CHILD SUPPORT IN VERMONT

A Handbook for Parents

VERMONT

DEPARTMENT FOR CHILDREN AND FAMILIES

OFFICE OF CHILD SUPPORT

08/19 (web) Reviewed June 2020

Introduction

This *Handbook for Parents* was produced by the Vermont Office of Child Support to:

- Help you understand how child support works in Vermont.
- Tell you about the services we offer.

It is not a comprehensive guide to child support laws, but rather a reference tool to get you started. Please use it as your first source of information when you have questions about child or medical support.

If you cannot find the answers you need, call our toll-free Child Support Help Line at **1-800-786-3214.**

- You can get automated, up-to-date information about your case using a touch tone phone — 24 hours a day, 7 days a week, from anywhere in the country.
- You can speak to a Customer Service Representative during regular business hours: Monday through Friday, 7:45 a.m. to 4:15 p.m.
- If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to reach a relay service.

If you have any suggestions for improving the handbook, we'd love to hear from you. Please email your comments to our Customer Service Unit at OCSCSU@vermont.gov.

Our Mission

The mission of the Office of Child Support (OCS) is to improve the economic well-being of children by:

- ➲ Establishing, enforcing, and modifying child support orders
- ➲ Establishing and enforcing medical insurance provisions in court orders
- ➲ Collecting, recording, and distributing child support payments
- ➲ Establishing parentage when children are born outside of marriage

In all proceedings related to establishing parentage and securing child and medical support for children, we represent the state's interests—not the interests of either parent.

Table of Contents

CHAPTER 1: Working with OCS	5	Who is eligible for OCS services, how to apply, what to expect from OCS, your rights & responsibilities as a customer
CHAPTER 2: Establishing Parentage	9	Why it's important to establish parentage, when and how to establish parentage, how genetic testing works, what a parentage order is
CHAPTER 3: Establishing Support	13	What a child and medical support order is, when and how to establish support, OCS' role at court, the legal process, how the amount of support is determined
CHAPTER 4: Modifying Support	18	When & how to request modification of your support order
CHAPTER 5: Paying & Receiving Support	20	The OCS Registry, tracking payments to the Registry, paying through wage withholding, paying directly to the Registry, how long it takes to process payments, what happens when a parent has more than one support order, when support ends

08/19 (web) Reviewed June 2020

CHAPTER 6: Enforcing Support	30	What OCS can do to enforce child support & medical coverage, what courts can do to enforce support, the court process, finding the non-custodial parent, the likelihood enforcement efforts will be successful, follow-up on your case
CHAPTER 7: Getting Support While Receiving Public Assistance or Medicaid	37	What happens while you receive public assistance, what happens while you are on Medicaid, what happens when public assistance ends, how public assistance debts are handled
CHAPTER 8: Understanding your Rights	39	Accessing information in your case file, stopping OCS services, keeping your information confidential, appealing an OCS decision, requesting an administrative review

08/19 (web) Reviewed June 2020

CHAPTER 1:
WORKING WITH OCS

The Office of Child Support (OCS) can help you:

- Establish parentage
- Establish an order for child and medical support
- Modify/enforce an existing order
- Make support payments to the custodial parent
- Locate a non-custodial parent
- Understand your rights in OCS cases

Who is eligible for services?

Services are available to custodial and non-custodial parents (and guardians) of children who are under 18 or still in high school.

How do I apply?

You get to choose the level of service you want to receive: full or limited. You must complete an application *only* if you choose full services.

1. **Full OCS Services**
   This includes help establishing, modifying, and enforcing a child support order; establishing parentage; locating a non-custodial parent; assessing a parent's ability to provide support; and determining a parent's employment status.

   To get these services, you must submit a completed *Application for Child Support Services* available from OCS or the Family Division of Superior Court. If you are seeking support from more than one non-custodial parent, you must submit a separate application for each. You may also be asked to provide copies of supporting documents such as your child's birth certificate, a *Voluntary Acknowledgment of Parentage (VAP)* form, and a court-certified copy of the support order.

   Once you apply, you cannot pick and choose the services you want. We will provide all available services as needed. There is no fee for these services.

2. **Limited OCS Services**
   There is a $5 monthly fee for these services, which are limited to collecting and distributing child support payments.

In most cases, custodial parents who are getting public assistance or Medicaid are automatically referred to us for services. They do not have to apply.

If you want OCS to collect past-due child support, you must:

1. Complete an *Arrears Affidavit* listing the support you have received and are owed.
2. Sign the affidavit in front of a notary public.

What can I expect from OCS?

We will process your *Application for Child Support Services* within a few days of receiving it. At that time, we will assign you a caseworker and notify the other parent of our involvement in the case.

Your caseworker will, at minimum, conduct periodic reviews, contact other agencies for updates, and notify you of any major developments. Because our workers typically oversee more than 600 active cases at any given time, your caseworker may not be able to devote as much individual attention to your case as you or we would like.

If you feel that we are not being as effective as you would like, you always have the option of hiring your own attorney and private investigator.

What We Cannot Do

- Represent you in a divorce action or assign an attorney to act as your personal advocate in child and medical support matters.
- Hire private investigators to determine whether a non-custodial parent may be failing to report all income.
- Help in matters involving custody, visitation, or division of property.
- Provide services directly to a child seeking support.
- Stop or alter any provisions of an existing court order until a new court order is issued.

Decisions regarding custody and visitation are made by the court.

Contact your attorney or the Family Division of Superior Court for assistance.

What are my rights as an OCS customer?

You have the right to:

- Hire an attorney to represent you at hearings and meetings
- Represent yourself without the services of an attorney
- Appeal decisions made or actions taken by the court or OCS related to your case
- Request the complete history of child support payments in your case
- Get copies of non-confidential documents in your case file
- Stop OCS service that were initiated by you and not ordered by the court

What are my responsibilities as an OCS customer?

Both Parents:

- Provide complete, accurate, and up-to-date information about yourself and your children (e.g., name, address, employer, phone number, and Social Security number).
- Keep us informed of any changes in your circumstances (e.g., you move, change jobs, or get a new phone number at home or work).
- Notify us before making any agreement or change that affects your child or medical support and provide us with copies of all relevant documents.
- Keep accurate records of all child support payments. Do not rely solely on our records or your own memory. Buy a date book, calendar, or notepad to record each payment you make or receive.
- Keep all documents related to your child support in a file or other container and organize them in a logical way, such as by date. Keep copies of all letters you send.
- Inform us of any family violence issues or concerns.
- Participate in all meetings and hearings about your case.
- Call the Vermont Child Abuse Hotline at 1-800-649-5285 if you suspect the other parent is abusing your children.

