as evidence of the man’s sterility). An irrebuttable or conclusive presumption is a final determination of the issue; a court will not allow any contrary evidence to be presented.

**Respondent** – the person against whom a civil action is filed. The respondent is also called the “defendant.”

**Retroactive support** – support for a period prior to the entry date of the order. For example, in paternity cases, state law may require retroactive support to the date of the child’s birth. Some states have laws requiring support retroactive to the date the legal action was filed.

**Service, or service of process** – the formal delivery of legal notice, such as a pleading.

**State Disbursement Unit** – the single entity in a state that receives and distributes child support payments.

**Statute of limitations** – the cutoff point on the length of time a person has to take a particular legal action. State and tribal laws vary on the statute of limitations for collecting child support arrears.

**Stipulate** – a voluntary agreement between opposing parties.

# CHANGING A CHILD SUPPORT ORDER

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**Temporary Assistance for Needy Families (TANF)** – time-limited public assistance payments made to poor families, based on Title IV-A of the Social Security Act. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) replaced Aid to Families with Dependent Children (AFDC) with TANF. The TANF program provides parents with job preparation, work, and support services to help them become self-sufficient. Applicants for TANF benefits are automatically referred to their state or tribal child support agency for child support services. This allows the state or tribe to seek support payments from the noncustodial parent so the custodial party can become more self-sufficient and the state or tribal government can recoup some of its public assistance expenditures.

**Tribal IV-D Program** - a child support program administered by a federally recognized Indian tribe or tribal organization and funded under Title IV-D of the Social Security Act.

**Tribal Organizations** – organizations run by Native American tribes.

**Tribunal** – a court, an administrative agency, or a quasi-judicial entity authorized to establish, enforce, or modify support orders, or to determine parentage.

**Unit Team** – the Bureau of Prisons utilizes a Unit Management concept to determine inmate program needs, and monitor inmate participation to encourage pro-social institution and community behaviors that benefit inmates, staff, victims and society. This is accomplished through functional unit management and effective interaction with inmates. Unit Teams are comprised of a Unit Manager who supervises assigned case managers, correctional counselors, and unit secretaries in a designated housing unit. The Unit Team also includes the unit officers, an education advisor, and a unit psychologist, each of whom performs a clearly defined role for this process.

**Visitation** – a term for the time a noncustodial parent spends with his or her children. States may also use the term “access” or “parenting time.” Parents can agree upon parenting time in a parenting plan or the court can establish parenting time in its order.

**Voluntary unemployment** – a law or policy that prohibits modification when a parent is incarcerated or when an individual decides to stop working or to not seek employment.

**Wage withholding** – a procedure by which automatic deductions are made from a person’s earnings or other income to pay a debt such as child support. Wage withholding may also be called “income withholding,” “income attachment,” “income assignment,” or “garnishment.”

## Appendix

1. Child Support Websites and General Contact Information, including tribal child support agencies
2. OCSE “How Do I apply for Child Support Services?” brochure
3. OCSE fact sheet “State Child Support Agencies With Debt Compromise Policies”
4. OCSE fact sheet “Realistic Child Support Orders for Incarcerated Parents”
5. OCSE chart “‘Voluntary Unemployment,’ Imputed Income and Modification Laws and Policies for Incarcerated Noncustodial Parents”
6. OCSE fact sheet “Child Support Collaboration with Federal Criminal Justice Agencies”

## **Child Support Websites and General Contact Information**

January 23, 2014

### **Alabama**

([http://dhr.alabama.gov/services/Child\\_Support\\_Services/Child\\_Support\\_Enforcement.aspx](http://dhr.alabama.gov/services/Child_Support_Services/Child_Support_Enforcement.aspx))  
Department of Human Resources, Child Support Enforcement Division  
50 Ripley Street  
PO Box 304000  
Montgomery, Alabama 36130-4000  
Office: (334) 242-9300  
Fax: (334) 242-0606

### **Alaska**

(<http://www.csed.state.ak.us/>)  
Child Support Services Division,  
Department of Revenue  
550 West 7th Avenue, Suite 280  
Anchorage, Alaska 99501-6699  
Office: (907) 269-6900  
Fax: (907) 787-3220

### **Aleutian/Pribilof Islands Association, Inc.**

#### **Program Manager**

APIA Tribal Child Support Program  
1131 East International Airport Road  
Anchorage, Alaska 99518-1408  
Office: (907) 276-2700  
Fax: (907) 222-9769  
Email: [ozzye@apia.org](mailto:ozzye@apia.org)

### **Central Council Tlingit and Haida Indian Tribes of Alaska**

Program Director  
320 West Willoughby Avenue -- Suite 300  
Juneau, Alaska 99801  
Office: (907) 463-7340  
Fax: (907) 463-7730  
Email: [ebrakes@ccthita.org](mailto:ebrakes@ccthita.org)

### **Arizona**

(<https://www.azdes.gov/main.aspx?menu=24&ID=2652>)  
Division of Child Support Services,  
Arizona Department of Economic Security  
3443 N. Central Ave. Suite 1604  
Phoenix, Arizona 85012  
Customer Service: (800) 882-4151  
Metro Phoenix/Maricopa County: (602) 252-4045  
Office of the Assistant Director: (602) 771-8190  
Fax: (602) 771-8191

### **Navajo Nation**

Child Support Program Supervisor Dept. of Child Support Enforcement PO Box 7050  
Window Rock, Arizona 86515  
Office: (928) 871-7194  
Fax: (928) 871-7196  
Email: [Judy.platero@state.nm.us](mailto:Judy.platero@state.nm.us)

### **Arkansas**

(<http://www.dfa.arkansas.gov/offices/childSupport/Pages/default.aspx>)  
Office of Child Support Enforcement, Department of Finance and Administration  
PO Box 8133  
Little Rock, Arkansas 72203-8133  
Office: (501) 682-6169  
Fax: (501) 682-8402

### **California**

(<http://www.childsup.ca.gov/default.aspx>)  
Dept. of Child Support Services  
PO Box 419064, Mail Station - 100  
Rancho Cordova, California 95741-9064  
Office: (916) 464-5300  
Fax: (916) 464-5211

## **Yurok Tribe**

([http://www.yuroktribe.org/tribalcourt/child\\_support.htm](http://www.yuroktribe.org/tribalcourt/child_support.htm))

Yurok Child Support Services

427 F Street, Suite 234

Eureka, California 95501

Office: (707) 269-0695

Fax: (707) 269-0645

Email: [dbareilles@yuroktribe.nsn.us](mailto:dbareilles@yuroktribe.nsn.us)

\* Start Up Grantee

## **Colorado**

(<https://childsupport.state.co.us/siteuser/do/vfs/Frag?file=/cm:home.jsp>)

Division of Child Support Enforcement, Department of Human Services

1575 Sherman St., 5th floor

Denver, Colorado 80203-1714

Office: (303) 866-4300

Fax: (303) 866-4360

## **Connecticut**

(<http://www.ct.gov/dss/cwp/view.asp?a=2353-&Q=305184>)

Department of Social Services, Bureau of Child Support Enforcement

25 Sigourney Street

Hartford, Connecticut 06106

Office: (860) 424-4989

Fax: (860) 951-2996

## **Delaware**

(<http://www.dhss.delaware.gov/dcse/index.html>)

Division of Child Support Enforcement, Delaware Health and Social Services

PO Box 11223

Wilmington, Delaware 19850

Office: (302) 395-6500

Fax: (302) 395-6733

Customer Service: (302) 577-7171

## **District Of Columbia**

(<http://cssd.dc.gov/>)

Child Support Services Division, Office of the Attorney General

Judiciary Square

441 Fourth Street NW 550 N Washington, District of Columbia 20001

Office: (202) 724-2131

Fax: (202) 724-3710

Customer Service: (202) 442-9900

## **Florida**

(<http://dor.myflorida.com/dor/childsupport/>)

Child Support Enforcement, Department of Revenue  
PO Box 8030

Tallahassee, Florida 32399-7016

Office: (850) 717-7000

Fax: (850) 921-0792

Customer Service: (800) 622-5437

## **Georgia**

(<http://dcss.dhs.georgia.gov/>) Child Support Services,  
Department of Human Resources

2 Peachtree Street

Atlanta, Georgia 30303

Office: (404) 657-3851

Fax: (404) 657-3326

## **Hawaii**

(<http://hawaii.gov/ag/csea>)

Child Support Enforcement Agency, Department of the Attorney General

601 Kamokila Boulevard, Suite 207

Kapolei, Hawaii 96707

Office: (808) 692-7000

Fax: (808) 692-7134

## **Idaho**

(<http://www.healthandwelfare.idaho.gov/Children/ChildSupport/tabid/76/Default.aspx>)  
Bureau of Child Support Services, Department of Health and Welfare  
PO Box 83720  
Boise, Idaho 83720-0036  
Office: (800) 356-9868  
Fax: (208) 334-5571

### **Coeur D' Alene Tribe**

PO Box 408  
Plummer, Idaho 83851  
Office: (208) 686-5309  
Fax: (208) 686-5107  
Email: [mlowley@cdatribe-nsn.gov](mailto:mlowley@cdatribe-nsn.gov)

### **Nez Perce Tribe**

Child Support Enforcement Program Director  
Nez Perce Tribal Child Support Program  
PO Box 365  
Lapwai, Idaho 83540  
Office: (208) 843-7362 x 3869  
Fax: (208) 843-7388  
Email: [crescentiah@nezperce.org](mailto:crescentiah@nezperce.org)

### **Shoshone-Bannock Tribes\***

Start Up Director/ Program Manager  
PO Box 306  
Fort Hall, Idaho 83203  
Office: (208) 236-1091  
Fax: (209) 236-1153  
Email: [cpoitra@sbtribes.com](mailto:cpoitra@sbtribes.com)  
\*Start Up Grantee

## **Illinois**

(<http://www.childsupportillinois.com/>)  
Division of Child Support Services, Illinois Department of Healthcare and Family Services  
509 S. 6th St.  
Springfield, Illinois 62701  
Office: (800) 447-4278  
Fax: (217) 524-6049

## **Indiana**

(<http://www.in.gov/dcs/support.htm>)  
Child Support Bureau, Department of Child Services  
402 West Washington Street Rm W360  
Indianapolis, Indiana 46204-2739  
Office: (317) 233-5437  
Fax: (317) 233-4932

## **Iowa**

(<http://childsupport.ia.gov/>)  
Iowa Child Support Recovery Unit  
Department of Human Services  
400 S.W. 8th Street, Suite H Des Moines, Iowa  
50309-4633  
Local Offices: (888) 229-9223

### **Sac & Fox Tribe of the Mississippi in Iowa (Meskwaki Nation)\***

Office of the Attorney General  
349 Meskwaki Road  
Tama, Iowa 52339  
Office: (641) 484-4678 ext. 2235  
Fax: (641) 484-5425  
Email: [assistantag.legal@meskwaki-nsn.gov](mailto:assistantag.legal@meskwaki-nsn.gov)  
\*Start Up Grantee

## **Kansas**

(<http://www.dcf.ks.gov/Pages/default.aspx>)  
Child Support Services, Department for Children and Families  
PO Box 497  
Topeka, Kansas 66601-0497  
Office: (888) 757-2445  
Fax: (785) 296-8395

### **Kickapoo Tribe in Kansas**

Director  
Kickapoo Tribe in Kansas Child Support Enforcement Program  
PO Box 163  
Horton, Kansas 66439  
Office: (785) 486-2662 ext. 225 or (877) 864-2902  
Fax: (785) 486-2919  
Email: [deniece.masqua@ktik-nsn.gov](mailto:deniece.masqua@ktik-nsn.gov)

