



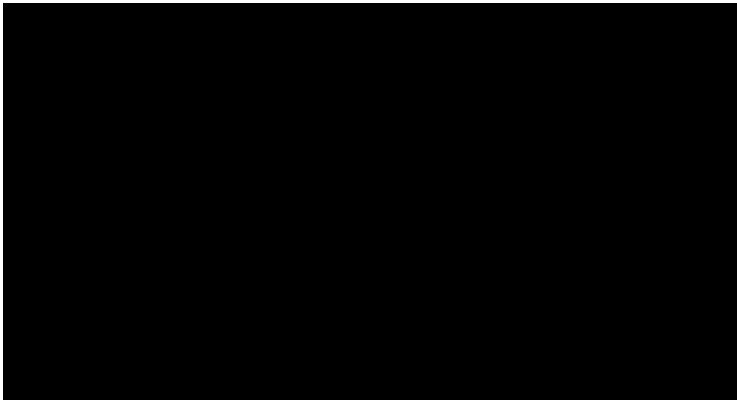
DEPARTMENT OF ECONOMIC SECURITY

*Your Partner For A Stronger Arizona*

# Child Support 101

Division of Child Support Services

# Welcome!



# Arizona DES Child Support Video

# How can you receive child support?



Through a local DCSS office



You may be required to open a child support case when applying for state aid cash assistance (TANF)



In order to receive cash assistance, a child support order will automatically be opened



Directly through a local court office with private legal representation



Through a divorce settlement

# Eligibility

## **A child support order can be established when:**

- The child or children on the case are under the age of 18.
- Paternity is established.
- The parents are separated or divorced and did not have a child support order established at the time of their divorce.
- The parents were never married.
- A caretaker, agency, or other party has custody of the child or children.
- Both parents are given proper legal notice that child support will be established. If a parent does not respond within the required time period, an order for support may be entered. This is called a "default order." It is legally valid and enforceable.
- The child support order is based on Arizona Child Support Guidelines. The guidelines consider factors such as the needs of the children and the finances of both parents, as well as ability to pay. These guidelines are available through the Arizona Supreme Court Guidelines.

# DES Case vs. Private Case



A state case is one where the Division of Child Support Services handles the management of the court ordered obligation.



A private case is one where the parties have had private legal counsel or completed and asked the court to order on their behalf.



If the case needs to be changed from state to private, or private to state, it is allowable.

# Functional Areas for DCSS



A child support case follows a logical sequence, beginning with the initial opening (Intake function) through emancipation and/or closure (Enforcement function).



Functions vary depending on each individual case, which include: Intake, Paternity, Order Establishment, Enforcement, and Collections.



DCSS has numerous specialized groups that may work your case: Specialized Enforcement Team, Debt/Accounting Team, State Disbursement Unit, Administrative Review, Executive Correspondence Unit, etc.

# Who's involved?



Biological Mother  
or Father



Court ordered  
Caretaker



Family Assistance  
Administration



Division of Child  
Support Services



Arizona Attorney  
Generals office



Private Counsel



Process of  
child  
support

Application

Intake

Establish Paternity, if necessary

Establish order and Income Withholding

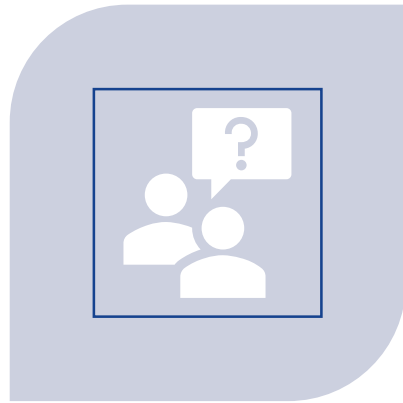
Enforcement

Intergovernmental Cases

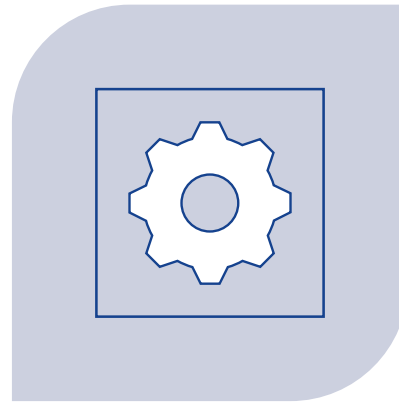
# Locate

- DCSS has various methods for finding both the custodial parent (CP) and non-custodial parent (NCP).
- These locate tools allow DCSS to identify resources the NCP might have to pay in child support.
- The CP or the NCP can help by giving DCSS as much information as possible.

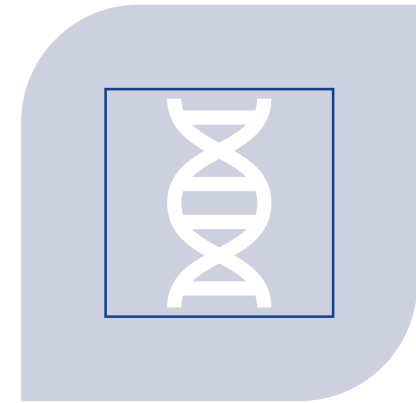
# Paternity



WHAT DOES IT  
MEAN



HOW DOES IT GET  
ESTABLISHED



WHAT IS GENETIC  
TESTING

# Establishment

Establishment is a legal process that typically results in a child support order.

