

Child Support Enforcement

OVERVIEW

What is it?

A program that helps anyone who has custody of a minor dependent child obtain child support from absent parent(s).

Who is it for?

Any custodial parent/adult. There are no financial eligibility criteria, although some families have to pay a small application fee.

Where are applications taken?

At Child Support Enforcement offices, often located at the county Department of Social Services.

INTRODUCTION

The Child Support Enforcement Program assists parents in obtaining child support from absent parents. It is commonly referred to as the “IV-D” program (pronounced “4-D”), because it was created by Title IV-D of the Social Security Act. The services offered through the Child Support Enforcement program are available to any custodial parent, regardless of the custodial parent’s income or resources.

BENEFITS/ SERVICES

The IV-D program offers five basic services. They are:

Absent parent location. The IV-D office will try to locate parents whose whereabouts are unknown. IV-D must access all resources available to locate the parent within 75 days of when a child support file is opened. A variety of methods can be used, including federal and state parent locator services. The IV-D office may search records from other governmental agencies, such as the Internal Revenue Service, Social Security Administration, Employment Security Commission, Division of Motor Vehicles, and Department of Corrections. If the IV-D office is unable to locate the absent parent initially, the office must conduct quarterly searches of the databases thereafter.

Establishment of paternity. This service is necessary when the father’s paternity has not been officially established. Paternity can be established through an acknowledgment of paternity, a legitimization process, or either a civil or criminal paternity proceeding. Both the acknowledgment and the legitimization processes require the voluntary cooperation of the father. The court proceedings are used in contested cases. Blood tests or other genetic tests are used in court proceedings to prove paternity. The IV-D office generally has 90 days to establish a paternity and child support award after the absent parent is located. If the absent parent contests paternity or is unwilling to voluntarily enter a child support order, then court proceedings must be initiated within the same 90 day period.

Establishment, review and adjustment of a child support obligation. After paternity has been established, the next step is to obtain an order establishing the amount of the child support obligation. This is done by court order, and must usually be done within 90 days of when the parent is located. There are standard amounts of child support that are presumed to be appropriate “child support guidelines,” depending on the incomes of the parents and the number of children involved. A child support order can deviate from the guidelines if it can be shown that they would not be equitable in a particular case. Each parent’s income is taken into account, and each are expected to contribute to the support of the children. The guidelines are available from the Administrative Office of the Courts in Raleigh.

In addition, the IV-D office must periodically review and adjust the child support order. The IV-D office must review each child support award at least once every three years, or more frequently if either the custodial or non-custodial parent requests a review and can show a significant change in circumstances.

Collection and distribution of child support payments. The statewide Child Support Enforcement office coordinates the collection and distribution of child support payments. Absent parents living in North Carolina subject to a court order concerning support must pay the support to the Clerk of Court in the county in which they reside (unless their wages are being withheld, in which case the employer sends the money to the Clerk of Court). When the clerks receive the money, they turn it over to the state Child Support Enforcement office. The IV-D office sends the custodial parent the child support check within 24 hours of receiving the funds from the Clerk’s office. If the child is receiving Work First payments, the money is sent to the state to reimburse the state for the public assistance payments paid to the family. Any payment in excess over the monthly child support payment will first be sent to the family to pay for any past-due payments owed the family. If the family is not owed for past-due payments, then the excess payment will be retained by the state, if needed to pay for Work First or AFDC payments which the family received in the past.

Beginning October 1, 1999, child support payments will be sent directly to a centralized collection office within the NC Department of Health and Human Services instead of the local Clerk of Court. The centralized collection office will distribute the money to the custodial parent or to the state to reimburse the state for public assistance payments, whichever is appropriate.

Enforcement of the child support obligation. The IV-D system has a variety of methods to enforce child support orders. Most employed parents will have part of their wages withheld to pay for child support. In addition, the IV-D offices have an array of other enforcement mechanisms to use when the non-custodial parent’s wages can not be garnished (i.e., if the parent does not work regular jobs or changes jobs frequently). These include: interception of tax refunds, revocation of drivers or professional licenses, contempt proceedings, credit reporting, liens, and the revocation of suspended sentences (in criminal child support enforcement cases). The IV-D office must ordinarily start enforcement actions within 30 days of identifying the noncompliance or locating the parent. However, IV-D has 60 days to serve a parent with court papers, if the IV-D office is required to go to court to enforce the order.

Not all of these services will be appropriate in every case, and even the appropriate ones may not be successful.