Non-Custodial Parents:

- Make all required child support payments.
- Never pay the custodial parent directly, unless the court has specifically approved that arrangement. If the custodial parent has applied for our services, all payments must go through us even if the court order requires direct payment to the other party. If you pay directly, we will have no record of your payment and must assume that you did not pay. This might lead to enforcement actions such as taking you back to court to collect the payments, tax offset, and liens.
- Check any account statements you receive from us for accuracy. If you pay support through wage withholding, we will send you an annual statement. If you pay support directly to us, we will send you monthly billing statements. If you believe there is an error, submit a written explanation to your regional OCS office. Otherwise, if your account shows a past-due amount (*arrears*), we may initiate a collection action.
- If you obtain a legal change in custody, immediately request a modification (or *change*) of your child support order from the Family Division of Superior Court. Until a new child support order is received from the court, we must comply with the existing order and payment amounts.

Custodial Parents and Guardians:

- If you receive a support payment directly from the non-custodial parent, immediately inform us (and the Economic Services Division if you receive public assistance or Medicaid) in writing. Otherwise, we will assume that the payment is overdue and may start enforcement actions. We have the right to close your case if you do not inform us of payments you receive directly, and we may have to reconsider the services being provided if payments continue to be made directly to you.
- If we pay you an amount of support to which you are not entitled, you are responsible for repaying the amount. We have the right to adjust future payments in order to recover an overpayment.
- If we are working to locate the non-custodial parent, you must do your part to gather and provide leads on his or her whereabouts.

CHAPTER 2:
ESTABLISHING PARENTAGE

One of the main functions of the Office of Child Support (OCS) is to establish parentage when a child is born to unmarried parents.

Under Vermont law, you are automatically recognized as the child's legal parents if ANY of the following are true. This is called a *presumption of parentage*.

- You were married/joined through civil union when your child was born.
- You were married/joined through civil union after your child was born and are both named on the child's birth certificate.
- Your child was born up to 300 days after your marriage/civil union ended.
- You lived in the same home with the child from birth through at least the age of two and openly identified the child as your own.

What if we are not married?

If you are the genetic parents but are not married when your child is born, the simplest way to establish parentage is by filing a *Voluntary Acknowledgment of Parentage* (VAP). This creates a legal recognition of parentage.

1. **Complete a Voluntary Acknowledgment of Parentage (VAP).**
   You can get a copy online at *https://dcf.vermont.gov/child-support/parentage.* It is also available at most hospitals, birthing centers, Superior Courts (Family Division), and Department of Health and Office of Child Support offices.
2. **Sign in front of a witness who is at least 18.** This can't be either of you.
3. **File it with Vital Records.**
   Office of Vital Records
   108 Cherry Street, PO Box 70
   Burlington, VT 05402-0070

   ⇨ <u>If you complete it when your child is born</u>:
   Hospital staff (or licensed midwife if your child is born at home) will add both names to the birth certificate and send your VAP to Vital Records.

   ⇨ <u>If you complete it later on</u>:
   Send your VAP to Vital Records. If it's accepted, they'll make sure both parents' names are on the birth certificate.

To learn more about parentage, go to *https://dcf.vermont.gov/child-support/parentage*.

Is a VAP legally binding?

Yes. A signed VAP is equal to a court determination of parentage. A challenge is only allowed in limited circumstances. You have the right to talk to a lawyer before signing.

Once you file a VAP and it's accepted, you both assume the legal rights and responsibilities that come with being a parent. This means you:

- Are responsible for financially supporting the child
- May seek parental rights and responsibilities (*custody),* ask for parent-child contact (*visitation*) and file a petition to establish a child support order
- Have the right to notice and a hearing before the child may be adopted

Can I take back a VAP?

Yes, you can rescind (take back) a VAP by:

- Filing a *Rescission or Removal of Acknowledgment or Denial of Parentage* form with Vital Records — within 60 days of the VAP's effective date. *OR*
- Starting a court proceeding —within 60 days of the VAP's effective date or the date of the first court hearing you're involved with related to the child.

Why is it important to establish parentage?

- Financial: children need and have the legal right to receive child support; parentage must be legally established to receive it.
- Health: children need and have the right to know their family's medical history. In addition, it might be possible to obtain health insurance for a child through a parent's employer, union or military service.
- Benefits: if a parent dies before parentage is legally established, children may not qualify for certain benefits that would otherwise legally pass on to them (e.g., Social Security, pension, inheritance rights, veterans' benefits, and life insurance).
- Identity: children have the right to know who their parents are.

When should I establish parentage?

For emotional and financial reasons, it's important to establish parentage as soon as possible after birth. A parent who pays support when a child is very young is more likely to continue paying support until the child is an adult. Even so, Vermont law allows parentage to be established until the child is 21.

It's important to establish parentage even if the alleged parent is still in school, has no income or has no health insurance. The court may order the parent to pay a very small amount of support until they finish school or get a job. At that time, either parent can ask the Family Division of Superior Court to modify the support order to reflect the change.

What if we have doubts about who the genetic parents are?

If either of you has any doubts, you should not sign a *Voluntary Acknowledgment of Parentage* (VAP). Instead, you should file an action to establish parentage in the Family Division of Superior Court. If you need to establish parentage for the purpose of child support and you apply for OCS services or you and your child receive public assistance or Medicaid, we will file the action on your behalf.

The court will schedule a hearing and issue a summons to the mother and alleged other parent. Either parent may object in writing to the summons and may hire an attorney to represent his or her interests. However, if one party fails to appear for the hearing without advising the court in advance (called *answering the summons*), the court may establish parentage by default. Ignoring the notice does not stop the court from proceeding. By failing to answer the summons, a parent risks not having his or her arguments or concerns addressed by the court.

When You May Not Want to Establish Parentage

If the alleged parent has a history of abuse, violence, or criminal behavior, it may not be in the child's best interest to establish parentage. The court may consider this to be *good cause* for not doing so.

At the hearing, if both parties agree, a written agreement (or *stipulation*) establishing parentage is prepared for the judge's signature. If either party requests genetic testing, a written agreement setting forth the dates and times of the testing is prepared. If the court agrees with the stipulation, it will order genetic testing to proceed. Either party may object to the testing. The law also allows either parent to be exempt from genetic testing for *good cause*, such as a concern about potential family violence.

How does genetic testing work?

If genetic testing is ordered, you will be scheduled to see a specimen collector in the area where you live. The custodial parent and child are not scheduled to be tested at the same time as the alleged genetic parent—unless requested by both parties.

When you arrive at the testing site, you will:

- Be asked to show a photo ID or other form of identification
- Have your picture taken
- Have a sample of your genetic material taken

Cell samples will be taken from all involved parties, including the mother, alleged genetic parent, and child, by rubbing a soft cotton swab on the inside of the mouth/inner cheek. The samples are sent to a laboratory where they are compared. Testing is based on DNA and is extremely accurate. By comparing the three genetic samples, the test can establish with 99.9% certainty whether the alleged father is the genetic parent.

What if one party fails to appear for genetic testing?

