



Empire Justice Center

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Child Support Policy Documents

- **10-ADM-5 (July 14, 2010), *Purchase of Service Agreements/Memorandum of Understanding for the Child Support Program.***
 - This administrative directive dictates the terms and provisions that must be contained in a purchase of service agreement (POS)—which the district enters into with nonprofits, private entities, local officials, departments and agencies that do not have judicial or law enforcement authority—or a memorandum of understanding (MOU)—which a district uses when services are being purchased from another governmental agency that does not have judicial or law enforcement authority. It also describes how to obtain prior approval of the POS/MOU from the Division of Child Support Enforcement.
 - Attachments:
 - Draft Agreement
 - IRS Agreement Language for General Services

- **10-ADM-4 (June 18, 2010), *Increase in the Pass-through and Disregard of Support Payments—Phase II.***
 - This administrative directive outlines the implementation of Phase II of legislation increasing pass-through payment and disregard amount from \$100 to \$200 for TA families with two or more children, effective January 1, 2010. It also explains TA budgeting changes applied to spousal support income, and provides information on the impact of these changes to programs including child support, TA, Food Stamps and Medicaid, as well as the impact on official notices, publications, and financial reporting changes.
 - Attachments:
 - Manual Child Support Pass-through Payment Determination Worksheet
 - Examples for Determining the Amount of Pass-through/Disregard
 - Notices: Report of Support Collected; Responsibilities and Rights for Support; Regarding Child Support to Persons Applying for or Receiving TA or Foster Care Maintenance Payments Under Title IV-E.

- **10-ADM-2 (March 23, 2010)**, *Legal Services and Cost Recovery for Recipients of Child Support Services*.
 - This administrative directive provides procedures and forms for obtaining legal services for the child support program, for providing legal services to requesting child support services recipients, and for recovering the costs for providing those legal services.
 - Attachments:
 - Cooperative Agreement/Purchase of Services Agreement
 - Right to Recovery Agreement
 - Worksheet to Calculate Hourly Rate for Legal Services
 - Time Record for Legal Services Provided
 - Notices of Total Costs for Legal Services (to Custodial and Noncustodial Parents), of Court Order for Counsel Fees, and of Possible Conflicts of Interest
 - Legal Representation on Objection or Appeal

- **10-ADM-1 (February 25, 2010)**, *Changes to Assignment of Support Rights and Child Support Distribution in Current Assistance Cases*.
 - This administrative directive advises local districts of changes resulting from mandates and options stemming from the Federal Deficit Reduction Act (DRA) of 2005 that impact: (1) the assignment of support rights for applicants of Family Assistance (FA) or Safety Net Assistance (SNA) and (2) the distribution hierarchy for support collections made on behalf of families who are active TA that may result in the disbursement of collections to current-assistance families who are owed arrears.

- **10-INF-09 (May 7, 2010)**, *Temporary Assistance Questions & Answers*.
 - This informational letter contains questions and answers pertaining to child support and arrears.

- **10-LCM-1 (February 17, 2010)**, *Child Support Incentives—Federal Fiscal year 2008*.
 - The purpose of this Local Commissioners Memorandum is to provide information about the method for allocating local district child support incentives and to provide a reconciliation of incentives allocated to incentives claimed for federal fiscal year 2008.

- **09-ADM-23 (November 16, 2009)**, *Automated Case Closure*.
 - This administrative directive outlines the 12 permissible criteria for closing a child support case and the required actions that the local district must take to comply with Federal and State child support case closure criteria.

- **09-ADM-21 (November 13, 2009)**, *Temporary Assistance Excess Support Process and Procedures for Reviewing Cases that have Support Collections in Excess of the Temporary Assistance Deficit*.
 - This administrative directive advises of: (1) the continuance of the districts' requirement to calculate and distribute support collections that exceed the

cumulative unreimbursed assistance; (2) the discontinuance of the calculation and distribution to TA recipients of any excess amount of current support payments; and (3) the impact of these changes on child support and TA programs.

- **09-ADM-19 (November 3, 2009), *Changes to Assignment of Support Rights and Child Support Distribution for Recipients of Temporary Assistance.***
 - This administrative directive advises districts of the changes to the assignment of support rights at application for TA effective October 1, 2009. Districts are advised of changes in how child support collections received for a current TA case will be distributed and disbursed. Specific information is provided regarding the impact of these changes upon each program area and the ADM introduces a new disbursement of child support collections for TA recipients known as *family arrears payments*. This ADM also provides instructions on the budgeting of family arrears payments for TA purposes, and introduces revised common application and recertification application language.