APPLICATIONS

Anyone who wishes to take advantage of the child support services offered may apply at the local Child Support Enforcement office. There are 86 child support enforcement offices statewide, 69 of which are county-operated (through the department of social services), and the remaining 17 are state-operated. The 17 state-operated programs are located in the following places:

County	Child Support Enforcement Office
Anson	Anson/Richmond Child Support Enforcement, Rockingham
Avery	WAM Counties Child Support Enforcement, Boone
Bertie	Bertie-Hertford Child Support Enforcement, Ahoskie
Camden	Albermarle Child Support Enforcement, Elizabeth City
Carteret	Carteret Child Support Enforcement, Morehead City
Clay	Swain County Child Support Enforcement, Bryson City
Craven	New Bern Child Support Enforcement, New Bern
Cumberland	Cumberland Child Support Enforcement, Fayetteville
Currituck	Manteo Child Support Enforcement, Manteo
Dare	Manteo Child Support Enforcement, Manteo
Franklin	Franklin County Child Support Enforcement, Louisburg
Gates	Albermarle Child Support Enforcement, Elizabeth City
Graham	Swain County Child Support Enforcement, Bryson City
Harnett	Harnett Child Support Enforcement, Erwin
Hertford	Bertie-Hertford Child Support Enforcement, Ahoskie
Hyde	Manteo Child Support Enforcement, Manteo
Macon	Swain County Child Support Enforcement, Bryson City
Mecklenburg	Mecklenburg County Child Support Enforcement, Charlotte
Mitchell	WAM Counties Child Support Enforcement, Boone
Pamlico	New Bern Child Support Enforcement, New Bern
Pamlico	Child Support Enforcement, Bayboro
Pasquotank	Albermarle Child Support Enforcement, Elizabeth City
Pender	Pender County Child Support Enforcement, Burgaw
Perquimans	Albermarle Child Support Enforcement, Elizabeth City
Randolph	Randolph County Child Support Enforcement, Asheboro
Richmond	Anson/Richmond Child Support Enforcement, Rockingham
Swain	Swain County Child Support Enforcement, Bryson City
Tyrrell	Manteo Child Support Enforcement, Manteo
Union	Union County Child Support Enforcement, Monroe
Watauga	WAM Counties Child Support Enforcement, Boone
Warren	Warren County Child Support Enforcement, Warrenton

An application should be provided the day the individual appears at the department, or mailed within five days of a written or phone request. The IV-D unit must open a case file and solicit any additional information that is needed from the applicant within 20 days of receiving a completed application.

Persons who receive Work First or Medicaid do not need to fill out an application. They are automatically referred for services, and there is no application fee required. Other persons must pay an application fee, depending on their household income. Families with incomes at or below the federal poverty guidelines must pay a \$10 application fee; families with higher incomes must pay a \$25 application fee.

ELIGIBILITY REQUIREMENTS

Anyone who has custody of a minor dependent child is eligible for services. There are no financial eligibility criteria. However, there is an application fee depending on the custodial parent's income.

NUMBERS SERVED

The Child Support Enforcement Agency had about 484,445 cases statewide on March 31, 1999. There may have been multiple children per case.

APPEAL RIGHTS

There are no clear appeal rights for individuals who are not satisfied with the services of the IV-D unit. Individuals who are dissatisfied with the services provided by the IV-D unit should make a complaint to the local director of the office or to the state Child Support Enforcement Agency.

Custodial parents/adults who believe they have not received all the collected support money that is due should call CARELINE (1-800-662-7030) and ask for an informal review. If not satisfied, she/he can file a petition with the state Office of Administrative Hearings. Anyone wishing to file such a petition would be wise to seek the services of an attorney before engaging in such a process. Free legal representation may be available for low income families. See Chapter 31.

FINANCING

There are two sources of funding for this program: federal and state/local. The federal government pays 66% of program costs, with the remaining 34% is paid by the state or county government (depending on whether the state or county administers the program at the county level). In FY 1998, the following moneys were expended in North Carolina for the program:

Federal: \$73,049,289
State/county: \$37,631,452

The Child Support Enforcement Agency collected \$351 million in child support during FY 1998.

ADMINISTRATION

At the federal level, the program is administered by the Office of Child Support Enforcement within the US Department of Health and Human Services. The Child Support Enforcement program is administered at the state level by the Child Support Enforcement Office within the NC Department of Health and Human Services. Locally, the program is administered by the state in 31 counties. In the remaining 69 counties, it is administered through either the county Department of Social Services, the County Manager, or the County Tax Department. The Child Support Enforcement office is often known as the IV-D office.

SOURCES OF LAW Federal statute: 42 USC 651 et. seq.
Federal regulations: 45 CFR Part 301 et. seq.
State statute: NCGS 110-128 et. seq.
State policy: Child Support Enforcement Manual (available at IV-D offices)

FOR MORE INFORMATION The Child Support Enforcement Section
NC Department of Health and Human Services
100 E. Six Forks Road
Raleigh, NC 27609-7750
919-571-4120
1-800-992-9457 (voice response unit)

CARELINE: 1-800-662-7030