- If the alleged genetic parent fails to appear for the test as scheduled, the court can issue an order determining parentage of the child.
- If the custodial parent and child receive public assistance AND they fail to appear for the test as scheduled, the amount of Reach Up Family Assistance they receive can be reduced for not cooperating with OCS.
- If the custodial parent and child receive Medicaid AND they fail to appear for the test as scheduled, the custodial parent can lose Medicaid benefits for not cooperating with OCS; however, the child will still be on Medicaid.
- If the custodial parent and child do not receive public assistance AND they fail to appear for the test, the court will rule on any requests by other interested parties.

What happens after genetic testing?

Generally, the results are mailed to all parties within 30 days after the genetic sample of the last person being tested is taken.

- If the test proves that the alleged parent is not the genetic parent, the party filing the action (OCS or the parent) will request a dismissal. If the court grants the dismissal, we will close our case with the alleged parent.
- If the test shows the alleged parent is the genetic parent, they may sign a VAP. If they still deny being the genetic parent, they are entitled to a court hearing.

We are required to make test results available to all parties 15 days prior to a hearing in which the results will be used as evidence.

What is a parentage order?

An order issued by the court either upon agreement (*stipulation*) of the parties or upon a finding by the court following a hearing. Before child or medical support can be established, there must be a parentage order OR *legal presumption of parentage.*

A person is presumed to be the parent of a child if they:

- Gave birth to the child (except for a surrogate)
- Were married or civilly joined to the person who gave birth to the child:
  - When the child was born, OR
  - Up to 300 days before the child was born if the marriage or union has ended.
- Married the person who gave birth to the child after the child's birth, claimed to be the parent and agreed to be named as parent on the child's birth certificate.
- Lived in the same home with the child from birth through at least the first two years of their life, openly identified themselves as the child's parent and the other parent agrees that they are the child's parent.

CHAPTER 3:
ESTABLISHING SUPPORT

Once parentage has been legally established, parents and their children share all rights and responsibilities granted by law. One of these is support. Children who do not live with both parents are legally entitled to receive both child and medical support.

What is a child support order?

A child support order requires one of the parents to pay the other an ongoing cash amount toward support of the child. Child support orders are issued by the court either upon agreement (*stipulation*) by the parties or as a result of a court hearing.

The court will order the payment of support through wage withholding, unless:

- Both parents ask to handle support payments on their own AND the court waives the wage withholding requirement.
- The non-custodial parent is self-employed. If the non-custodial parent later becomes an employee, wage withholding is required.

What is a medical support order?

- A medical support order requires either:
  a. One or both parents to provide health insurance coverage for the children.
  b. One of the parents to pay an ongoing cash amount towards health insurance coverage for the children.
- If the order requires one or both parents to provide health insurance, it may also include wording about *insurance being available at a reasonable cost*. (Vermont law defines reasonable cost as 5% of the parent's gross income.)
- If health insurance is not currently available at a reasonable cost, the order may require future health insurance coverage if and when it becomes available at a *reasonable cost*. If this is the case, the parent(s) must provide health insurance when it becomes available—without another court hearing.
- The order may also address who is responsible for paying unreimbursed medical expenses; please note that Vermont law requires the custodial parent to pay the first $200 each year.
- Medical support orders are issued by the court either upon agreement (*stipulation*) by the parties or as a result of a court hearing.

When should I establish support?

Medical and child support are typically determined at the same time as custody—during a separation or divorce process or as part of a legal action to establish parentage. However, it can be decided anytime the parents are not living together. *You must have a custody order before you can obtain a child support order but not necessarily before you can get an order for medical support.*

How do I establish support?

In Vermont, legal issues involving child and medical support and most other family-related issues are settled in the Family Division of Superior Court.

- If you are receiving services from OCS and need to establish support, we will initiate the process on your behalf and file the required paperwork.
- If a child is receiving public assistance, the law requires us to establish a child and medical support order and to collect support—unless the custodial parent or guardian shows *good cause* not to do so (e.g., it is not in the child's best interest because there is a concern about domestic violence or child abuse).
- In most cases, if a child is receiving Medicaid, the law requires us to establish a medical support order and either collect cash medical support or obtain private health coverage—unless the custodial parent or guardian shows *good cause* not to do so.
- If you are not getting services from us, you may initiate a support order on your own by filing three forms with your local court: *Petition to Establish Support; Affidavit of Income and Assets* (required of both parents); and *Child Support Guidelines Worksheet*. The forms are available at court or from OCS.

Family Division of Superior Court in Vermont

These courts were established to make it easier for families to represent themselves in legal proceedings. There is a Family Division of Superior Court in every county. Each one has a case manager who will meet with the parties before hearings, help them understand their legal rights and responsibilities, and facilitate discussions about the issues before the court.

Who's Who at Court

Judges preside over cases involving the establishment of parentage, parental rights and responsibilities (*custody*), parent-child contact (*visitation*), and contempt actions.

Magistrates preside over cases involving the establishment of parentage and the establishment, modification, and enforcement of child and medical support.

Case Managers help parents to identify areas of agreement and disagreement on custody, visitation, child support, medical coverage, and other matters—before they see a judge or magistrate.

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What is OCS' role at court?

We are involved in court hearings and conferences when:

1. Either parent has requested our services
2. The custodial parent gets public assistance or Medicaid and has assigned his or her rights of support to the State of Vermont
3. The court needs us to provide documentation of support payments or arrears

Our workers may appear in court to:

- Present evidence about the parents' incomes and resources
- Calculate parental support obligations
- Recommend deviations from the guidelines if it's in children's best interests
- Provide supporting documentation and legal justification for any deviations
- Represent the State of Vermont's interest in cases involving public assistance or Medicaid

We work together with the Family Division of Superior Court to schedule days when our staff can appear in court. If you are receiving services from us and request a change in your support order on your own, make sure that you or the court notifies us at least two weeks prior to the hearing.

How does the legal process work?

When we file a motion with the Family Division of Superior Court, the court serves notice to all parties involved and schedules a case manager conference as well as a hearing before the magistrate or judge. Proceedings cannot go forward until each party has been served notice (called *perfection of service*).

Once all parties have been notified, they must appear in court at the scheduled time. If one of the parties fails to appear, the court may issue a default judgment against that person.

Case Manager Conferences:

During the conference, which is typically scheduled for one hour, the case manager explains the court process and the motions and issues at hand. If the parents reach agreement on the issues, a legally binding agreement (called a *stipulation*) is prepared and submitted to the magistrate or judge for signature. If the parents fail to reach agreement, the matter is set for a hearing.

Hearings Before a Magistrate:

Magistrate hearings are scheduled when either:

a. The parents cannot agree on parentage or on the establishment, modification, or enforcement of support. *OR*

b. The court does not accept the agreement reached by the parents.

Parents may represent themselves or have their attorneys attend with them.

Hearings Before a Judge:

A judge has broader powers than a magistrate. For example, in domestic relations cases, a judge hears divorce and property issues as well as child and medical support issues. When a hearing is held before a judge, many parents choose to have their attorneys attend with them; however, this is a personal choice and not a requirement.

