

CHILD SUPPORT ENFORCEMENT



prepared by
**MOUNTAIN HOME AFB
GUNFIGHTER LEGAL OFFICE**



INTRODUCTION

Every child has a legal right to the financial support of both parents. This is true regardless of whether the parents are divorced, separated, or were never married. If you need to establish a child support order, or are attempting to collect child support payments under an existing order, it is important to know where to turn for help.

THE CHILD SUPPORT ENFORCEMENT PROGRAM

The Office of Child Support Enforcement (OCSE) Program is a federal, state and local partnership designed to collect child support. Established in 1975 as Title IV-D of the Social Security Act, it functions in all states through state and county Social Services Departments, Attorney General's Offices, or Departments of Revenue. State OCSE programs locate noncustodial parents, establish paternity, establish and enforce support orders, and collect child support payments. Although programs vary from state to state, their services are available to all parents who need them. In Idaho, the program is administered by the Department of Health and Welfare, Bureau of Child Support Services.

By law, OCSE programs cannot be used to enforce court orders pertaining to

property settlement, or visitation and custody, because these issues are not, by themselves, child support enforcement issues. Parents must handle these issues through the local court system with the aid of a private attorney.

ELIGIBILITY and FEES

Any parent or person with custody of a child who needs help establishing a child support obligation or collecting support payments can apply for OCSE services. Those receiving assistance under the Aid to Families with Dependent Children (AFDC), Medicaid, or Foster Care program do not have to pay for OCSE services. For others the fee is \$25. States can also recover all or part of the actual costs of their services from those who are not AFDC recipients. These may include the cost of legal work done by agency attorneys and costs for locating a noncustodial parent. Such costs may be deducted from the child support that is collected, or may be collected from the noncustodial parent.

FINDING THE NONCUSTODIAL PARENT

To establish paternity, obtain an Order for Support. To enforce that order, you must know where the other parent lives or works. Information such as the parent's social security number, current

employer's name and address, as well as names, addresses and phone numbers of friends or relatives who might know his or her whereabouts is helpful. If the parent cannot be found locally, the OCSE office can ask the State Parent Locator Service and/or Federal Parent Locator Service to search. The Federal Parent Locator Service can, for example, provide the current duty station of a parent who is in any of the uniformed services.

ESTABLISHING PATERNITY

A support order cannot be established for a child who is born to unmarried parents until the alleged father acknowledges paternity or is proven to be the father. Establishing paternity is generally a matter of state law. Voluntary acknowledgment of paternity creates a presumption of paternity and is the basis for seeking a child support order in all states. Alternatively, if the man denies that he is the father, a paternity action with the court can be filed. The matter is then placed in the hands of the judge to decide. The judges hearing paternity matters have broad powers. At the conclusion of the trial, the judge will decide whether the alleged father is the baby's legal and biological father.

ENFORCING THE SUPPORT ORDER

There are a number of ways to enforce child support orders: withholding wages, seizing of state and federal income tax refunds, liens on property, intercepting retirement and worker's compensation benefits, reporting unpaid child support to credit reporting bureaus, and suspending drivers, professional, occupational or recreational licenses.

If the parent is in the military, Federal law provides for voluntary and involuntary allotments for support and for garnishing the wages of active duty, reserve and retired members of the military.

INTERSTATE COOPERATION

Every state has a law which allows it to refer cases to other states, and requires it to work cases sent to it by other states. Under these laws, an enforcement official or private attorney can refer a petition to establish paternity, or to establish, modify, or enforce a support order, for filing in another state.

Other interstate enforcement methods include withholding wages, if the noncustodial parent's employer is known, and criminal prosecution. Under the Child Support Recovery Act of 1992, a parent's willful failure to pay support for a child living in another state is a federal crime.

HOW DO I GET HELP?

Contact your state or local OCSE office. In Idaho, contact:

Child Support Services
Idaho Department of Health and Welfare
(208) 334-0750 / 1-800-356-9868
1720 N Westgate Dr., Boise, ID 83704
Email ChildSupport@dhw.idaho.gov
www.healthandwelfare.idaho.gov

***This handout is general in nature. It is not a substitute for legal advice from an attorney regarding individual situations. (August 2021)**

For additional information on this and other legal topics, see the Air Force Legal Assistance Website:
<https://aflegalassistance.law.af.mil>