**Prairie Band Potawatomi Nation**

Child Support Services Manager  
Prairie Band Potawatomi Government Center  
16281 Q Road  
Mayetta, Kansas 66509  
Office: (785) 966-4000  
Fax: (785) 966-4045  
Email: KellyGreemore@pbpnation.org

**Kentucky**

(<http://chfs.ky.gov/dis/cse.htm>)  
Child Support Enforcement Program,  
Department for Income Support,  
Cabinet for Families and Children  
730 Schenkel Lane - PO Box 2150  
Frankfort, Kentucky 40602-2150  
Office: (502) 564-2285  
Fax: (502) 564-5988

**Louisiana**

(<http://dss.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=137>)  
Department of Children and Family Services, Child  
Support Enforcement  
PO Box 94065, 627 N. Fourth Street  
Baton Rouge, Louisiana 70802  
Office: (225) 342-4780  
Fax: (225) 342-7397

**Maine**

(<http://www.maine.gov/dhhs/ofidser/>)  
Child Support,  
Division of Support Enforcement & Recovery (DSER)  
11 State House Station, 19 Union Street  
Augusta, Maine 04333  
Office: (207) 624-4100  
Fax: (207) 287-2334

**Penobscot Nation**

IV-D Program Director  
Penobscot Nation Child Support Agency  
PO Box 446  
Old Town, Maine 04468  
Office: (207) 817-3164  
Fax: (207) 827-9129  
Email: Sonya.Lacoute-Dana@penobscotnation.org

**Maryland**

([http://www.dhr.state.md.us/blog/?page\\_id=946](http://www.dhr.state.md.us/blog/?page_id=946))  
Child Support Enforcement Administration,  
Department of Human Resources  
Saratoga State Center  
311 West Saratoga Street, Room 301  
Baltimore, Maryland 21201-3521  
Office: (410) 767-7065  
Fax: (410) 333-6264  
Customer Service: (800) 332-6347

**Massachusetts**

(<http://www.mass.gov/dor/child-support/>)  
Child Support Enforcement Division, Department of  
Revenue  
PO Box 9561  
Boston, Massachusetts 02114-9561  
Office: (800) 332-2733  
Fax: (617) 887-7570

**Michigan**

(<http://www.michigan.gov/dhs/0,4562,7-124-5528---,00.html>)  
Office of Child Support, Department of Human  
Services  
235 South Grand Avenue, P.O. Box 30478  
Lansing, Michigan 48909-7978  
Office: (517) 241-7460  
Fax: (517) 373-4980

### **Keweenaw Bay Indian Community**

Director  
Keweenaw Bay Indian Community Child  
Support Agency  
16429 Bear Town Road  
Baraga, Michigan 49908  
Office: (906) 353-4569  
Fax: (906) 353-8132  
Email: kristin@kbic-nsn.gov

### **Minnesota**

(<http://www.childsupport.dhs.state.mn.us/Action/Welcome>)  
Office of Child Support Enforcement, Department of  
Human Services  
444 Lafayette Road, PO Box 64946  
St. Paul, Minnesota 55164-0946  
Office: (651) 431-4400  
Fax: (651) 431-7517

### **Leech Lake Band of Ojibwe**

Amber Ahola, IV-D Director Leech Lake Child Support  
Office PO Box 577  
222 2nd Street  
Cass Lake, Minnesota 56633  
Office: (218) 339-5640  
Fax: (218) 335-3676  
Email: amber.ahola@llojibwe.org

### **Mille Lacs Band of Ojibwe**

Indian Reservation Director of Tribal Child Support  
Enforcement Workforce Development Center/TCSP  
43408 Oodena Drive  
Onamia, Minnesota 56359  
Office: (320) 532-7752  
Fax: (320) 532-3785  
Email: amy.doyle@millelacsband.com

### **Red Lake Band of Chippewa Indians**

Director  
Red Lake Nation Child Support Program  
PO Box 1020  
Red Lake, Minnesota 56671  
Office: (218) 679-2306  
Fax: (218) 679-2390  
Email: cneadeau@redlakenation.org

### **White Earth Nation**

Director  
White Earth Nation Child Support Program  
PO Box 387  
White Earth, Minnesota 56591  
Office: (218) 983-3285 x 5762  
Fax: (218) 983-3101  
Email: raeganh@whiteearth.com

### **Mississippi**

(<http://www.mdhs.state.ms.us/cse.html>)  
Division of Child Support Enforcement, Department of  
Human Services  
750 North State Street  
Jackson, Mississippi 39202  
Office: (601) 359-4861  
Fax: (601) 359-4415

### **Missouri**

(<http://www.dss.mo.gov/cse/>)  
Missouri Department of Social Services  
Family Support Division  
PO Box 6790  
Jefferson City, Missouri 65102-6790  
Office: (866) 313-9960  
Fax: (573) 751-0507

### **Montana**

(<http://www.dphhs.mt.gov/csded/index.shtml>)  
Child Support, Department of Public Health & Human  
Services  
3075 N. Montana Avenue Suite 112  
Helena, Montana 59620  
Office: (406) 444-9855  
Fax: (406) 444-1370

**Blackfeet Nation**

Director  
Blackfeet Manpower One Stop Center  
PO Box 1090  
Browning, Montana 59417  
Office: (406) 338-3822  
Fax: (406) 338-5400  
Email: george\_kipp@yahoo.com

**Chippewa Cree Tribe**

Interim IV-D Director  
Child Enforcement Project  
RR1 PO Box 544  
Box Elder, Montana 59521  
Office: (406) 395-4176  
Fax: (406) 395-4956  
Email: bgardipee@ccthumanservices.org

**Confederated Tribes of Salish and Kootenai**

Project Manager  
PO Box 278  
Pablo, Montana 59855  
Office: (406) 675-2700 x. 1234  
Fax: (406) 675-2775  
Email: hankc@cskt.org

**Fort Belknap Indian Community**

Director  
Fort Belknap Indian Community Child Support Office  
656 Agency Main Street  
Harlem, Montana 59526  
Office: (406) 353-4230  
Fax: (406) 353-4216  
Email: grandmasboyjaden@yahoo.com

**Nebraska**

([http://dhhs.ne.gov/children\\_family\\_services/CSE/Pages/CSEHome.aspx](http://dhhs.ne.gov/children_family_services/CSE/Pages/CSEHome.aspx))  
Child Support Enforcement, Department of Health and Human Services  
PO Box 94728, 220 South 17th Street  
Lincoln, Nebraska 68509-4728  
Office: (402) 471-1400  
Fax: (402) 471-7311

**Winnebago Tribe of Nebraska**

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**Nevada**

(<https://dwss.nv.gov/>)  
State of Nevada Division of Welfare and Supportive Services  
Child Support Enforcement Program  
1470 College Parkway  
Carson City, Nevada 89706-7924  
Office: (775) 684-0705  
Fax: (775) 684-0702  
Customer Service: (775) 684-7200  
Customer Service: (702) 486-1646  
Toll Free: (800) 992-0900

**New Hampshire**

(<http://www.dhhs.nh.gov/dcss/index.htm>)  
Division of Child Support Services, Department of Health & Human Services  
129 Pleasant Street  
Concord, New Hampshire 03301-8711  
Office: (800) 852-3345 (In-State only) Office: (603) 271-4427  
Fax: (603) 271-4787

**New Jersey**

(<http://www.njchildsupport.org/>)  
Department of Human Services,  
Office of Child Support Services  
PO Box 716  
Trenton, New Jersey 08625-0716  
Call Center: (877)- NJKIDS1 (655-4371)

## **New Mexico**

(<http://www.hsd.state.nm.us/csed/>)  
Child Support Enforcement Division,  
Department of Human Services  
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## **Mescalero Apache Tribe**

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## **Navajo Nation**

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## **Pueblo of Zuni**

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## **New York**

(<https://www.childsupport.ny.gov/dcse/home.html>)  
New York State,  
Division of Child Support Enforcement  
40 North Pearl Street, 13th Floor  
Albany, New York 12243-0001  
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## **Saint Regis Mohawk Tribe\***

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Child Support Enforcement Unit  
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## **North Carolina**

(<http://www.ncchildsupport.com/>)  
Office of Child Support Enforcement, Department of  
Health and Human Services  
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## **Eastern Band of Cherokee Indians**

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## **North Dakota**

(<http://www.nd.gov/dhs/services/childsupport/>)  
Child Support Enforcement Program, Department of  
Human Services  
PO Box 7190  
Bismarck, North Dakota 58507-7190  
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**Standing Rock Sioux Tribe**

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**Ohio**

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**Oklahoma**

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**Apache Tribe of Oklahoma**

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**Chickasaw Nation**

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**Kickapoo Tribe of Oklahoma**

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**Modoc Tribe of Oklahoma**

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**Muscogee (Creek) Nation**

(<http://www.mcnchildsupport.com>)  
Office of Child Support Enforcement  
PO Box 100  
Okmulgee, Oklahoma 74447  
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**Osage Tribe of Oklahoma**

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**Oregon**

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Email: russ.carr@klamathtribalcourts.com

## **Pennsylvania**

([http://www.humanservices.state.pa.us/cs/ws/home\\_controller.aspx](http://www.humanservices.state.pa.us/cs/ws/home_controller.aspx))

Child Support Program, Bureau of Child Support Enforcement,

Department of Public Welfare

PO Box 8018

Harrisburg, Pennsylvania 17105-8018

Office: (800) 932-0211

Fax: (717) 787-9706

## **Rhode Island**

(<http://www.cse.ri.gov/>)

Office of Child Support Services, Department of Human Services

77 Dorrance Street

Providence, Rhode Island 02904

Office: (401) 458-4400

Fax: (401) 458-4407

## **South Carolina**

(<http://www.state.sc.us/dss/csed/>)

Integrated Child Support Services, Department of Social Services

PO Box 1469

Columbia, South Carolina 29202-1469

Office: (803) 898-9210

Fax: (803) 898-9201

Customer Service: (800) 768-5858

## **South Dakota**

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Division of Child Support, Department of Social Services

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## **Sisseton-Wahpeton Oyate Sioux Tribe**

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## **Tennessee**

([http://tennessee.gov/humanserv/cs/cs\\_main.html](http://tennessee.gov/humanserv/cs/cs_main.html))

Child Support Division, Department of Human Services

15th Floor, Citizens Plaza Building, 400 Deaderick Street

Nashville, Tennessee 37243-1403

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## **Texas**

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Child Support Division, Office of the Attorney General  
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Austin, Texas 78711-2017

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### **Vermont**

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Office of Child Support, Department of Children and  
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103 South Main Street  
Waterbury, Vermont 05671-1901  
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Fax: (802) 871-3000

### **Virginia**

(<http://www.dss.virginia.gov/family/dcse/index.cgi>)  
Division of Child Support Enforcement, Department of  
Social Services  
801 East Main Street, 12th Floor  
Richmond, Virginia 23219  
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### **Washington**

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### **Port Gamble S'Klallam Tribe**

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### **Puyallup Tribe of Indians**

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### **Quinault Indian Nation**

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**The Suquamish Tribe**

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**Tulalip Tribes**

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**West Virginia**

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Bureau for Child Support Enforcement,  
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**Puerto Rico**

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**Virgin Islands**

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and Child Support Division  
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**Guam**

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Child Support Enforcement Division  
590 South Marine Corps Drive Suite 704, ITC Building  
Tamuning, Guam 96913  
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# HOW DO I APPLY FOR CHILD SUPPORT SERVICES?

If you receive public assistance, you are automatically referred to child support.  
You do not need to apply for child support services.



## CONTACT YOUR CHILD SUPPORT OFFICE

Find your state or tribal website on the [child support contact map](#). Your state may allow you to apply online. If not, or you prefer to apply in person, visit or call your local child support office.

Your state or tribal website will have contact information for your local child support office.

Contact your local office and tell them you want to apply for child support services.