Documents Required:

Both parents must provide the court with the following financial information:

- *Affidavit of Income and Assets* (Form 813 available from OCS or the court)
- Copies of their four most recent pay stubs
- Statements of cost and availability of health insurance for dependents
- Any records documenting self-employment
- Copies of their two most recent federal income tax returns
- Copies of other supporting evidence (e.g., canceled checks and money orders)

How is the amount of support determined?

The court calculates the amount each parent should provide the children based on:

- The documents provided by both parents
- The recommendation of OCS staff
- The Vermont Child Support Guidelines

OCS recommends child support based on the parents' documented income. However, if either parent does not provide all the required documentation, Vermont law allows us to assume that his or her income is the gross income indicated by any evidence.

Vermont Child Support Guidelines

The Vermont Child Support Guidelines are used to calculate the amount of child support to be paid. They take into account both parents' entire financial situation, including any existing court-ordered support obligations.

The guidelines are based on the principle that children should have the same share of their family's economic resources that they would have if the parents were together. You can get a copy of the guidelines from OCS or the Family Division of Superior Court.

Deviating from the Guidelines

If you have special circumstances that are not addressed by the Vermont guidelines, which you feel entitles you to pay less or receive more child support than otherwise required, you can ask the court to grant a *deviation* from the guidelines.

There must be a specific reason for the deviation, such as:

- Financial resources of the children or either parent (this may include the resources of a new spouse)
- Any special physical, emotional, or educational needs of the children
- Educational needs of either parent if education is being pursued to improve the parent's earning potential
- Extraordinary travel expenses incurred by a non-custodial parent for parent/child visits

These are only examples. Depending on the circumstances, the court may or may not grant a deviation for these or other reasons.

If the Alleged Parent has been Abusive

If the alleged parent has abused you or your child, we need to know about it. Your caseworker can put you in touch with people who can help. And, we may change our course of action if it might put you or your child at risk.

If you are receiving public assistance or Medicaid, you may request a Waiver of Cooperation from the Economic Services Division (ESD) of the Department for Children and Families. If ESD grants the waiver, we will not initiate support actions or file anything in court on your behalf. This will not, however, prevent the alleged parent from filing a court action on his own without our involvement (e.g., requesting a genetic test to gain custody or visitation rights). If an action is filed, OCS will attend any court hearings to protect the state's interests.

CHAPTER 4:
MODIFYING SUPPORT

Once a support order is issued, it remains in effect until the court modifies it—even if there is a change in one parent's income or a change in custody. For example, if you and the other parent switch custody, either: 1) the judge who issues the custody order modifies your support order; or 2) you must request a modification.

When can I request a modification?

The court will consider modifying your support order:

When There is a Real, Substantial, and Unanticipated Change in Circumstances:
Either parent may request a modification if:

- There has been a real, substantial, and unanticipated change in circumstances, such as a significant income change, disability, job loss, cost of visitation or health insurance, or custody change.
- There is a need to suspend wage withholding.
- There has been a change that will result in child support that is at least 10% higher or 10% lower than ordered per Vermont Child Support Guidelines. (The 10% change refers to a change in the support payment, not income; a 10% change in either parent's income may or may not lead to a 10% change in the support payment.) The only way to determine this is to compute support using the new incomes. OCS or the Family Division of Superior Court can help you with this calculation.

> The expense of a second family is not considered on its own to be a real, substantial, and unanticipated change in circumstances; however, it may be taken into account during a three-year review.

At a Three-Year Review: By law, either parent may request a review of their support case—once every three years. At the review, either parent may ask the court to modify the support order, even if there has not been a real, substantial, and unanticipated change in circumstances. For example, you may ask the court to consider the expense of a second family or the resources of a new spouse when calculating the amount of support to be paid.

If the custodial parent receives public assistance or Medicaid, OCS may request a modification at any time, because of a substantial change in circumstances or other reason. This is required by federal law for all public assistance recipients.

How do I request a modification?

Either parent may request a change (or *modification*) to their order—with legal counsel or on their own without legal counsel (called a *pro se modification)*. Here's how:

1. Obtain a Modification Package, which includes the forms you need to request a change to a support order, from OCS or any Family Division of Superior Court.
2. File a completed *Petition to Modify Child Support* in court, and pay the filing fee or request that it be waived by the court.
3. The court will notify all parties of the filing and provide them with the opportunity to challenge the proposed change.
4. Soon after the petition is filed, a modification hearing is scheduled in court and all parties are informed of the date and time. You have the right to hire an attorney to represent your interests at the hearing.
5. If you and the other parent agree to the proposed change, you can avoid a court hearing by meeting with your OCS caseworker and the court's case manager to sign an agreement (or *stipulation*). The agreement will be sent to the magistrate who will issue the new support order.
6. If you do not agree on the proposed change, both parents must appear at the modification hearing and may challenge the proposed change at that time.
7. Both parents must provide the court with the same financial information and documents, which will be used to recalculate the support obligation, according to Vermont Child Support Guidelines.
8. If either parent (or their attorney) fails to attend the hearing, the court may issue a default judgment against that missing parent.
9. If either parent does not submit the required financial documents, the court has the authority to assume that his or her income is the gross income indicated by any evidence.

If you request a *pro se modification* and we are providing services on your case, our staff may attend the modification hearing to provide information about both parents' ability to support the children; make sure the children have adequate health insurance; or represent the state's interest in recouping public assistance funds the custodial parent received.

It may be several months before the court holds a hearing to rule on your request for modification. *We cannot change the terms of your current court order until we receive a signed copy of a new order.*

CHAPTER 5:
PAYING & RECEIVING SUPPORT

In Vermont, support is paid in one of three ways:

1. Employers withhold wages and forward support payments to the OCS Registry.
2. Non-custodial parents make support payments directly to the OCS Registry (the court must waive wage withholding).
3. Non-custodial parents send support payments directly to custodial parents without involving the OCS Registry (both parents must request this arrangement and the court must approve).

What is the OCS Registry?

The OCS Registry:

- Processes support collections and disbursements
- Maintains records of child support accounts, including information about the parents and other parties involved
- Provides records of payments made and received when requested by either parent
- Notifies employers of wage-withholding orders

Registry-Only Cases

A Registry-Only case is one in which:

1. A Vermont court has ordered the payment of support through the OCS Registry
2. Neither parent has applied for our services
3. The custodial parent is not receiving public assistance or Medicaid

We must comply with all court orders governing Registry-Only cases. We cannot stop, change, divert, or enforce the payment of support—unless directed by the court to do so. If you want other services from us, such as help locating the non-custodial parent or enforcing a support order, you must apply for our services.

If you do not request services, we will record any late or missing payments, but will not contact employers or non-custodial parents.