- **09-ADM-02 (January 28, 2009), *Income Execution Process.***
 - This administrative directive outlines the changes related to the income execution process with regard to (1) the process for issuing income execution notices and penalties imposed on noncompliant employers; (2) the method for calculating the amount of additional deductions to be withheld from income if a noncustodial parent has child support arrears or past-due payments; (3) the right to challenge an error in the execution
 - Attachments: Income Execution Forms and Notices
 - Notices:
 - Special Notice Revisions to the “Income Withholding for Support”
 - Income Withholding for Support
 - Original and Amended Cover Notices – Noncustodial Parent
 - Original, Amended, and Terminated Cover Notices – Employer
 - SCU Determination of Request for Review
 - Non-Compliance Notice
 - Forms:
 - Withholding Limitations Worksheet for Support and Medical Support
 - Request for Review of Add’l Amount on the Income Withholding for Support
 - Statement of Income and Expenses
 - Alternate Additional Amount Calculations for Custody Issues and Self-Support Reserve Issues

- **09-INF-17 (October 6, 2009), *Addendum to the Client Information Books – LDSS-4148D: “New Information About Temporary Assistance and Food Stamps.***
 - The Attachment to this INF addresses changes to rights regarding support pass-through and excess support payments for Temporary Assistance applicants and recipients.

- **GIS 09 TA/DC032 (October 28, 2009)**, *Changes to Pass-through and Disregard of Support Payments Effective January 1, 2010*.
 - The purpose of this message is to inform New York City Human Resources Administration (HRA) of the changes to child support disregard and pass-through amounts, the discontinuance of pass-through and disregard amounts associated with spousal support for individuals who are age 21 or over, and introduce a new method of determining pass-through payments and disregard amounts for Temporary Assistance (TA) households. This message also introduces new TA worker responsibilities when budgeting child support.
 - For the upstate message with the same subject, see **GIS 09 TA/DC 017 (July 7, 2009)**.

- **08-ADM-12 (December 29, 2008)**, *Poverty-Level Noncustodial Parent (NCP) Modification and Arrears – Pilot Initiative to Improve Child Support Compliance*.
 - This administrative directive sets forth criteria, procedures, and forms for a pilot initiative to increase support payment compliance in Temporary Assistance or Medicaid cases where permanently-assigned arrears exist, and where the noncustodial parent demonstrates poverty-level income, or an inability to work.

- **08-ADM-08 (October 29, 2008)**, *Increase in the Pass-through and Disregard of Support Payments*.
 - This administrative directive advises districts of legislative changes that increase the maximum amount of monthly support collections that may be passed through to recipients of temporary assistance and disregarded for purposes of determining eligibility for assistance. Information includes the impact of the changes upon various program areas, including child support, temporary assistance, food stamps, and Medicaid. Additionally, official forms, publications, and financial reporting changes, all impacted by the increase in the maximum monthly amount of the pass-through, are addressed in this ADM.
 - See **Attachment 4: Information and Instructions for Completing the “Desk Review of Pass-Through Payments Calculations Worksheet**.
 - See also: **GIS 08 TA/DC023 (October 1, 2008)**, *Increase in Pass-through and Disregard of Support Payments*.

- **08-INF-16 (September 24, 2008)**, *Non-parent Caregivers and Good Cause*.
 - The purpose of this Informational Letter (INF) is to reiterate to local social services districts that non-parent caregivers have the right to claim good cause for failure to cooperate with child support enforcement and to provide clarification on when “special considerations related to emotional harm” should be applied in non-parent caregiver situations. It is also to emphasize to districts that non-parent caregivers can seek a domestic violence waiver if complying with child support requirements would result in physical or emotional harm to themselves or the child.

- **GIS 08 MA/031 (October 24, 2008)**, *Child Support Enforcement and Medicaid Recoveries*.