## GATHER YOUR INFORMATION

Your local child support office needs information about you and the child's other parent (usually called the noncustodial parent).

The office will let you know what documents you need to gather to open a case.



## COMPLETE AN APPLICATION

You can get an application from your local child support office. Some offices let you apply online.

Complete the application and follow the instructions on how to submit it to the child support office. (You may have to pay an application fee.)

---

Please stay involved. Call your child support office if you have questions about your case.  
Take a look at our [Child Support Handbook](#) for more information about the program.  
[Federal Office of Child Support Enforcement](#)

# State Child Support Agencies With Debt Compromise Policies

March 1, 2012

As of September 2011, 44 states and D.C. have policies to compromise child support debt owed to the state. **Arkansas, Idaho, Indiana, Mississippi, Missouri and Virginia do not have policies to compromise child support debt owed to the state.**

Note: When source is marked DHHS/IG 2007, see Department of Health and Human Services, Office of Inspector General, 2007, "State Use of Debt Compromise to Reduce Child Support Arrearages." OEI-06-06-00070

## Alabama

An interest rebate law allows for forgiveness of interest owed to the state and custodial parent (if the custodial parent agrees), in cases where current support is paid consistently for at least 12 months. Source: Code of Alabama §30-3-6.1.

## Alaska

The state offers debt forgiveness for noncustodial parents who have accrued at least \$1,500 in state-owed child support arrears and meets other eligibility criteria. If the parent complies with the arrears forgiveness agreement, state-owed debt will be forgiven in stages over a 6-year period. Source: AS 25.27.020(f) and 15 AAC 125.650 to 125.695.

## Arizona

Arizona Division of Child Support Enforcement (DCSE) has offered a settlement program to noncustodial parents (NCPs) since 2009. NCPs with arrears can discuss negotiated settlement options for either state-owed or CP-owed arrears. The state talks with both parties, but doesn't speak for the CP if arrears are owed to her/him. Since the program started DCSE has collected over \$2 million in settlements and closed 147 cases. Source: Region IX.

## California

The California Department of Child Support Services' Compromise of Arrears Program (COAP) aims to increase support collected for families and the state general fund, and to reduce arrears owed to the state. COAP allows the acceptance of an offer to compromise a portion of a noncustodial parent's permanently assigned arrears in exchange for partial payment of a delinquent child support debt. Source: California Family Code Section 17560.

## Colorado

County CSE offices have the ability to offer arrears compromise for assigned child support arrears. It is up to the counties to determine if they want to implement an arrears compromise program and, if so, what criteria they wish to use. Source: DHHS/IG 2007.

## Connecticut

CT has implemented two arrears programs. The first one, the Arrears Adjustment Program, is designed to reduce state-owed debt as well as encourage the positive involvement of NCPs in the lives of their children and to pay current support. The second program, the Arrears Liquidation Program, is designed to liquidate state-owed arrears by allowing obligors to pay off arrears in a lump-sum payment at a discounted rate. Source: Regulations of Connecticut State Agencies §17b-179b-1 to §17b-179b-4.

## Delaware

Debt forgiveness is rare. Source: DHHS/IG 2007.

## District Of Columbia

The District's Fresh Start program encourages noncustodial parents to make consistent support payments by reducing state-owed arrears incrementally as the noncustodial parent pays consistently. 100% of state-owed arrears are forgiven after 24 months of consistent payments. Noncustodial parents are eligible for this program if they have not made payments for the past 36 months. Source: State

## Florida

Debt forgiveness is rare. Source: DHHS/IG 2007

## Georgia

A state statute gives the child support program the authority to waive, reduce, or negotiate the payment of state-owed arrears for administrative child support orders if it is determined that there is good cause for nonpayment or that enforcement would result in substantial and unreasonable hardship to the parent or parents responsible for the support. Courts have discretion in applying or waiving past due interest owed on arrears. Source: O.C.G.A. 19-11-5 O.C.G.A 7-4-12.1

## Hawaii

Debt forgiveness is rare. Source: DHHS/IG 2007

## Illinois

Project Clean Slate provides opportunities for low-income NCPs to apply for forgiveness of assigned arrears in exchange for payment of current support. NCPs must have been demonstrably unable to pay the assigned support at the time it was due, and must meet low-income standards. Source: Illinois Public Aid Code §5/10-17.2

## Indiana

The IN Child Support Bureau does not have statutory authority to compromise state-owed arrears; only the Governor and the Attorney General have that authority. As part of a federal grant from OCSE to provide employment and other supportive services to ex-offenders, the Governor's office/Attorney General agreed to compromise state-owed arrears for a limited number of ex-offenders who successfully participated in the federally funded program and met other conditions. That federal grant ended in 2010, but the program continues to serve ex-offenders. Source: State (inactive program)

## Iowa

The IA Child Support Recovery Unit has legal authority, as part of a pilot program, to forgive a percentage of child support debt owed to the state, provided that the noncustodial parent makes regular support payments in compliance with a court order. As of September 2011, the CSRU did not have an active pilot program in this area. Source: IAC 441-100.2 (4)

## Kansas

The Kansas Arrears Management Program currently has 18 noncustodial parents enrolled, and has had 37 participants since 7/01/08. By paying their full amount of current support each month, the NCPs move through three tiers of this debt-elimination program. At each tier, they earn a percentage reduction in their state-owed arrears. The total amount of support collected for the time period of 7/1/08 – 9/30/10 is \$43,436. The total amount of state-owed arrears eliminated during that period is \$9,762. Source: State

## Kentucky

The goal of the Arrearage Compromise Program is to assist noncustodial parents who have large state-owed arrearages by reducing the amount owed in return for consistent payments for a specified period of time. The pilot is operating in Jefferson County. To be eligible, noncustodial parents must owe a minimum of \$10,000 in arrears. Source: DHHS/IG 2007

## Louisiana

Source: DHHS/IG 2007.

## Maine

Debt forgiveness is rare. Source: DHHS/IG 2007

## Maryland

Eligibility for this statewide program, the Payment Initiative Program, is limited to noncustodial parents with incomes below 225% of the federal poverty level. In authorizing participation in the program, the child support program must consider whether the noncustodial parent has the current ability to pay; if the reduction of arrearages will enhance the noncustodial parent's economic stability; and if the agreement serves the best interests of the children. If any of these factors are met, child support must agree to reduce the arrears owed to the state by 50% after 12 months of consecutive payment of the court-ordered amount. After 24 months of regular payments, the arrearages must be reduced to zero. Source: Annotated Code of Maryland §10-112.1

## Massachusetts

MA child support regulations allow for the settlement of interest, penalties and arrears, as well as equitable adjustments of arrears. The Child Support Commissioner may waive all or a portion of the interest and penalties owed to the Commonwealth if the Commissioner determines such waiver is in the best interest of the Commonwealth and will maximize collection of current and past-due child support. The Commissioner may also accept an offer in settlement that is less than the full amount of state-owed arrears, where there is serious doubt as to liability or collectability of such arrearages. The Commissioner may also equitably adjust the amount of child support arrearages owed to the Commonwealth when the obligor has no present or future ability to pay the full arrearages. Source: 830 CMR 199A.6.2

## Michigan

Several laws allow for adjustment of arrears and interest. In some cases, the Department of Human Services or its designee may use discretion to settle and compromise state-owed arrears (MCL 205.13). Other laws allow noncustodial parents who do not have the ability to pay the arrearage in full, presently or in the foreseeable future, to request a payment plan (for a minimum of 24 months). At the completion of the payment plan, the court may waive any remaining arrears owed to the state (MCL 552.605e). Additionally, noncustodial parents may request a payment plan as a means to have the surcharge (interest) waived or reduced if regular payments are made (MCL 552.603d). Source: MCL 205.13, MCL 552.605e, MCL 552.603d

## Minnesota

A 2007 state statute gives the parties (including the public authority with assigned arrears) the authority to compromise unpaid support debts or arrearages owed by one party to another, whether or not docketed as a judgment. The statute is part of a project called "Strategies to Help Low Income Families" (SHLIF) that includes written policy identifying a set of preventative and early intervention actions when setting and modifying support orders, collecting current support and collecting arrears, including developing community partner collaborations. The policy gives counties the discretion to reduce permanently assigned public assistance arrears on a case-by-case basis in accordance with the statute and requires counties to develop their own internal guidelines for implementing SHLIP policies. Source: Minn. Stat. §518A.62

## Montana

Source: DHHS/IG 2007

## Nebraska

NE will only consider arrears-only cases where there are no dollars owed to the custodial parent and will only forgive the interest portion of the state-owed debt. The NCP must make a lump-sum payment towards the remainder. Source: DHHS/IG 2007

## Nevada

Source: DHHS/IG 2007

## New Hampshire

The NH Division of Child Support Services does not have a formal debt compromise policy. Child support workers do have some discretion to negotiate agreements to secure current support that may include forgiveness of assistance debt owed to the state that accrued prior to the establishment of a child support order and which was based on imputed income. Any such agreement must be approved by the child support worker's supervisor. Source: DHHS/IG 2007

## New Jersey

Source: DHHS/IG 2007

## New Mexico

The goal of Fresh Start is to eliminate uncollectable state-owed debt. It is limited to arrears-only cases with a minimum of \$1,000 in arrears. As of August 31, 2011, there have been 1,424 participants. Of those, 1,069 cases had all debt eliminated and cases were closed; the remainder had state-owed debt reduced. Collected \$2,168,554; reduced NM arrears balances by \$17,748,726. Source: State

## New York

The New York City Office of Child Support Enforcement is operating a pilot program, the Arrears Credit Program, that will reduce arrears owed to the state if a noncustodial parent is participating in an employment-oriented program, agrees to pay all of his/her active child support orders for 3 years, and meets other requirements. As of September 2011, 20 noncustodial parents had signed up for the program. Source: State

## North Carolina

To be eligible for a state-owed debt compromise, the obligor must owe a minimum of \$15,000 in state-owed arrears, agree to make 24 consecutive monthly payments for current support and an amount toward arrears, and comply with the agreement. Source: NC General Statute, Chapter 110, Section 135 (§110-135)

## North Dakota

ND has 3 goals for its debt compromise program: motivate obligors to comply with long-term payment plan, eliminate uncollectible debt, and facilitate case closure where appropriate. Compromise of assigned arrears is permitted if an offer is received for at least 95% of the outstanding arrears balance (after subtracting all negotiable interest) or 90% with IV-D Director approval. Interest may be compromised when an obligor enters into a payment plan to avoid license suspension or other enforcement remedies or when an obligor has been making payments on a regular basis. In both cases, interest is not charged while regular payments are made and after one year of regular payments, any unpaid interest that had accrued before that date can be compromised. Interest can also be considered uncollectible under certain circumstances. Some situations are pre-approved, such as an obligor is receiving Supplemental Security Income. In these cases, a worker may prevent interest from accruing on the case and can request an adjustment to the payment record for any unpaid interest that has already accrued. In situations that are not pre-approved, the worker cannot suspend interest or have it waived as uncollectible without IV-D Director approval. In 2008, \$1.4 million in principal and \$3.9 million in interest was removed. Source: Regional profiles

## Ohio

Legislation was enacted in 2009 that allowed ODJFS to promulgate rules on the waiver and compromise of permanently assigned arrears. The Department developed rules that provide flexibility to local agencies in making these determinations. Source: Regional profiles

## Oklahoma

The state permits a waiver of some or all child support arrears with the approval of the court, provided the parents mutually agree (or the state agrees when the debt is owed to the state). Settlements of past support may include an agreement that the noncustodial parent make a lump-sum partial payment or a series of payments toward the total amount of past support. Settlements also may include an agreement for the noncustodial parent to pay a specified number of current child support payments or in-kind payments in the future. In addition, the state has established an amnesty program for accrued interest owed to the state. The state attorney in the local district must approve all settlements of state-owed interest. Source: 43 O.S. §112 Oklahoma Administrative Code 340:25-5-140 56 O.S. §234