Fees for Registry-Only Cases

There is a fee of $5.00 each month a payment is recorded. The non-custodial parent receives credit for the full payment, while the custodial parent receives $5 less than what was paid. (The law allows the court to increase monthly support to take administrative costs into account—unless the non-custodial parent is below the poverty level.)

By law, the fee is deducted from the first support payment received each month. If no support is received in a month, there is no charge that month. If two or more payments are received in a month, there is only one $5 charge—even if the payments cover more than one month's support. There may also be subpoena and witness fees if OCS employees are required to testify in court about Registry-Only payments.

Fees can be avoided by applying for our services. As soon as you start receiving services (usually within days of applying):

1. Your case ceases to be a Registry-Only case
2. There are no more monthly fees
3. We can provide you with the full array of available services

Can I track payments made to the OCS Registry?

You can track payments made through the Registry three ways:

1. **Call our Help Line at 1-800-786-3214.**
   You can access our automated system 24 hours a day, 7 days a week, from anywhere in the country. To do so, you must enter your System Access Number (SAN) and Personal Identification Number (PIN). Your PIN will be printed on your statement and check stubs. You can also talk to a Customer Service Representative during regular business hours: Monday through Friday, 7:45 am to 4:15 pm.

2. **Check your Account Statements.**
   Non-custodial parents who pay support directly to the Registry receive monthly billing statements. In most other instances, annual statements are issued. Statements list all support payments recorded through the Registry since the previous statement.

3. **Request the complete history of support payments on your case.**
   Either parent can request a complete history of support payments for their case by speaking with a Customer Service Representative or writing their regional OCS office. We will provide a free statement indicating what has been received since the most recent support order. If you find an error, contact a Customer Service Representative at 1-800-786-3214 or write to your regional OCS office. We will correct any errors as soon as possible.

Do I have to pay support through wage withholding?

Vermont law requires all child support orders issued after June 1990 to include wage withholding through the OCS Registry, unless:

- Both parents ask to handle support payments on their own AND the court waives the wage withholding requirement.
- The non-custodial parent is self-employed. In these cases, the court usually instructs them to pay support directly to the OCS Registry. If the non-custodial parent later becomes an employee, wage withholding is required.

Wage withholding is a convenient way to pay child support. Payments are taken right from the non-custodial parent's wages (or unemployment compensation) and forwarded to the OCS Registry for processing and disbursement. It creates an accurate record of support payments made and received, helping to eliminate disputes.

How Wage Withholding Works in Vermont

1. The court issues a support order requiring wage withholding.
2. The court sends a copy of the order to OCS.
3. Within a few days of receiving the court order, we send the non-custodial parent's employer a wage-withholding notice (even if the employer is out of state). It specifies the amount to be withheld from the non-custodial parent's wages on a weekly, biweekly, semi-monthly, or monthly basis—depending on the employer's pay cycle.
4. We notify both parents of the action taken.
5. The employer deducts the specified amount from the non-custodial parent's wages each pay period and forwards it to the OCS Registry.
   - To start, the employer must withhold support within 10 business days of the first payroll.
   - Afterwards, withholding is done every pay period and payments must be forwarded to the OCS Registry within 7 business days. An employer may follow the company's existing pay schedule when forwarding support to us, even if it is not the same frequency as specified in the support order.
6. We record the payment and issue it to the custodial parent (or other entitled party) within two business days.
7. We send an annual statement to the non-custodial parent, noting the monthly amount of support payments recorded by the OCS Registry.
8. Non-custodial parents should review these statements to make sure all wage withholdings were credited appropriately.

Start-Up Delays

It typically takes several weeks for wage withholding to begin. Several factors contribute to this waiting period:

- It may take several weeks for us to receive a copy of the support order from the court, especially if the order is issued out of state.
- We must receive a copy of the order before notifying an employer of wage withholding.
- It can take an employer 10 or more business days to forward the first payment—depending on how often wages are paid and when the wage-withholding notice was received.

If it has been 2 weeks since your support order was issued and we have not sent the wage-withholding notice, contact a Customer Service Representative at 1-800-786-3214.

If a Payment is Late or the Employer Fails to Comply

Employers are responsible for forwarding payments to the OCS Registry within 7 business days of the non-custodial parent's payday and can be held legally responsible for the amount of payments not made.

Employers who do not comply with a wage-withholding order can be fined and held liable for the payment amounts they fail to withhold.

If you receive our services, we will phone the employer and follow up with a letter if a payment is missed. If it is still not made, we may file a court action against the employer.

What Non-Custodial Parents Should Do Until Wage Withholding Begins

It can take several weeks for withholding to begin. Until it does, you must either:

1. **Make payments using a credit or debit card.** Call 1-800-786-3214, visit an OCS regional office, or go to *http://EZpay4kids.vt.gov* to pay online.
2. **Make payments by check.** Send checks to the Vermont Office of Child Support, PO Box 1310, Williston, VT 05495. Write the OCS case number and the name of the parent receiving support on the memo line of the check/money order. Keep a copy of each canceled check as a record of payment.

Do not pay support directly to the custodial parent; we must have a record of the payment in the event of a dispute. If you do not pay the required support payments before withholding begins, the account will show an amount past due, and you will be required to make up the missed payments.

Out-of-State Wage-Withholding Orders

Federal law requires your employer to honor a wage-withholding order (and medical support notice) received from an agency of another state, whether or not you agree with the order.

As soon as an order/notice is received, the employer should notify you and take the necessary steps to comply. The order has the same force of law as any order issued by a Vermont court, and you and the employer can be penalized for failing to comply.

Even if the children do not live in your health insurer's service area, the employer's responsibility is the same. You may contact a Customer Service Representative regarding this requirement if you have questions.

Penalty for Non-Compliance

Employers who do not comply with a wage-withholding order can be fined and held liable for the amount of payments they fail to withhold. Employers who fail to enroll a child in health insurance coverage may be liable for any medical expenses that should have been paid if the child had been enrolled as ordered.

Child support agencies in all 50 states work together to enforce support orders—regardless of which state issued the order or where the parents live.

If You Disagree with an Out-of-State Withholding Order

According to federal law, you should have been given an opportunity to contest your support order before the wage-withholding or medical support notice was issued. If you still disagree with the order, you should immediately notify—in writing:

- Your employer
- The state agency or court that issued the order
- The state agency that sent the notice (if it's not the one that issued the order)
- The agency or department where your payments are to be received (if wage-withholding is included)

Even if you object, your employer must withhold your wages and enroll your children in health insurance as instructed in the order, until you obtain:

1. A modified order
2. An order to stop withholding (and enrollment) from the state that issued the notice

The Amount Withheld

In addition to the amount specified in the withholding order, Vermont law allows your employer to deduct a fee of up to $5.00 per month from your pay to help cover processing costs. However, your employer may not deduct more than $5 per month—even if you are paying support for more than one child and there are multiple withholding orders. Your employer may also withhold premium costs for health insurance coverage if that is included in the order and not already being withheld.