- This GIS clarifies (1) the recovery and child support referral policy for children with an absent or non-custodial parent and (2) the policy regarding recovery of confinement and birth-related expenses for pregnant women and their newborns.
- **06-ADM-16 (December 16, 2006)**, *Desk Reviews of the Distribution of Child Support Payments*.
 - This administrative directive provides local district and state staff with the specific instructions and requirements necessary for requesting, conducting, and reporting the results of pass-through and excess support desk reviews of the distribution of child support payments as set forth in New York State Regulations, 18 NYCRR 347.25, and also includes supplemental instructions and forms for implementing the process.
- **GIS 05 TA/DC006 (February 14, 2005)**, *Food Stamp Exclusion of Child Support Payments from Income*.
 - This GIS clarifies food stamp policy regarding the exclusion of the amount of legally obligated (court ordered) child support payments made to non-household members. Under authority of federal statute [7 U.S.C. 2014(d)(6)] effective October 1, 2002, legally obligated child support payments are treated as an income exclusion rather than an income deduction for purposes of determining food stamp eligibility and benefit amount.
- **03-ADM-5 (June 19, 2003)**, *Child Support and the Family Violence Option*.
 - This administrative directive clarifies policies and procedures surrounding CSE activities relating to TA applicants/recipients who self-identify as domestic violence victims.
- **99-ADM-5 (July 1, 1999)**, *Cooperation with Child Support Enforcement for Temporary Assistance, Medicaid, Foster Care and Child Care Services Applicants and Recipients*.
 - This administrative directive delineates (1) changes in the process for referring applicants/recipients to the CSEU; (2) changes in the standard of “cooperation” with paternity establishment and support enforcement; (3) changes that vest the CSEU with the determination of cooperation; and (4) changes in the rules for calculating a TA grant when there is a failure to cooperate. Further, the ADM outlines the responsibilities of both clients and workers for various assistance programs with regard to the cooperation standard.
 - See also: **01-INF-12 (June 22, 2001)**, *Temporary Assistance Sanctions: Budgeting for TA and FS, Treatment of Income for FS When the TA Case Closes, and Medicaid Implications*.
 - Discusses the “25% needs reduction method” in which the TA needs of the household are reduced by 25% for each individual who is required to comply with Child Support Enforcement (IV-D) but who refuses without good cause to do so.
 - See also: **05-INF-24 (p. 5) (September 28, 2007 reissued)**, *Temporary Assistance Policy: Non-parent Caregiver Cases and Temporary Assistance (TA)*.

- **98-ADM-2 (March 4, 1998)**, *Change of Payee Policy & Procedure for Child Support Enforcement*.
 - This directive is released in order to transmit the policy, procedures, and forms for implementing change of payee procedures used to redirect support payments payable under an existing order of support to the IV-D agency.

- **97-ADM-7 (March, 27, 1997)**, *Public Assistance Treatment of Support Collections; Calculation, Issuance and Budgeting of Excess Support Payments*.
 - This policy transmittal clarifies public assistance (PA) policy and procedures concerning budgeting of assigned support payments and redetermining recipients' PA eligibility using amounts of support collected. This release also transmits instructions for the calculation, issuance and budgeting of "excess support payments."

- **96-LCM-3 (January 11, 1996)**, *Providing Evidence of Child Support Payments*.
 - This memo clarifies the underlying statutory authority for the submission of Support Collection Unit records into evidence in family court proceedings. The memo outlines methods for providing evidence, and the responsibilities of the local district, the fiscal agent, and the Department.

- **92-ADM-40 (October 8, 1992)**, *Pursuing Support for Home Relief Applicants/Recipients and Revision of Related Forms (DSS-4279 and DSS-4280)*.
 - This directive transmits changes in the requirements for Home Relief applicants and recipients to pursue support and introduces revisions to two forms (DSS-4279 and DSS-4280).

- **91-ADM-40 (October 7, 1991)**, *Public Assistance (IV-A), Medical Assistance (MA) and Family and Children Services (F&CS) Interface with Child Support Enforcement (IV-D)*.
 - CANCELLED by **99-ADM-5 (July 1, 1999)**.
 - This directive implements new Income Maintenance and Child Support Enforcement procedures, explains the workers' responsibilities in the interface process and reinforces the Department's position that both parents must contribute, to the best of their ability, to the financial support of their children. Specifically, this directive: (1) requires automated (electronic) referrals in all districts; (2) requires IV-D interviews for all cases referred by IV-A; (3) clarifies that certain child support requirements apply to minors (persons under age 21) in receipt of Home Relief (HR) or PG-ADC (Predetermination Grant of Aid to Dependent Children) and in New York City, HR-PG (Home Relief Predetermination Grant), as well as children in receipt of Aid to Dependent Children (ADC); and (4) transmits mandated forms.

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