## Oregon

Through the Satisfaction of Arrears for Less than Full Payment program, the Division of Child Support may settle state-owed arrears for less than full payment if: 1) the arrears are a substantial hardship to the paying parent; or 2) a compromise will result in greater collections on the case; or 3) the obligor enters into an agreement with DCS to enhance the obligor's ability to pay support or enhance the obligor's relationship with the children for whom the obligor owes arrears. Source: DHHS/IG 2007

## Pennsylvania

Per PA Supreme Court Rule, any compromise of state-owed debt must be approved by the court. Source: State

## Rhode Island

RI may compromise interest on an ad hoc basis. Source: DHHS/IG 2007

## South Carolina

Debt forgiveness is rare. Source: DHHS/IG 2007

## South Dakota

Inactive program. Source: DHHS/IG 2007

## Tennessee

In Tennessee, per statute, the Child Support Division is able to compromise state debt on an individual case basis. Each case must be evaluated individually and must have the approval by the Child Support Commissioner, Comptroller and Governor's office. Source: State

## Texas

In 2011, the Texas Legislature repealed section 157.262 and added section 231.124 authorizing the Title IV-D agency to establish a program, the Texas Payment Incentive Pilot Program, to promote payment of arrears assigned to the state. Under this section, obligors who voluntarily enroll in the program will receive a matching credit (in an amount determined by the agency) for every dollar they pay towards arrears during each month they are eligible to participate. These credits will be conditioned on the obligor fully and timely meeting any current support obligations. This new program will allow for obligors to see immediate matching credits on their pay records for qualifying payments made each month and does not require court involvement for obligors to participate. Source: Tex. Fam. Code Section 231.124

## Utah

The Prisoner Forgiveness Program targets recently released prisoners and forgives state-owed arrears for those who are approved for the program and pay 12 consecutive months of current support plus a nominal amount toward arrears. Source: UT Admin. Code Rule R527-258

## Vermont

The purpose of the Project AIM (Account Intervention and Management) program is to motivate noncustodial parents to settle arrearages by offering a lump sum payment and/or to make regular payments over specified repayment periods. Less than the full amount of state-owed arrears is accepted if the noncustodial parent satisfies their repayment plan. The primary eligibility criteria is nonpayment for 12 months. Source: Vt. Stat. Ann, Title 33 §3903

## Washington

The state established an administrative dispute resolution process through its Conference Boards to hear parents' requests to reduce the amount of arrears owed to the state and make determinations based on the individual circumstances. Source: Rev. Code of Washington 74.20A.220, Washington Admin. Code 388-14A-6400 through 388-14A-6415

## West Virginia

This program allows forgiveness of interest for obligors who pay off all arrears owed over a certain period. This is a voluntary program and requires all parties to voluntarily agree to forgive the interest. Source: West Virginia Code §48-1-302 (c)

## Wisconsin

Local child support agencies may forgive all or part of the state-owed arrears under a variety of circumstances, including when the obligor is unable to pay the arrearage based on income, earning capacity, and assets, or the obligor has a long-term disability. Source: Child Support Bulletin # CSB 11-09

## Wyoming

Source: DHHS/ IG 2007

## Realistic Child Support Orders for Incarcerated Parents

*For child support to be a reliable source of income for children, parents who are incarcerated need child support orders that reflect actual income.<sup>1</sup> This fact sheet highlights opportunities to encourage incarcerated parents to engage with the child support system, to reduce or suspend orders during incarceration to avoid arrears, and to offer post-incarceration child support services.*

With the increase in the prison population, the number of incarcerated parents has also increased. The majority of federal and state prisoners are parents.<sup>2</sup> One in 28 children has a parent behind bars, and 1 in 9 African-American children has a parent incarcerated.<sup>3</sup> Many incarcerated parents were a primary source of support for their children before they went to prison. They have child support orders that were established before incarceration, but no longer have the income to pay support.

Research shows that incarcerated noncustodial parents often enter prison with child support obligations and arrears and without any realistic ability to pay them. As a result, unpaid child support is a significant source of debt for incarcerated parents. For example, the average incarcerated parent with a child support case has \$10,000 in arrears when entering state prison, and leaves with \$20,000 in arrears.<sup>4</sup> Not only is this debt unlikely to ever be collected, but it adds to the barriers formerly incarcerated parents face in reentering their communities and may interfere with their ability to obtain housing and employment in order to support their child. Child support debt increases the likelihood that noncustodial parents released from incarceration will enter the underground economy.<sup>5</sup>

Modifying orders for incarcerated, reentering, and unemployed parents can make child support a reliable source of income for children.<sup>6</sup> And, the safe and consistent presence of both parents in the lives of their children is usually emotionally, psychologically, and socially beneficial to the child.



The accumulation of substantial arrears discourages that presence and makes it less likely that the parent can begin to provide for their child after they leave prison. Therefore, to improve child support payment and otherwise improve child well-being, state and local child support programs are providing opportunities to encourage parents to participate in the child support process during incarceration, help maintain parent-child contact during periods of incarceration, reduce or suspend orders during incarceration, manage child support debt after incarceration, and offer post-incarceration child support services.

### Modifying Orders to Reflect Actual Income

Federal law requires states to set child support orders using numeric support guidelines adopted by each state.<sup>7</sup> These guidelines must be based on parental income and ability to pay. Once a child support order has been established, there are procedures, which vary by state, to seek a three-year review to modify or to suspend the order. Outside the three-year review cycle, parents may seek to modify a child support order at nearly any time. Federal law obliges states to review an order upon either parent's request if the requesting parent demonstrates a "substantial change in circumstances."<sup>8</sup>

Promising child support practices encourage states to permit incarcerated parents to obtain reduced child support orders reflecting their actual income. Policies related to modification of orders during incarceration has been an area of rapid policy change over the past several years.

## Realistic Child Support Orders for Incarcerated Parents

Since 2005, a number of states have changed their state laws and policies to permit reducing or suspending orders during incarceration.<sup>9</sup> Almost three-fourths of states permit incarcerated parents to modify a child support order.<sup>10</sup> Child support guidelines in a number of states include incarceration as a “change in circumstance” or list incarceration as a guidelines deviation factor. In many states, incarceration is not singled out by statute, but state court decisions permit downward modification due to incarceration. In these states, case law recognizes modification for incarcerated parents where the parent has a substantial change of income due to incarceration. Other states have administrative regulations and policies that permit modification.

At the same time, as a matter of practice in most states, child support orders are not routinely reduced when a parent enters prison, even where the parent lacks any real source of income. Therefore, it is important for child support programs to continue to facilitate incarcerated parents’ efforts to adjust their orders while incarcerated to reflect their actual income and should continue to reduce barriers to modification. The following states provide examples of laws and policies that promote modification or suspension of orders to reduce the accumulation of uncollectable child support debt:

### California

California law, Senate Bill 1355, effective July 2011, suspends child support orders if the parent will be incarcerated more than 90 days, as long as the obligor does not have any means to pay the order.<sup>11</sup> Suspending the order means that the order is set at \$0 until the incarcerated parent is released. Additionally, upon release from incarceration, parents are entitled to ask for any arrears to be adjusted. Courts have the discretion to deny the suspension if the incarceration is a result of domestic violence against the parent, or an offense against the parent or child, or for nonpayment of child support. Under the state regulations, incarceration also triggers automatic review and the local child support agency is required to seek to adjust the current order.<sup>12</sup>

### New York

New York statutes previously prohibited modification of a child support order if the petitioner’s request related to incarceration, since incarceration was determined to be the result of a voluntary act. In 2010, the state enacted changes to the New York Family Court Act and Domestic Relations Law.<sup>13</sup> This new law specifically states that “incarceration shall not be a bar to finding a substantial change in circumstances” as long as the incarceration is not for nonpayment of support, or an offense against the custodial parent or child.<sup>14</sup> The amendment now allows the courts to modify support orders for incarcerated parents whenever appropriate, preventing accumulation of uncollectible arrears.

### Oregon

In Oregon, if the income of the incarcerated parent is less than \$200 per month, it is presumed that the obligor has zero ability to pay support.<sup>15</sup> An affirmative request must be made in writing by one of the parties to adjust the order, and there is often a simple administrative hearing. If an order is suspended, the order goes back into effect 60 days after the parent’s release from incarceration.<sup>16</sup> Like many state laws, this provision does not apply if the incarceration is a result of nonpayment of support. Additionally, the child support office will not initiate an action to establish support until 61 days after the obligor’s release from incarceration. Oregon provides a brochure that can be returned to request a modification. The tear-off, pre-addressed form in the brochure makes it simple for an inmate to initiate the request.

### Massachusetts

State law permits a deviation from the child support guidelines where the parent “is incarcerated, is likely to remain incarcerated for an additional 3 years and has insufficient financial resources to pay support.”<sup>17</sup> The state child support agency has a package of pro-se materials (which the incarcerated parent must request) for long-term incarcerated noncustodial parents who want to request modification of their child support orders.<sup>18</sup>

## Realistic Child Support Orders for Incarcerated Parents

### Modified Orders Based on Change in Income Due to Incarceration

Despite the nationwide trend to permit downward modification of child support orders when a parent is incarcerated, a minority of states—through statute or case law—do not permit incarcerated parents to modify child support orders.<sup>19</sup> These states treat incarceration as “voluntary unemployment” or impute income specifically to incarcerated parents.<sup>20</sup>

Apart from existing state laws and policies that preclude modification during incarceration, incarcerated parents often face barriers to obtaining a reduction. Even in the majority of states that permit modifying or suspending a child support order, incarcerated parents typically must take proactive steps to ask for a modification; in the absence of a formal request from an incarcerated parent, most states do not proactively initiate a modification. Additionally, for incarcerated parents, the process of seeking a modification can be complex. For states with judicial processes, petitioning the court may present challenges as incarcerated parents often lack legal representation and do not have the knowledge, access, and wherewithal to petition the appropriate authority to adjust their support orders.

### Improving Assistance to Modify Orders to Reflect Actual Income

In an effort to improve child support and employment outcomes, state child support programs are expanding their policies and practices related to incarcerated and recently released parents, including outreach, data sharing, enhanced case management, and modification assistance. Almost one-half of state child support programs have initiatives to assist prisoners with child support.<sup>21</sup> Within states, many of the services vary by county or local agency, or may be in the pilot phase.

Many states have developed programs to identify incarcerated parents and provide modification assistance to those parents. Enhanced data-sharing is one way to improve collaboration between corrections departments and state child support offices: many state child support programs proactively identify incarcerated parents with child support orders, using computer interfaces with corrections departments and other means.<sup>22</sup> This data-sharing is often a key component in identifying incarcerated parents with child support orders.

The child support strategies used to get orders right can cover a range of services, including child support staff visiting the facility or being stationed at the prison to meet individually with inmates,<sup>23</sup> child support staff making presentations,<sup>24</sup> or child support staff providing enhanced case management.<sup>25</sup> Many states have produced videos or other materials that are shown to incarcerated parents.<sup>26</sup> Several states provide modification materials directly to incarcerated parents and may provide additional assistance in completing the required paperwork.<sup>27</sup> In some states, enhanced collaboration has included the child support staff providing training to prison staff on child support issues.<sup>28</sup> A handful of states provide parenting classes or visitation services for incarcerated parents.<sup>29</sup> A number of state child support programs are offering front-end services for newly incarcerated parents, such as providing assistance at sentencing or at prison intake.<sup>30</sup> Still other states have designed processes to make the modification process easier for incarcerated parents, such as by providing incarcerated parents with access to telephone hearings or videoconferencing in child support cases.<sup>31</sup> Moreover, many states have reentry programs that provide child support services to parents after their release from incarceration, such as through discharge services or reentry fairs.<sup>32</sup> Seven states have received Prisoner Reentry Initiative (PRI) grants, issued by the Department of Justice and Department of Labor in partnership with OCSE, which include a child support component.<sup>33</sup>

Each of these entry points provides an opportunity to reach out to incarcerated parents to help ensure that they take the appropriate steps to initiate a request to modify, reduce, or suspend an order, regardless of the state’s particular policies on adjusting orders for incarcerated parents.