The total amount withheld from your wages for all support, including any payment toward arrears (past-due support), cannot exceed Consumer Credit Protection Act limits (see below). While the court can order more support than the CCPA limit, employers may not deduct more than the limit allows. The support that goes unpaid accumulates as arrears that must eventually be repaid through wage withholding or other means. In these cases, the non-custodial parent may want to request modification of the support order.

The Consumer Credit Protection Act (CCPA)

The federal Consumer Credit Protection Act (CCPA) limits the amount that can be withheld from the non-custodial parent's wages to meet support and other obligations. The limits are designed to protect a portion of the non-custodial parent's earnings for his or her own living expenses if the earnings are reduced—due to illness, lack of work, or other reasons—after a court order is issued.

The maximum allowable amount that can be withheld from the parent's wages to pay support depends on whether or not:

- The non-custodial parent has new dependents
- The child support order includes an arrears payment (to pay past-due support)

Wage-withholding notices to employers include information about the CCPA and steps to take if a non-custodial parent's withholdings exceed CCPA limits. Maximum percentages that can be withheld from non-custodial parent wages are:

<u>For Non-Custodial Parents with New Dependents</u>

- 50% if the order covers current support only
- 55% if the order also requires an arrears payment

<u>For Non-Custodial Parents without New Dependents</u>

- 60% if the order covers current support only
- 65% if the order also requires an arrears payment

If There is a Withholding Error

If the employer has been withholding the wrong amount, we will notify the employer to correct the amount. If you discover that you have overpaid, notify us. We will review your account and provide instructions.

Withholding for Arrears

If there is past-due support (or *arrears*), the wage withholding notice may require the employer to deduct an amount that is greater than what's needed to pay current support; however, the total withholding for current and past-due support must still fall within the limits of the Consumer Credit Protection Act.

Once the past-due amount is paid up, the OCS Registry automatically reduces the amount of withholding. (Double-check paychecks to make sure the changes are made.)

Vermont law requires a monthly surcharge on overdue support of .5% (or *one-half of one percent*). The surcharge is not compounded, which means that it only applies to the actual amount overdue and not to previous surcharge amounts.

For accounting purposes, payments are applied in a specific order:

1. Current support
2. Arrears
3. Any surcharge balance

Withholding and Unemployment

- If the non-custodial parent becomes unemployed, support payments must continue.
- If the parent receives unemployment compensation in Vermont, we will instruct the Vermont Department of Labor to automatically withhold the support payment from each unemployment check and forward it to the OCS Registry.
- If the non-custodial parent receives unemployment benefits from a state other than Vermont and our services have been requested, we may contact the other state to begin wage withholding from those benefits.
- If the parent is not receiving unemployment compensation, he or she is responsible for making support payments directly to the OCS Registry. The amount of support remains the same unless and until one party files a petition to modify child support and the court issues a modified support order.
- If the parent is unemployed, has no income, and our services have been requested, we can determine whether legal action is appropriate. For example, a court action may be filed to determine whether the non-custodial parent has voluntarily quit work to avoid paying support.

Withholding and Job Changes

If the non-custodial parent changes jobs, he or she must report the change to the OCS Registry. The employer or custodial parent may also notify us.

If the non-custodial parent tries to conceal a new job and our services have been requested, we may be able to locate him or her by:

1. Following up on leads provided by the custodial parent
2. Using the new hire reporting system
3. Requesting help from other agencies and sources

New Hire Reporting

Federal law requires all employers in the U.S. to report newly-hired employees to their state employment agency or state case registry. This information is entered into the National Directory of New Hires database.

In Vermont, all new hires are reported to the Vermont Department of Labor. Employers have up to 10 days from the hiring date to report new employees.

How do I pay support directly to the OCS Registry?

If the court waives withholding in your support order OR you are self-employed, you are responsible for making your support payments to the OCS Registry when they are due. Do not pay support directly to the custodial parent; we must have a record of the payment in the event of a dispute.

You can make your payments:

1. **Using a credit or debit card.** Call 1-800-786-3214, visit an OCS regional office, or go to *http://EZpay4kids.vt.gov* to pay online.
2. **By check.** Send checks along with payment coupons to the Vermont Office of Child Support, PO Box 1310, Williston, VT 05495. Write the OCS case number and the name of the parent receiving support on the memo line of the check/money order. Keep a copy of each canceled check as a record of payment.

If Payments are Late

If the support order was signed before the wage-withholding law took effect, the custodial parent can ask the court to order wage withholding any time payments are seven days late. If payments are three months in arrears, we may attempt to establish a withholding order by administrative process—a method by which support orders can be made and enforced by an executive agency such as OCS rather than the court.

How will I receive the child support payments processed by OCS?

The law requires OCS customers to sign up for electronic payments. You may select one of the following two options:

1. Direct Deposit Into One Bank Account.

To take advantage of direct deposit, you will need to provide your account information (which is kept confidential) as well as your written authorization. Once we receive this, we will contact your bank to make the necessary arrangements.

Payments may be made to either a savings or checking account, but not both. To check that a payment has been credited to your account, call your bank. OCS will not know when your bank has credited the payment to your account.

2. A Reliacard® Prepaid Visa® Debit Card From U.S. Bank.

You can use your Reliacard to make purchases, pay bills, or get cash everywhere Visa debit cards are accepted. It is not a credit card. There is no cost to sign up. You do not need to have a bank account to enroll.

In addition, you can sign up to receive alerts (via email or text) that notify you when funds have been added to your card. If you don't set up direct deposit, you will automatically be issued a Reliacard.

Once we receive your authorization, it takes about 30 days for electronic payments to begin. Once they start, OCS will typically deposit your child support payments — directly into your bank account or on your ReliaCard — within two (2) business days of receiving a payment. Occasionally, however, problems prevent us from meeting this timeframe.

Contact a Customer Service Representative at 1-800-786-3214 to:

- Let us know if your support payments are consistently five or more days late
- Change your electronic payment option
- Find out when we received your child support payment

What happens when a non-custodial parent has more than one support order?

There may be more than one legal claim to a non-custodial parent's support payments. If he or she is supporting children in different households and does not meet the full support obligation for all of them, we will consider the interests of all the children and prorate the amount each household will receive—based on a percentage of the full amount to which each is entitled.

The amount of the shortfall accumulates as arrears in each custodial parent's account. The non-custodial parent must eventually pay off this debt through wage withholding or direct payment to the OCS Registry.

Social Security Disability Benefits & Support

Social Security benefits children receive may count as payment on the support obligation if:

- The non-custodial parent receives Social Security Disability
- His or her children receive Social Security benefits based on the non-custodial parent's earnings record

This will depend on the circumstances of your support case. If you think you should receive credit for Social Security payments your children receive, please contact us.

When does support end?

Your support order states when the support obligation ends. Typically, it ends when the youngest child on the order turns 18 or finishes high school, whichever is later. If the parties disagree about when it ends, a request to determine the end date must be filed with the court.