A child support order sets a monthly child support obligation to be paid by the non-custodial parent and generally determines the parent responsible for medical support.

Child support orders can be established for both parents when the child(ren) is/are in foster care or with a caretaker.

DCSS provides services to issue Income Withholding Orders when an order is established.

# Modifications



- DCSS aids either parent to modify a child support order. A request can be made of an existing child support order when there has been a significant and continuing change within the household.
- Modifications can be either upward or downward.
- Clients must complete all required forms in the “modification packet” for DCSS to review.
- DCSS uses the Arizona Child Support Guidelines to determine the obligation.
- DCSS is required to have the modification in place no longer than 6 months of the request. There is a simplified option or stipulation option that is much quicker.

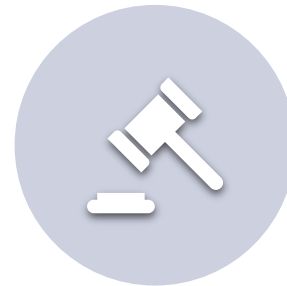
# Ability to Pay

- DCSS must confirm that the NCP can work or have resources which would allow an individual to pay their court ordered child support obligation.

# Income Withholding Orders



An Income Withholding Order (IWO) orders an employer to withhold a portion of an NCP's income in order to pay a court-ordered child support obligation.



Most of the time, IWOs are required as a term of the court order.



Whether an IWO is in place or not, the responsibility to ensure the obligation is paid remains with the NCP.



Typically, an employer has 30-45 days to acknowledge the IWO that has been issued. NCPs should monitor their cases for timely payments.

# Enforcing Child Support

- DCSS enforces child support orders using enforcement remedies or legal actions. DCSS also refers to this as administrative or judicial actions.
- Notices for these remedies include instructions on how to request an administrative review.



# Parents living in other states/countries

## THERE ARE TWO TYPES OF INTERGOVERNMENTAL CASES:

**Initiating** - An Initiating Case means that the custodial parent applies for services in Arizona and the non-custodial parent lives in another state. If the child was conceived in Arizona and the non-custodial parent lives in another state, the case can be worked locally in Arizona.

**Responding** - A Responding Case is when one state, country, or tribe requests assistance from another state, country, or tribe for the purpose of establishing paternity, obtaining a child support order or enforcing, validating and modifying an existing child support order.

# Administrative Remedies

Income Withholding Orders (IWO)	Unemployment- In State or Out of State	Lottery Intercept: \$100 or more in arrears	OCSS Insurance Claims	Child Support Lien Network (CSLN): \$500 or more in arrears
Limited/Lump Sum IWO (Support arrears exist)	10% Annual Interest Accrual on Arrears	Judicial Drivers License Restrictions	Insurance Data Match	Estate Levy
Department of Revenue (DOR) Refund Intercept: \$50 or more in total arrears	Internal Revenue Service (IRS) Refund Intercept: \$150 arrears (TANF), \$500 arrears (Non TANF)	Federally Required Credit Bureau Reporting	Passport Denial: \$2500 support arrears	Financial Asset Seizure (issue levy): 12 months in arrears or judgment
	MSFIDM (Submit Information): \$150 arrears (TANF), \$500 arrears (Non TANF)		Federal Administrative Offset: \$25 in arrears and 30 days delinquent	

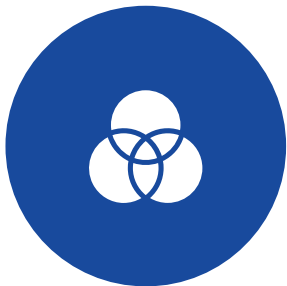
# Attorney General's Office



The Attorney General's Office is the largest law office in the State.



AGO represents and provides legal advice to most state agencies; validates consumer protection and civil rights laws; prosecutes criminals charged with complex financial crimes and certain conspiracies involving illegal drugs.



The attorneys and legal staff of the Child Support Services Section (CSS) provide legal advice and representation to the Division of Child Support Services (DCSS), within the Department of Economic Security (DES).



The Child Support Service (CSS) does not represent private individuals; DCSS is responsible for the statewide operation of the child support program. Child Support Services represents the program.

# What can DCSS do?



Inform when the other parent has been located



If the NCP has or has not made a payment



The date the payment was made



How much the payment was paid



If we have an employer on file



If a wage garnishment has been issued

# Additional Resources

- Community Legal Services
- Arizona Self Help through all Arizona Courts
- Please ensure you give a copy of any paperwork filed with the court to DCSS to keep us aware of your actions.
- Income Withholding Compromise Program
- Hardship Program
- Settlement Programs
- Employment Referral
- GED Program

# What can DCSS not do?

Provide services related to Custody/Joint Custody, Visitation/Parenting Time or Legal Decision Making.

Share Case information with anyone other than the custodial parent and non-custodial parent on the case.

A case worker will not make changes to the case based on 3rd party information, but they may update the case file with this information.

Share confidential information such as disclosing the employer, tax information, or any personal identifiable information.

**Questions?**