Many states have promising state or local programs and practices that assist incarcerated parents in modifying orders. The following states provide examples of these practices:

#### California

California launched a statewide outreach program in 2011 that includes an incarcerated obligor video for fathers, posters, fact sheets and a request for information or modification of support form available to all counties and to state prisons. The video includes information on the incarcerated parent’s right to have their child support reviewed for modification during incarceration.

## Realistic Child Support Orders for Incarcerated Parents

The appropriate forms to seek review are available in the prison libraries, and may be submitted to one central office so that the incarcerated parent need not identify the specific agency or location with their child support case. Since implementation in March 2011, more than 500 requests for information and/or modifications have been received.

### Connecticut

Since 2006, Connecticut's child support office has provided direct outreach to incarcerated parents. Through one-way data matching, the child support agency receives up-to-date information on incarcerated parents in the custody of the Department of Correction (DOC). Based on this data matching, the child support office identifies incarcerated parents with child support orders who have sentences greater than three years and corresponds directly with these inmates. The mailing advises parents of the modification process and provides the necessary paperwork for the inmate to seek review of a child support order. Connecticut reports that almost 70 percent of the incarcerated parents seek review of their orders and the vast majority of those orders are reduced to \$0 or minimum orders. Most of these modification hearings are conducted via videoconference. Due to collaboration between child support and the DOC, correctional staff also have current information and materials about review and adjustment services and modifications to provide to inmates during intake processing. Additionally, the child support office sends staff members to resource fairs held at correctional facilities across the state to speak with inmates who are close to release. In 2011, Connecticut passed a law authorizing two-way data matching, which will enable the DOC to identify inmates with child support orders and proactively offer these incarcerated parents enhanced support and services.

### Michigan

Michigan's Friend of the Court (FOC) offices provide support to incarcerated noncustodial parents. The FOC office is part of the Family Division of the Circuit Court. Michigan's child support program contracts for FOC services in child support cases. Statutorily, the FOC has responsibility to generally do the following: investigate and make support recommendations to the court, periodically review and seek modification in post-judgment cases, implement income withholding, and initiate enforcement remedies to assure compliance

with the circuit court's order. The FOC must also make form motions, responses and orders available to a party seeking to modify child support without the assistance of an attorney. In terms of outreach to incarcerated parents, the Michigan Department of Corrections (MDOC) has "notification of incarceration" forms available to inmates. After the inmate completes the form and mails it to the FOC office that originated the child support order, state law requires review of the support order.<sup>34</sup> Additionally, some FOC offices have partnered with the Michigan Prisoner Reentry Initiative to provide outreach to prisoners with support orders. And, the child support enforcement computer system in Michigan provides for data matching to generate a list of incarcerated obligors.

### New Jersey

New Jersey has an extensive collaboration between the New Jersey Department of Health and Human Services and New Jersey Department of Corrections to provide child support assistance to inmates in two state prisons. This includes showing inmates a child support video and offering parenting education classes. Social workers with the corrections office provide case management on child support issues, including distributing pro-se information packets on modifying orders. Child support casework continues during the reentry process to address arrears accumulation and modification issues.

### Washington

The Washington State Division of Child Support provides outreach to incarcerated noncustodial parents. The program has a simple form for inmates to request a modification. Washington has also created an instructional DVD that explains modification to inmates when they go through an initial intake center into the prison system. Local-level child support professionals also visit nearby correctional facilities periodically and meet with noncustodial parents who are in day-reporting or work-release programs. Additionally, child support workers have live case management data system access on a portable laptop at the facilities. This has been an effective outreach and case management tool as the child support worker can look at the case records and take needed actions specific for that particular client on the spot.

## Realistic Child Support Orders for Incarcerated Parents

## References

1. In 2007, the Center for Law and Social Policy (CLASP) surveyed state child support administrators to obtain a picture of state initiatives, policies, and practices that have emerged for incarcerated and reentering parents. CLASP also reviewed statutes, rules and case law governing modification of support orders where a noncustodial parent is incarcerated. Building on this groundwork, in 2011, the federal Office of Child Support Enforcement contacted states to update information about services and programs available for incarcerated parents and to identify existing barriers for child support modification. OCSE wishes to thank Jan Justice for her work on this project.
2. Christopher Mumola, *Incarcerated Parents and Their Children*, Bureau of Justice Statistics Special Report, August 2000, NCJ 182335.
3. Federal Interagency Reentry Council, *Reentry in Brief*, May 2011, p. 3, available at [http://www.nationalreentryresourcecenter.org/documents/0000/1059/Reentry\\_Brief.pdf](http://www.nationalreentryresourcecenter.org/documents/0000/1059/Reentry_Brief.pdf).
4. Nancy Thoennes, *Child Support Profile: Massachusetts Incarcerated and Paroled Parents*, Center for Policy Research, May 2002.
5. Vicki Turetsky, *Staying in Jobs and Out of the Underground: Child Support Policies that Encourage Legitimate Work*, CLASP Policy Brief, March 2007.
6. Office of Child Support Enforcement, *The Story Behind the Numbers: Understanding and Managing Child Support Debt*, U.S. Department of Health and Human Services, 2008.
7. 42 U.S.C. §667 (2011); 45 C.F.R. §302.56 (2011). Guidelines may be established by the state supreme court, legislature, or administrative agency and must be reviewed and updated at least once every four years.
8. 42 U.S.C. §666(a)(10)(B) (2011).
9. In 2005, the Council of State Governments, an association of all three branches of state government, published the *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community*. Council of State Governments, January 2005, available at <http://reentrypolicy.org/Report/About>. Policy Statement 13 recommends modification of child support orders during incarceration. At the time the report was issued, almost half of states (21 states) considered incarceration to be an insufficient reason to suspend or reduce a support order. See also Jessica Pearson, *Building Debt While Doing Time: Child Support and Incarceration*, *Judges' Journal*, Vol. 43, No. 1, Winter 2004.
10. The legal standards in 36 states permit reduction of support orders for incarcerated parents. See, e.g., Alabama, Alaska, Arizona, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. In addition, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands permit reduction.
11. CAL. FAM. CODE §4007.5 (2011).
12. CAL. CODE REGS. Tit. 22, §115530(a)(1) (2011).
13. N.Y. FAM. CT. ACT §451 (2011); N.Y. DOM. REL. §236, Part B (7) (2011).
14. N.Y. DOM. REL. §236, Part B (9)(b)(2)(i) (2011). The majority of states that permit modification will not allow incarcerated parents to reduce an order if the criminal activity was directed to the parent or child, or related to nonpayment of child support. See, e.g., California, Connecticut, Iowa, Oregon, Pennsylvania, and Nevada.
15. OR. ADMIN. R.137-055-3300 (2011).
16. OR. REV. STAT. §416.425(12) (2011).
17. Massachusetts Child Support Guidelines, available at <http://www.mass.gov/courts/childsupport/guidelines.pdf>.
18. Massachusetts reports that there is long-term modification process if prisoner has more than 1 year to serve. <http://www.mass.gov/Ador/docs/cse/parents/rapkg.pdf>.
19. A minority of states have a legal prohibition against downward modifications during incarceration. See, e.g., Delaware, Georgia, Kansas, Kentucky, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, and Virginia. In addition, Arkansas and Louisiana court decisions appear to strongly disfavor modifications.
20. For example, less than a handful of states have statutes or guidelines that specify that incarceration is voluntary or willful unemployment, or otherwise impute income for incarcerated parents. See, e.g., S.D. CODIFIED LAWS §25-7-6.4 (2001); TENN. COMP. R. & REGS §1240-2-4.04(3)(a)(2)(ii) (2011).

## Realistic Child Support Orders for Incarcerated Parents

21. For a detailed state-by-state breakdown, please see the forthcoming table entitled “‘Voluntary Unemployment’, Imputed Income, and Modification Law and Policies for Incarcerated Noncustodial Parents.”
22. *See, e.g.*, Arizona, California, Connecticut, Hawaii, Iowa, Idaho, Maine, Massachusetts, Michigan, Nebraska, New Jersey, Nevada, Rhode Island, Texas, Washington, and West Virginia, which each reported extensive data-matching.
23. *See, e.g.*, Alaska, Kansas, Maine, Massachusetts, Minnesota, Rhode Island, Nebraska, and Vermont.
24. *See, e.g.*, Alaska, Hawaii, Iowa, Kansas, Ohio, Oregon, Maine, Missouri, Nevada, New Jersey, New York, Pennsylvania, Puerto Rico, Washington, and Wisconsin.
25. *See, e.g.*, Illinois, New Jersey, and Tennessee.
26. *See, e.g.*, California, Iowa, New Jersey, New York, Texas, Washington, and West Virginia.
27. *See, e.g.*, Connecticut, Maine, Minnesota, Oregon, New York, New Jersey, and Washington.
28. *See, e.g.*, Oklahoma, New York, and Texas.
29. *See, e.g.*, New Jersey, Georgia, and Tennessee.
30. For example, Michigan and the District of Columbia both require public officials to take affirmative steps when a parent is incarcerated and has a support order. The District of Columbia enacted two statutes that pertain to modifying child support orders for incarcerated parents. The first requires criminal court judges to inform defendants that they may request modification at the time of sentencing. The court must have petitions available for the defendant to complete and file in open court. D.C. CODE §23-112a (2011). The second requires the District of Columbia’s child support program to review child support orders of incarcerated parents upon receiving documentation that the parent is incarcerated. If the child support agency determines that a parent’s incarceration has resulted in a change of circumstances warranting a modification, the agency may request the court to suspend or modify the child support order. The court shall modify the order in accordance with the child support guidelines. D.C. CODE §16-0138 (2011); D.C. CODE §16-916.01(r)(5) (2011).
31. *See, e.g.*, Connecticut, Rhode Island, South Dakota, and Tennessee.
32. *See, e.g.*, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Indiana, Iowa, Kansas, Maryland, Missouri, Nevada, New Jersey, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, and Vermont.
33. PRI grants are located in Florida, Iowa, Kansas, Minnesota, Ohio, Oklahoma, and Tennessee. These grants were awarded in 2009. [http://www.acf.hhs.gov/programs/cse/grants/abstracts/fy2009\\_1115\\_abstracts.html](http://www.acf.hhs.gov/programs/cse/grants/abstracts/fy2009_1115_abstracts.html).
34. Incarceration is considered a change in financial condition, which is a reasonable ground to review and modify a support order. MICH. COMP. LAWS §552.517(1)(f)(iv)(B) (2011). Additionally, the Michigan Child Support Guidelines expressly permit deviation when an obligor is incarcerated and has minimal or no income or assets. MICH. CHILD SUPPORT FORMULA §1.04(E)(7) (2008). MICH. COMP. LAWS §2.004 permits, in domestic relations actions, incarcerated parties to participate telephonically and MICH. COMP. LAWS §3.210 and 3.215 permit, in domestic relations actions, testimony to be taken electronically in extraordinary circumstances.



## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

*For child support to be a reliable source of income for children, parents who are incarcerated need child support orders that reflect actual income. This chart, which reviews practices, laws, and policies in different jurisdictions, is a companion to the “Realistic Child Support Orders for Incarcerated Parents” fact sheet, PAID fact sheet No. 4.<sup>1</sup>*



Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
AL	Yes	The Alabama Department of Human Resources (DHR) collaborates with the Department of Corrections to provide inmates with information at the time of entry into the prison system about the child support program and their ability to request a review of their child support order. DHR considers incarceration to fall within the definition of significant change meriting modification. DHR staff are not instructed to automatically impute income for an incarcerated individual.	Judicial discretion results in the imputation of income for some incarcerated noncustodial parents. Rule 32 of the Alabama Rules of Judicial Administration requires income to be imputed for an individual who is voluntarily unemployed or underemployed.	Suggs v. Suggs, 54 So.3d 921 (Ala. Civ. App. 2010); Alred v. Alred, 678 So.2d 1144 (Ala.Civ.App.1996); Grogan v. Grogan, 608 So.2d 397 (Ala.Civ.App.1992); Rotar v. Weiland, 591 So.2d 893 (Ala.Civ.App.1991).
AK	Yes	Incarcerated parents can modify to a \$50 minimum order if incarcerated for more than 6 months. Alaska has a Jail Outreach Program where the child support program visits with inmates in all 12 correctional facilities.		Bendixen v. Bendixen, 962 P.2d 170 (Alaska, 1998).
AZ	Yes	Practice is to obtain a \$0 order for incarcerated parents. Through computer interfaces with the corrections department, the child support program identifies incarcerated parents and submits their cases for review (by referral to court for modification).	The primary obstacle is the inability to serve process on the custodial parent in order to proceed with the modification.	State ex rel. Dept. of Economic Sec. v. McEvoy, 955 P.2d 988 (App. Div.1 1998); State ex rel. Dept. of Economic Sec. v. Ayala, 916 P.2d 504 (Ariz. App. Div. 1, 1996).

<sup>1</sup> OCSE wishes to thank Jan Justice and Aaron Nelson, the Center for Law and Social Policy, for their earlier work identifying state policies and projects.

Chart data is based on state child support agencies’ responses as of April 2011.

\* May incarcerated parents obtain a reduced or suspended support order that reflects their actual income?

† Does the state have practices that support or encourage modification?

‡ Do additional barriers to modification exist?

## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
AR	No		While there may not be an absolute ban against reducing orders, the courts do not appear to favor modification.	Allen v. Allen, 82 Ark. App. 42, 110 S.W.3d 772 (Ark. App. 2003); Reid v. Reid, 944 S.W.2d 559 (Ark. App. 1997); Reid v. Reid, 57 Ark. App. 289, 944 S.W.2d 559 (1997).
CA	Yes	Parents incarcerated for more than 90 days may receive a suspension with an order for \$0 if there is no source of income. California launched a statewide outreach program in 2011 which included an incarcerated obligor video for fathers, posters, fact sheets, and a request for information or modification of support form available to all counties and to state prisons. The forms to seek review are available in the prison libraries, and may be submitted to one central office so that the incarcerated parent need not identify the specific agency or location with their child support case. Local child support agencies perform outreach to incarcerated noncustodial parents in their counties via brochures and presentations. The state child support office has an Incarcerated Obligor Web Page for use by local child support agencies.		In re Marriage of Smith, 90 Cal. App. 4th 74 (Cal. App. 5 Dist. 2001); State of Oregon v. Vargas, 70 Cal.App.4th 1123 (Cal.App.5.Dist. 1999); CAL. CODE REGS. TIT. 22, §115530(a)(1) (2011) (“If the obligor is incarcerated, the local child support agency shall seek to adjust the current order to zero...”); CAL. FAM. CODE § 4007.5 (2011).
CO	Yes	Modifications are based on actual income, and not imputed income, and an order of \$50 per month is standard.		In re Marriage of Hamilton, 857 P.2d 542 (Colo. App. 1993).

## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
CT	Yes	<p>Through one way data-matching, the child support agency receives up-to-date information on incarcerated parents in the custody of Dept. of Correction (DOC) to identify incarcerated parents with child support orders who have sentences greater than three years. The child support agency corresponds directly with the inmates and advises parents of the modification process and provides the necessary paperwork for inmates to seek review of a child support order. The vast majority of those orders are reduced to a zero or minimum order. Most of these modification hearings are conducted via videoconference. DOC staff also have current information and materials about review and adjustment services and modifications to provide to inmates during intake processing. The child support office sends staff members to resource fairs held at correctional facilities across the state to speak with inmates who are close to release. In 2011, Connecticut passed a law authorizing two-way data-matching, which will enable DOC to identify inmates with child support orders and proactively offer these incarcerated parents enhanced support and services.</p>		<p>CONN. GEN. STAT. ANN. §46b-215e, as amended by P.A. 06-149 (2006).</p>
DE	No			<p>Division of Child Support Enforcement, ex rel. Harper v. Barrows, 570 A.2d 1180 (Del. 1990).</p>
DC	Yes	<p>By statute, criminal court judges are required to inform defendants that they may request modification at the time of sentencing and must have petitions available for the defendant to file. By statute, upon receipt of notice and documentation establishing that a parent is incarcerated, the child support agency is required to review the circumstances of both parents and determine if a modification of the support order is appropriate under the guideline, and the agency may request the court to suspend or modify the support order.</p>		<p>Lewis v. Lewis, 637 A.2d 70 (D.C., 1994); D.C. CODE §23-112a (2011); D.C. CODE §16-916.01(r)(5) (2011); D.C. CODE §16-0138 (2011).</p>

## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
FL	Yes	The Florida Child Support Office has a PRI grant. The Child Support Prisoner Reentry Collaboration is housed at the Baker Correction Institution (male prisoners) and Lowell Correctional Institution (female prisoners) which serves inmates age 18 and older, convicted in and/or returning to Jacksonville (Duval County) with open child support cases. Pre-release activities include educational outreach addressing the importance of establishing paternity and child support as well as the importance of both parents being actively involved in their children’s lives.	If a request to modify is made, the order is held in abeyance until release.	Department of Revenue v. Jackson, 846 So.2d 486 (Fla., 2003).
GA	No			Staffon v. Staffon, 587 S.E.2d 630 (Ga. 2003); GA. CODE ANN.§ 19-6-15(f)(4)(D) (2011).
GU	Yes			
HI	Yes	Child support attorneys make presentations at several different facilities, including on the ability to request a modification.		
ID	Yes	Initial orders are entered with a contingent amount that does not begin accruing until sixty days after the noncustodial parent is released from incarceration.	The state will pursue a modification to decrease if the noncustodial parent pays legal costs, and may impute minimum wage.	Mackowiak v. Harris, 204 P.3d 504 (Idaho 2009); State Child Support Services v. Smith, 40 P.3d 133 (Idaho App. 2001); Carr v. Carr, 779 P.2d 429 (Idaho App. 1989); Nab v. Nab, 757 P.2d 1231(Idaho, 1988).
IL	Yes	“Project Child” is a partnership with the corrections facilities that assists inmates for downward modification if they have an order of at least \$100 and two years remaining on their sentence.		In re Marriage of Hari, 804 N.E.2d 144 (Ill. App. 4 Dist. 2004); In re Marriage of Burbridge, 738 N.E.2d 979 (Ill. App. 3 Dist. 2000); People ex rel. Meyer v. Nein, 568 N.E.2d 436 (Ill. App. 4 Dist. 1991).

## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
IN	Yes	The Sagamore Institute for Policy Research had a Special Improvement Project grant in 2007 to improve child support enforcement among current and formerly incarcerated individuals who have accumulated large arrearages during incarceration. The grant was also used to implement Lambert (which overturned voluntary unemployment standard).		Lambert v. Lambert, 861 N.E.2d 1176 (Ind. 2007).
IA	Yes	All inmates are shown a modification video when entering prison, and have the opportunity to review it at a later date. The child support/reentry coordinator provides modification packets, which includes a financial form for abbreviated review. The child support program also makes presentations on child support to inmates preparing for release. Iowa has a PRI grant which provides pre-release services, successful transition planning, and aftercare services for offenders released from state institutions to the Second Judicial District. The Child Support Recovery Unit integrates child support case management services and parenting education classes into the rural service delivery case management model.		In re Marriage of Barker, 600 N.W.2d 321 (Iowa 1999).
KS	No	Kansas has PRI grant in which a part-time Child Support Enforcement Specialist liaison is housed in the Reception and Diagnostic Unit at the Lansing Correctional Facility. Apart from the PRI grant, other prison facilities in Kansas provide information about child support obligations.		Matter of Marriage of Thurmond, 265 Kan. 715, 962 P.2d 1064 (Kan. 1998).

## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
KY	No		<p>There are no state laws or regulations in Kentucky that specifically address setting or modifying child support when an individual is incarcerated. However, it is Kentucky Child Support Enforcement’s (CSE) policy not to file an action to reduce/ suspend a parent’s obligation while they are incarcerated. If the parent wishes to seek a reduction or suspension in their obligation, they must file their own motion with the court. The child support program reports that they would expect the CSE attorney representing the agency to argue against any reduction/ suspension at the court hearing.</p>	<p>Com. ex rel. Marshall v. Marshall, 15 S.W.3d 396 (Ky. App., 2000); Redmon v. Redmon, 823 S.W. 2d 463, (Ky. App. 1992).</p>
LA	No		<p>While there may not be an absolute ban, the courts do not appear to favor modifications.</p>	<p>State v. Battson, 828 So. 2d 132 (La. App. 2002); Savage v. Savage, 821 So. 2d 603 (La. App. 2002); Toups v. Toups, 708 So.2d 849 (La. App. 1st Cir., 1998); State v. Nelson, 587 So.2d 176 (La. App. 1991).</p>

## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
ME	Yes	The state has a two-page “Frequently Asked Questions” handout for incarcerated parents and provides educational materials and presentations to inmates. The program also uses telephone hearings.		Hebert v. Hebert, 475 A.2d 422 (Me., 1984); Pendexter v. Pendexter, 363 A.2d 743 (Me.1976); ME. REV. STAT. ANN. TIT. 19-A, § 2001(5) (D) (2011) (“A party who is incarcerated in a correctional or penal institution is deemed available only for employment that is available through such institution.”).
MD	Yes	In 2006, Maryland’s Child Support Enforcement Administration received a two-year grant called “Project Fresh Start.” In Prince George’s County, state prisons and local jails partnered to review and adjust orders of incarcerated noncustodial parents. Of the pre-release case participants, 95% had their orders modified to \$-0-, while an additional 4% had orders that had been previously modified.		Willis v. Jones, 667 A.2d 331, 339 (Md. 1995).
MA	Yes	The state child support agency has a package of pro-se materials for long-term (more than one year) incarcerated noncustodial parents who want to request modification of their child support orders. State child support offices have data-matching with corrections and visit inmates monthly to assist in filing for downward modifications.		
MI	Yes	By statute, the Friend of the Court must review the support order within 14 days of learning that a parent will be incarcerated for more than a year.		Pierce v. Pierce, 412 N.W.2d 291 (Mich. App. 1987); Mich. Comp. Laws § 552.517(1) (f) (iv) (B) (2011); 2008 MCSF 1.04E (7).

## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
MN	Yes	Minnesota has a PRI grant to improve service delivery and support for returning offenders. Minnesota has implemented a strategic statewide plan, a collaborative effort of 20 key state and local agencies under the direction of the commissioner of corrections. This project builds a multidisciplinary collaboration to actively engage offenders and improve outcomes for families, child support agencies, and the department of corrections. The project includes specialized case management services and information sharing. The state child support agency has contracted with corrections to permanently locate a child support specialist at of the state prisons to help modify and establish orders.		Franzen v. Borders, 521 N.W. 2d 626 (Minn. Ct. App. 1994); State ex rel. Carlton County v. Greenwood, 398 N.W.2d 636 (Minn. App. 1987).
MS	Yes			Avery v. Avery, 864 So.2d 1054 (Miss. App. 2004).
MO	Yes	Child support workers make presentations in several state prisons.		Moran v. Mason, 236 S.W.3d 137 (Mo. Ct. App. S.D. 2007); Oberg v. Oberg, 869 S.W.2d 235 (Mo. Ct App. 1993).
MT	No			Mooney v. Brennan, 848 P.2d 1020 (Mont. 1993).
NE	No		Incarcerated parents can seek to modify in a private action in certain circumstances, but not through the child support program.	State ex rel. Longnecker v. Longnecker, 660 N.W.2d 544 (Neb. App., 2003); State v. Porter, 259 610 N.W.2d 23 (Neb., 2000); Oberg v. Oberg, 869 S.W. 2d 235 (Mo. Ct. App. 1993).

## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
NV	Yes	<p>The program enforcement policy manual states that the enforcing authority may recommend orders below the \$100 minimum for incarcerated parents.</p> <p>New Beginnings Program for Incarcerated Noncustodial Parents has operated since 2003 and offers child support resources to incarcerated individuals. Staff visits prisons monthly to talk with inmates about how to navigate the child support system. Program staff also spends time with inmates that don't owe child support, in order to stress the importance of prevention.</p>		
NH	Yes			<p>Rossino v. Rossino, 153 N.H. 367 (N.H. 2006); Noddin v. Noddin, 123 N.H. 73 (N.H. 1983).</p>
NJ	Yes	<p>State has an extensive collaboration between the New Jersey Department of Health and Human Services and New Jersey Department of Corrections to provide child support assistance to inmates in two state prisons. This includes showing inmates a child support video and offering parenting education classes. Social workers with the corrections office provide case management on child support issues, including providing pro-se information packets on modifying orders. Child support assistance continues during the re-entry process to address arrears accumulation and modification issues.</p>		<p>Halliwell v. Halliwell, 741 A.2d 638 (N.J.Super.A.D., 1999).</p>
NM	Yes			<p>Thomasson v. Johnson, 903 P.2d 254 (N.M. Ct. App. 1995).</p>

## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
NY	Yes	New York City has a project that provides on-site workshops and consultations for inmates confined at the Riker’s Island correctional institution. Inmates are informed about the modification process, the consequences of arrears accumulation and potential eligibility for debt reduction pursuant to New York City’s debt reduction process (applicable to permanently assigned TANF arrears.) Additionally, child support material is included in the reception packets for all new state inmates, and there is a video and brochure available.		Matter of Knights, 522 N.E.2d 1045 (N.Y. 1988); N.Y. FAM. CT. ACT § 451 (2011); N.Y. DOM. REL. § 236, Part B (7) and Part B (9) (b) (2) (i) (2011) (“Incarceration shall not be a bar to finding a substantial change in circumstances” as long as the incarceration is not for non-payment of support, or an offense against the custodial parent or child).
NC	Yes			Orange County ex rel. Byrd v. Byrd, 501 S.E.2d 109 (N.C. Ct. App. 1998); N.C. Gen. Stat. § 50-13.10(d)(4) (2011).
ND	No	The child support office will conduct an “early review” if requested by an offender serving more than one year (but note that income will still be imputed).	Courts impute minimum wage. New guidelines phase out the imputed income based on the number of years incarcerated.	Surerus v. Matuska, 548 N.W.2d 384 (N.D. 1996). N.D. Admin Code § 75-02-04.1-07 (2011).
OH	Yes	Ohio has a PRI grant to remove barriers that reentering parents face with respect to the payment of current child support. Parents receive assistance in navigating the child support and court systems.		Cole v. Cole, 590 N.E.2d 862 (Ohio Ct. App. 1990); Richardson v. Ballard, 681 N.E. 2d 507 (Ohio Ct. App. 1996).

## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
OK	No	<p>Oklahoma Child Support Services has a PRI grant in collaboration with two other grantees (Department of Corrections and Community Service Council of Greater Tulsa) in Tulsa to support incarcerated noncustodial parents reentering the community so they may find employment, take care of their child support obligations and lead productive lives. PRI staff meet with eligible noncustodial parents (prior to or after reentry) to assess their strengths and needs and determine their obstacles to paying child support and barriers to employment, and to develop an individualized plan for the noncustodial parent to follow. Caseworkers, child support attorneys, administrative court personnel and local office caseworker staff will provide noncustodial parents with assistance in navigating the child support system.</p> <p>Additionally, Oklahoma is preparing materials for incarcerated noncustodial parents.</p> <p>For newly established orders, a new law defers the start date of the child support obligation until 45 days after the noncustodial parent has been released and reserves the judgment</p>	<p>Although there is no absolute ban on modifications, income will be imputed.</p>	<p>State ex rel. Jones v. Baggett, 990 P.2d 235 (Okla. 1999); Okla. Admin. Code § 340:25-5-178(k) (2011).</p>
OR	Yes.	<p>The law has a presumption that incarceration leads (in most cases) to a zero support order during the period of incarceration and up to 60-days after release. Oregon provides a brochure to inmates that can be returned to request a modification. The simple tear-off, pre-addressed form in the brochure makes it simple for an inmate to initiate the request. Local-level child support professionals also visit nearby correctional facilities periodically and/or meet with noncustodial parents who are not technically incarcerated but are in day reporting/work release situations.</p>		<p>Matter of Marriage of Willis, 840 P.2d 697 (Or. 1992); OR. REV. STAT. § 416.425(12) (2011); OR. ADMIN. R. 137-055-3300 (2011).</p>

## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
PA	Yes	<p>Pennsylvania has an “Incarcerated Outreach Packet,” which includes a petition to modify, that is available for state prisoners throughout the state. Pennsylvania also has two federal partnerships. In Allegheny County, the Family Division works with Federal Probation to suspend support orders. In Philadelphia County, the OCSE Regional Office and the Pennsylvania Bureau of Child Support Enforcement (BCSE) participate in the Resource and Job Fairs at the Philadelphia Federal Detention Center. At these fairs, BCSE distributes child support information to incarcerated parents, including the Pennsylvania Child Support Handbook, a handout entitled “Support Order Modification-Why Should I Ask to Modify My Support Order?,” and the Petition for Modification of an Existing Support Order.</p>		<p>Nash v. Herbster, 932 A.2d 183 (Pa. Super., 2007); Yerkes v. Yerkes, 782 A.2d 1068 (Pa. Sup. Ct., 2003); Newman v. Newman, 597 A.2d 684 (Pa. Sup. Ct., 1991); Pa.R.C.P.1910.19 (2011) (“Recommendation 75”).</p>
PR	Yes	<p>Puerto Rico has an Memorandum of Understanding between the child support agency and Federal Bureau of Prisons (BOP) to provide child support information to new inmates during the intake process (and to those already incarcerated), provide guidance to BOP caseworkers on the importance of addressing child support issues during the period of incarceration and the re-entry process, and establish a process to exchange documentation between inmates and the agency to initiate and process order modifications. Once a request is received by the agency, the appropriate documentation is mailed back to the inmate to seek a modification.</p>		

“Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
RI	Yes	Rhode Island’s Office of Child Support Services (OCSS) has a relationship with the Federal Wyatt Detention Center. Once incarcerated noncustodial parents are identified, OCCS sends a Motion for Relief with a return envelope and a cover letter instructing the non-custodial parent to sign the motion and mail it back to the child support office. Additionally, if the court finds that the inmate will be incarcerated during the minority of the child, the child support agency may close the case.		
SC	No		While there may not be an absolute ban, modifications are disfavored.	
SD	No	Telephone hearings are available for inmates who seek a reduction, although income will still be imputed.	South Dakota imputes income to the incarcerated parent (whether establishing an order or modifying) at the State minimum wage. There is no provision to reduce the child support payment below the guideline calculation.	Gisi v. Gisi, 731 N.W.2d 223 (S.D., 2007); S.D. CODIFIED LAWS § 25-7-6.10(6) (2011); S.D. CODIFIED LAWS § 25-7-6.4 (2011) (“rebuttable presumption of employment at minimum wage... including while incarcerated, and the parent’s child support obligation shall be computed at a rate not less than full-time employment at the state minimum wage...”).
TN	No	Tennessee has a PRI grant to provide employment-focused services to soon to-be-released and newly released prisoners in pre- and post-release settings in Davidson County. The child support program has a liaison co-located with the DOL and DOJ projects to screen for child support issues among participants in those projects, as well as other ex-prisoners who seek reentry services.	The child support guidelines state that incarceration shall not provide grounds for reduction of any child support obligation. Therefore, incarceration shall result in a finding of voluntary underemployment or unemployment, and child support shall be awarded based upon a finding of voluntary underemployment or unemployment.	State ex rel. Laxton v. Biggerstaff, 2010 WL 759842 (Tenn. Ct. App. 2010); TENN. COMP.R. & REGS. § 1240-2-4-.04(3)(a)(2)(ii)(I) (2008).

## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
TX	Yes	Noncustodial parents may seek to reduce their child support amount while they are incarcerated. The Child Support’s Family Initiatives Division has developed an Incarcerated Noncustodial Parent Modification Pilot Program to encourage modifying these orders. OAG-CSD has produced and distributed a handbook and a video specifically for incarcerated parents. The handbook has a simple tear-out form that can be used to request a modification. As part of the project, law librarians are trained on how to use the materials.	OAG policy is to seek an initial order while incarcerated based on previous income due to intentional unemployment under the Texas Family Code. The modification of a support order when the noncustodial parent is incarcerated can vary considerably statewide; some judges treat incarceration as voluntary unemployment.	In re Marriage of Lassmann, 2010 Tex. App. LEXIS 6982 (Tex. App. Corpus Christi Aug. 25, 2010); In Interest of M.M., 980 S.W.2d 699 (Tex. App.-San Antonio 1998); Hollifield v. Hollifield, 925 S.W. 2d 153 (Tex. App. 1996); TEX. FAM. CODE ANN. § 154.066 (2011); TEX. FAM. CODE ANN. § 156.401(d) (2011).
UT	Yes			Proctor v. Proctor, 773 P.2d 1389 (Utah App., 1989); UTAH ADMIN. CODE § 78-45-7.5 (2011).
VT	Yes			
VA	No			VA. CODE §20-108.2(B) (2011).
VI	Yes	The Bureau of Prisons in Puerto Rico provides information on how to contact the Virgin Islands child support agency for modification purposes (since all federal prisoners arrested in the Virgin Islands are processed in Puerto Rico).		