If the account has a past-due balance (*arrears*) when support is supposed to end, the non-custodial parent must continue making payments at the *current level*—either through wage withholding or by direct payment to the OCS Registry—until the entire balance is paid in full.

The *current level* means the regular monthly support plus the monthly amount the non-custodial parent has been ordered to pay toward arrears. If the non-custodial parent obtains a modification reducing the amount of this payment, he or she pays the new amount ordered by the court.

CHAPTER 6:
ENFORCING SUPPORT

If a non-custodial parent cannot be found or is not complying with a support order, we can take steps to find the parent and enforce the order. This includes working with other agencies in Vermont as well as child support agencies in other states to enforce the order and collect past-due support.

The *Uniform Interstate Family Support Act*—a federal law passed in 1998—requires child support agencies in all 50 states work together to establish, modify and enforce support orders regardless of where the orders originate. What this means for you is that we can take the same steps to enforce an out-of-state support order that we can to enforce one issued in Vermont.

Before we can start any enforcement action on your behalf, you must be receiving our services. If you are not receiving services or have a Registry-Only case, you need to apply.

What can OCS do to enforce child support?

We are authorized to undertake a number of enforcement activities designed to make sure child support payments are made as ordered by the court. These include:

1. Using administrative remedies (*actions we can take without a court order*)
2. Requesting a court action

If your case needs enforcement, we will evaluate it and decide how to proceed. Some steps are automatic, and we may not inform you before taking action. For example, if we find an employer through a national database match, we will automatically issue a wage withholding notice to that employer.

We will always inform you beforehand if enforcement involves a court action.

It is important that you inform us of any changes in your circumstances and notify us before entering into any agreement that could affect your support.

If the non-custodial parent lives outside the United States and is not complying with the support order, we may be able to help you determine the enforcement options available. If you have a case with us, contact your OCS caseworker. If you do not have a case with us, call a Customer Service Representative at 1-800-786-3214.

What are administrative remedies?

Below is a list of administrative remedies available to OCS, starting with the least severe. Some are automatic, while some are optional based on the facts in the case. Some may be used only after the support past-due is 25% or more of the annual obligation. This usually means that it is more than three months overdue. Other remedies may be used as soon as a payment is one month past due. All remedies may be used even if the non-custodial parent is making payments toward the past-due amount.

Before we can initiate an administrative remedy, we must notify the non-custodial parent of the past due amount, the remedies we may take to collect it, and the right to appeal. Once the non-custodial parent is notified and given an opportunity to disagree with the amount of arrears owed, administrative remedies may take place at any time.

Wage Withholding:

If the support order does not include a requirement for wage withholding, we may notify an employer to start withholding the amount of support from the non-custodial parent's wages. *When payments are one month overdue.*

Increase Wage Withholding for Arrears:

We may notify the employer to increase wage withholding (up to 25% of current support) to pay past-due support. *When payments are one month overdue.*

Lottery Offset:

We may collect a non-custodial parent's lottery winnings of more than $500. Lottery offsets are applied to current support first and then to any arrears. *When support is at least $500 in arrears.*

Liens:

We may place a lien on property owned by the non-custodial parent, including his or her home. *When payments are more than three months overdue or there is a court judgment against the non-custodial parent for arrears equal to at least one month of annual support.*

Trustee Process:

We may seek to attach any assets owned by the non-custodial parent and held by another person, institution, or entity (e.g. bank or retirement account). *When payments are more than three months overdue.*

License Non-Renewal:

We may ask a licensing authority to not renew a professional or recreational license. *When payments are at least one month overdue and the non-custodial parent is not complying with a repayment plan.*

State Tax Refund Offset:

We may intercept a non-custodial parent's state income tax refund. It must be applied to current support first; then, it can be used to pay back any *arrears*. When a non-custodial parent's tax refund is from a joint return, the Vermont Tax Department will determine the amount due to the current spouse from the state refund and instruct us to issue a check for that amount. The current spouse has up to 30 days to request the refund through the Tax Department. *When arrears total $50 or more.*

Federal Tax Refund Offset:

We may intercept a non-custodial parent's federal income tax refund. Federal law establishes the amount of arrears that can be offset as well as how we must apply any tax refund intercepted. A federal tax refund must be applied to current support first; then, it can be used to pay back any arrears.

When a non-custodial parent's tax refund is from a joint return, the IRS will determine how much of the federal refund should go to the non-custodial parent's current spouse and issue a check to that spouse. It can take up to six months for the IRS to make this determination.

When the custodial parent receives public assistance or Medicaid, at least $150 in past-due support is owed, support is more than one month overdue, and support has been assigned to the state. Or the custodial parent does not receive public assistance or Medicaid and at least $500 in past-due support is owed.

Other Treasury Offsets:

We may intercept any funds due the non-custodial parent from any federal source (e.g., business loans, student loans, and federal contracts). Federal law establishes the amount of arrears that can be offset as well as how we must apply them.

When the custodial parent receives public assistance or Medicaid, support is more than one month overdue, at least $150 in past-due support is owed, and support has been assigned to the state. Or the custodial parent does not receive public assistance or Medicaid and at least $500 in past-due support is owed.

Passport Denial:

We may ask the federal government to not renew or provide a passport. Once the passport is denied, the arrears must be paid in full before a passport is allowed in most situations. *When payments are at least $2,500 in arrears.*

What can OCS do to enforce medical coverage?

We are authorized to enforce court-ordered medical coverage. Here's how:

1. We notify the non-custodial parent's employer of the court-ordered requirement to enroll dependent children in health insurance coverage. The notice is called a *National Medical Support Notice,* and employers are obligated to comply with it.
2. We make sure the children are enrolled in health insurance if it is available at a *reasonable cost*. (Determination of *reasonable cost* varies from state to state; it is based on the non-custodial parent's available income versus health insurance premiums.)
3. We notify the custodial parent of the coverage being provided.

If an employer fails to comply with a *National Medical Support Notice*, we evaluate the case and decide how to proceed. We may not inform you in advance of a step being taken to enforce medical coverage, unless it involves filing a court action.

What actions can courts take to enforce support?

Civil Penalties: If the Family Division of Superior Court determines that the parent is deliberately refusing to pay, it may require the non-custodial parent to pay a penalty of up to 10% on any amount of support that has been past due for more than 30 days.

Holding Assets in Escrow: In certain circumstances, the court may require certain assets owned by the non-custodial parent to be held in escrow to guarantee that he or she will pay the support due. The escrow may not exceed the value of four months of support payments.

Contempt of Court: If the court finds that the non-custodial parent had the ability to pay support but willfully failed to do so, it may find the parent in contempt of court and order him or her to pay certain arrears or face imprisonment.

License Suspension: The court may order the suspension of any Vermont-issued license (e.g., driver's license, professional/trade license, and recreational license) held by a non-custodial parent who has failed to pay support for three or more months.