## “Voluntary Unemployment,” Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents

Area	Reduction allowed?*	Modification Practices†	Modification Barriers‡	Legal Authority
WA	Yes	<p>The Washington child support program provides outreach to incarcerated noncustodial parents. The program has a simple form for inmates to request a modification and has created an instructional DVD that explains modification to inmates when they go through an initial intake center into the prison system. Local level child support professionals visit nearby correctional facilities periodically (and meet with noncustodial parents who are not technically incarcerated but are in day-reporting or work release situations). Additionally, child support workers have live case management data system access on a portable laptop at the facilities so that the child support worker can look at the case records and take needed actions specific for that particular client on the spot.</p>		<p>In re the Marriage of Blickenstaff &amp; Blickenstaff, 859 P.2d 646 (Wash. Ct. App. 1993).</p>
WV	Yes	<p>The child support office has an Memorandum of Understanding with corrections that permits data sharing, and requires corrections to provide modification information. The child support office will conduct a review for modification if the inmate provides a written request.</p>	<p>While incarcerated parents may seek a review, there is variance throughout the state and judicial discretion, as well as administrative processes. The child support program reports that WV BCSE may refuse review if incarceration will last less than 6 months.</p>	<p>Adkins v. Adkins, 221 W.Va. 602, 656 S.E.2d 47 (W.Va., 2007).</p>
WI	Yes	<p>In Milwaukee County, the noncustodial parent and custodial parent are sent notification of the option to request order suspension during incarceration.</p>		<p>Rottscheit vs. Dumbler, 664 N.W. 2d 525 (Wis. 2003).</p>
WY	Yes			<p>Glenn v. Glenn, 848 P.2d 819 (Wyo. 1993).</p>

## Child Support Collaboration with Federal Criminal Justice Agencies

*Most federal prisoners are parents. To become a reliable source of support for their children when they leave prison, these parents need child support orders that reflect actual income while they are incarcerated and when they return home. This fact sheet highlights child support collaborations that provide outreach and assistance to parents incarcerated in federal facilities so that they can meet their obligations to their children.*



### Federal Prisoners Owe Significant Past-Due Support

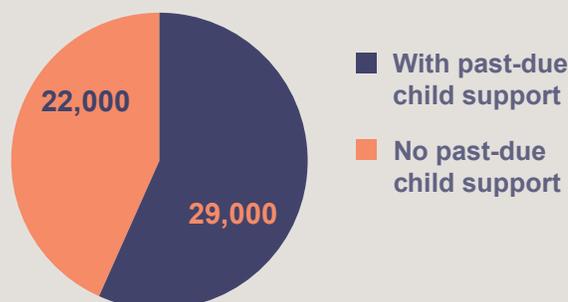
To learn more about noncustodial parents in the child support caseload who are incarcerated, the Department of Health and Human Services and the Social Security Administration conducted a data match in December 2010 to determine how many state and federal prisoners were in the caseload and their case characteristics.<sup>8</sup> This data match indicated that of the 51,000 federal prisoners in the child support system,<sup>9</sup> almost 29,000 were liable for past-due child support. This past-due child support could have resulted from nonpayment of child support while someone was incarcerated, or because of nonpayment prior to incarceration, or both.

The Federal Bureau of Prisons (BOP) is responsible for the custody and care of federal offenders, the vast majority of whom are confined in BOP-operated facilities.<sup>1</sup> While the number of individuals in state prisons has begun to decrease, the number of incarcerated individuals in federal prisons has continued to increase.<sup>2</sup> Of the approximately 218,000 federal inmates in 2012,<sup>3</sup> the majority (about 60 percent) are estimated to be parents of children under the age of 21, according to the most recent BOP data.<sup>4</sup>

### Modifying Child Support Orders to Reflect Actual Income

Whenever a parent is incarcerated, it is a challenge for them to meet their responsibilities as parents and provide for their children. For parents with child support orders, it is important that their child support obligations be realistic throughout their incarceration so that upon release they can successfully reenter the community and provide reliable support for their children.<sup>5</sup> If unmanageable child support debt accrues, it can hinder their ability to maintain regular employment and increase the pressure to reenter the underground economy.<sup>6</sup> Therefore, many child support programs provide tools for parents to communicate with the child support program during incarceration, help children maintain contact with their parent, prevent the accrual of unmanageable debt, address child support debt after prison, and provide targeted post-prison child support services. Child support programs often provide outreach to incarcerated parents to assure that their orders are modified to reflect their real ability to pay, since orders do not automatically stop upon incarceration.<sup>7</sup>

Federal Prisoners in Child Support System  
December 2010



## Child Support Collaboration with Federal Criminal Justice Agencies

At the time of the match, the total amount of child support owed by these parents was \$681 million. The average amount of arrears owed by each parent was almost \$24,000. This average amount varied significantly by state with a range from \$10,000 to \$40,000.

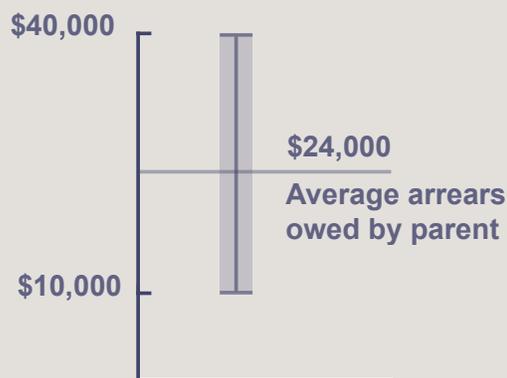
The December 2010 data match also showed that of noncustodial parents in a federal correctional facility slightly less than one-third were living in the same state where their child support case was located. In only four states was the majority of federal prisoner child support cases located in the same state as the incarcerated noncustodial parents. Those states were Florida (58 percent), Hawaii (72 percent), New Jersey (69 percent) and Texas (63 percent). The match identified sixteen states and territories that have no federal prisoner with a child support case living within their state's jurisdiction.<sup>10</sup> This could be because there are no federal prisons in those states or because there may be a need to house prisoners in out-of-state locations based on available programs, classification requirements, security concerns, population pressures and other issues.

### Innovative Child Support and Federal Criminal Justice Agency Collaborations

Many states have innovative collaborations between the state child support agencies and the state prisons, including those with extensive data sharing to identify incarcerated parents, but fewer programs exist linking federal prisoners with state child support programs. While parents in federal facilities are often eligible to use the child support processes available to state prisoners, including simplified modification processes, only a limited number of programs identify or provide outreach directly to federal prisoners with child support needs. Additionally, federal prisoners' child support cases often involve complex interstate issues, particularly where federal prisoners may not be housed in the state where their child support order was issued or enforced. Parenting time and visitation are also more complicated when incarcerated parents are separated from their children by long distances.

Moreover, while opportunities to work with federal prisoners prior to release may be limited or resource intensive because of the geographic dispersion, most federal prisoners spend some time in a residential reentry center (RRC) before release, and these RRCs or halfway houses are typically located in the state where the individual was arrested, convicted and sentenced.<sup>11</sup>

### Range of State Arrears Averages for Federal Prisoners



This placement increases the likelihood that the reentering federal offender will be back in the state where his or her child support case was located prior to release.

Several states employ low-cost or time-effective projects that can be of value to parents incarcerated in federal facilities. For example, **West Virginia's** child support agency attends quarterly meetings sponsored by federal prisons in West Virginia and mock job fairs at those institutions. **Texas's** child support agency has a partnership with BOP and has done occasional presentations at federal prisons in the state. **Massachusetts** conducts presentations for reentry programs that serve federal prisoners, provides child support case information to U.S. Probation upon request and has participated in the federal reentry court in Boston. The **Tennessee** child support agency collaborates with the Federal Probation Office to work with noncustodial parents at several federal halfway houses. In **Washington, DC**, through the work of the Fathering Court, modification information is provided to federal prisoners housed in Rivers Correctional Institution in North Carolina.

## Child Support Collaboration with Federal Criminal Justice Agencies

### Child Support Program Outreach and Assistance to Federal Prisoners

A number of states have programs that provide even more extensive outreach to, and identification of, federal prisoners.

**Pennsylvania** has two federal partnerships, focused primarily in Philadelphia and Allegheny Counties. The Allegheny County Court Family Division began a collaboration with Federal Probation in 2009. The Court works with Federal Probation to suspend support orders of individuals incarcerated in federal prison so that prisoners do not have insurmountable arrears when released. The Family Court also works with the Federal Reintegration Program as it assists supervised releases in job training and employment searches. In Philadelphia County, the federal child support office in the region conducts presentations as part of the Offender Employment Specialist training at the Federal Detention Center in Philadelphia and presents at mock job and resource fairs for federal prisoners. The Pennsylvania Bureau of Child Support Enforcement also participates in the resource and job fairs at the Federal Detention Center, Philadelphia. At these fairs, the Bureau distributes child support information to incarcerated parents, including the Pennsylvania Child Support Handbook, a handout entitled “Support Order Modification-Why Should I Ask to Modify My Support Order?” and the Petition for Modification of an Existing Support Order.

**Puerto Rico** is the first jurisdiction to establish and implement a Memorandum of Understanding between the state child support agency and BOP. It is designed to provide child support information to new inmates during the intake process (and to those already incarcerated), provide guidance to BOP caseworkers on the importance of addressing child support issues during the period of incarceration and the reentry process, and establish a process to exchange documentation between inmates and the child support agency to initiate and process order modifications. BOP also provides information on how to contact the Virgin Islands child support agency for modification purposes, since all federal prisoners arrested in the Virgin Islands are processed in Puerto Rico. Additionally, federal child support staff in the region and child support agency staff participate in training events at the federal detention facility. Once a request is received by the child support agency, the appropriate documentation is mailed back to the inmate to seek a modification.

The child support agency has received more than 30 requests for modifications and several orders have been modified. The program has been in effect since March 2011, and is noteworthy because child support is addressed at inmate intake and modifications are processed by the child support agency. Additional reviews are being implemented by the partners to enhance the effectiveness of this program.

**Rhode Island’s** Office of Child Support Services provides outreach and assistance to federal prisoners housed in Rhode Island and to federal prisoners housed out-of-state. The Rhode Island child support agency has a relationship with the Wyatt Detention Facility, which is privately operated and houses U.S. Marshals Service prisoners, known as detainees. At the detention facility, once incarcerated noncustodial parents are identified (typically by a custodial parent, family member, child support representative, or letter by the incarcerated noncustodial parent), the child support agency reaches out to the detainees. The child support agency sends a Motion for Relief with a return envelope and a cover letter instructing the noncustodial parent to sign the motion and mail it back to the child support office. For federal prisoners located outside Rhode Island but with Rhode Island child support cases, once a noncustodial parent is identified, a telephonic hearing packet is sent to the inmate. When the motion is received by the child support agency, a court date is assigned, the case is added to the video conferencing calendar, and both parents receive notice of the hearing. The child support agency processes about a dozen requests yearly from detainees confined at the Wyatt Detention Facility and double that amount from federal inmates out-of-state. Additionally, if the court finds that the inmate will be incarcerated during the entire minority of the child, the child support agency may close the case.

The above examples indicate ways in which some states are addressing the child support issues of parents who are currently incarcerated in federal facilities. Although the circumstances of some federal prisoners may be unique, there are many similarities to the collaborations underway between child support agencies and state departments of corrections. More information on promising modification practices for incarcerated parents is available in several OCSE PAID fact sheets.<sup>12</sup>

## Child Support Collaboration with Federal Criminal Justice Agencies

To improve child support payment reliability, child support policies should facilitate successful transition back to society for all ex-offenders including efforts to identify and work with federal inmates who are parents. Recently-released parents who effectively enter the workforce and establish a relationship with their children are likely to pay more support over time and less likely to recidivate. Realistic support orders for incarcerated, reentering, and unemployed parents can make child support a reliable source of income for children.<sup>13</sup>



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8. The data match was conducted between the OCSE Federal Case Registry, the OCSE Debtors file and the Social Security State Verification and Exchange System (SVES). Because Social Security and Supplemental Security Insurance (SSI) benefits are not payable if someone is incarcerated for more than 30 days, the Social Security Administration maintains a master file of individuals who are currently incarcerated. This data is obtained directly from local, state and federal facilities.
9. An individual could be in the child support system because he or she: had an order to pay child support; had a child support order, but no payment was due; was being sought to establish a child support order; or had been named as a putative father in a paternity proceeding.
10. These states are Alaska, Delaware, Idaho, Iowa, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, Vermont, Wyoming, Guam and the Virgin Islands.
11. For a fuller description of the residential reentry centers, see [www.bop.gov/locations/cc/index.jsp](http://www.bop.gov/locations/cc/index.jsp).
12. OCSE PAID fact sheet *Realistic Child Support Orders for Incarcerated Parents* and related chart "Voluntary Unemployment," *Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents*, available at [www.acf.hhs.gov/programs/css/resource/realistic-child-support-orders-for-incarcerated-parents](http://www.acf.hhs.gov/programs/css/resource/realistic-child-support-orders-for-incarcerated-parents).
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