Liable for Medical Expenses: The court may find an employer who failed to enroll a child in health insurance liable for any medical expenses that would have been paid had the child been enrolled.

Work: If the paying parent is unemployed at the time of an enforcement hearing, the court can order the parent to seek employment immediately and report to the court, the other parent, or OCS on a weekly basis regarding efforts to find work. If the parent fails to look for work, the court can find the parent in contempt.

A Note to Non-Custodial Parents

A licensing agency will notify you before your license is suspended that you may request a hearing before the licensing agency to either deny that you are the correct person or to show that the arrears have been paid in full.

A license can be reinstated as soon as the amount of past-due support is paid in full or you agree to a repayment plan. The licensing agency will activate your license within 5 business days of receiving a reinstatement order from the court or a notice from OCS. All agencies charge a fee to reinstate a license.

How does the court process work?

If you have a case with us, we can file a *Petition for Enforcement* on your behalf. This is a written request that the court enforce the support order. As with any other request to the court, the other parent must be served with the *Petition for Enforcement* and any other paperwork before a hearing can be held.

At the court hearing, an OCS representative will be there to represent the state's interest; however, we will not be your attorney and will not represent you in court.

If the court determines that the non-custodial parent deliberately failed to pay support as ordered, the court can order up to a 10% penalty on amounts overdue by more than 30 days. The court can also order the delinquent parent to reimburse the other parent for attorney fees or other costs incurred for having to come to court to enforce the order.

What if I can't find the non-custodial parent?

If you do not know where the non-custodial parent is, we will attempt to find him or her using all available resources, including:

- The Federal Case Registry
- The National Directory of New Hires
- The Federal Parent Locator Service
- The Vermont Department of Labor
- The Vermont Department of Motor Vehicles
- Other government agencies that issue professional and recreational licenses

We do not, however, have private investigators on staff to help in the search.

The Federal Case Registry

Federal law requires each state to maintain a registry of all child support cases and to report certain case information to the Federal Case Registry. Steps are taken to ensure the Registry's accuracy and prevent unauthorized access to confidential information. Cases involving a history of family violence are coded to make sure no information is released, even to authorized Registry users. Contact us if you have any concerns about these issues.

How can I help OCS find the non-custodial parent?

- Give us all the relevant information you have about the parent, including the parent's full name, date of birth, Social Security number, last known address and employer, usual type of employment, and hobbies.
- Contact the non-custodial parent's family, friends, and past employers to get information that may lead us to the parent's current place of work or residence.
- Call companies involved in the type of work he or she has done, and ask if the non-custodial parent works there.
- Check for a return address on correspondence you received from the parent.

Will enforcement efforts be successful?

Unfortunately, there is no way to predict whether enforcement efforts will be successful or how long it may take. The likelihood of success and the time it may take for payments to begin depends on a variety of factors.

If the non-custodial parent has a steady, salaried job and lives in Vermont, there is a good chance that enforcement efforts will succeed. If the parent moves frequently or lives in another state, enforcing a support order becomes more difficult. It is especially difficult to collect support from people who are self-employed, regardless of where they live.

Ultimately, it may be impossible to enforce a support order if the non-custodial parent is habitually unemployed (or has hidden employment); we have no idea where the parent is; or the parent works diligently to avoid enforcement.

This is illustrated in the table on the next page.

THE LIKELIHOOD OF SUCCESS

INCOME OF THE NON-CUSTODIAL PARENT	WHEREABOUTS OF THE NON-CUSTODIAL PARENT			
	Known, in Vermont	**Known, out of state**	**Unknown (moves often)**	**Unknown (no idea)**
Salary with steady employment	very high likelihood of payment; likely within weeks	high likelihood of payment; likely within weeks	high likelihood of payment; likely within weeks	medium likelihood of payment; could take months
Some known income or assets; self-employed	medium likelihood; months	medium likelihood; months	medium likelihood; years	medium likelihood; years
No known income or assets; self-employed	medium/low likelihood; months	medium/low likelihood; months	medium/low likelihood; years	medium/low likelihood; years
Unemployed; "under the table" income; possibly dependent on drugs or alcohol	low likelihood; months	low likelihood; months	low likelihood; years	low likelihood; years
No idea whatsoever	low likelihood; months	low likelihood; months	very low likelihood; years	very low likelihood; perhaps never

Will you follow up on my case?

We will take all possible steps to help you and your children secure the support to which you are entitled. These steps include conducting periodic reviews of your case, contacting other agencies for updates, and notifying you of any major developments.

Because our staffing is limited and caseloads are high, it may not be possible to devote additional, individual attention to your case. If you feel that we are not doing enough, you can hire your own attorney or private investigator.

CHAPTER 7:
GETTING SUPPORT WHILE RECEIVING PUBLIC ASSISTANCE OR MEDICAID

By law, when custodial parents receive public assistance or Medicaid for themselves and their children:

The Office of Child Support must:	The Custodial Parent must:	The Non-Custodial Parent must:
1. Provide services to the custodial parent. 2. Collect child and medical support to recover the public assistance paid.	1. Sign over their right to support payments to the State of Vermont. 2. Sign over their right to any arrears that accrue while receiving public assistance. 3. Cooperate with OCS.	1. Make all child support payments through the OCS Registry. 2. Make any cash medical support payments through the OCS Registry.

What happens while I receive public assistance?

While you receive public assistance (Reach Up benefits), you must help us to pursue child support. This could include providing information about the non-custodial parent's whereabouts and appearing in court when notified. If you do not cooperate with us while on public assistance, your cash benefit may be reduced by 25%.

When we receive a payment for current support from the non-custodial parent, we will immediately send it to the Economic Services Division (ESD) of the Department for Children and Families, which issues *Reach Up* benefits.

When child support payments are made on time, ESD will provide you with a *Family Bonus*. The bonus can be any amount up to the first $50 of the support payment. This means that each month your child support payment is received on time, ESD will send your monthly *Reach Up* cash benefit plus your *Family Bonus* (up to $50). You will not get a separate payment from us.

If support is not collected when it's due, it becomes a *public assistance debt* the non-custodial parent owes the state— even after you stop getting public assistance.

What happens while we are on Medicaid?

While you and your children are on Medicaid, you must help us to get private health insurance from the non-custodial parent. If you do not cooperate with us while receiving Medicaid, *you* will no longer be entitled to receive Medicaid; however, your children will remain on Medicaid.

If private health insurance is not available at a reasonable cost, you must sign over (*assign*) your right to cash medical support to the State of Vermont. When we receive a payment for cash medical support, we will immediately send it to the Economic Services Division (ESD) to pay back the state for medical expenses.

If cash medical support is not collected when it's due, it becomes a *public assistance debt* the non-custodial parent owes the state— even after you stop getting Medicaid.

What if I am afraid to cooperate with OCS?

If you are afraid to cooperate with us because you believe that you or your children may be physically or emotionally harmed if we pursue support, you may request a *Waiver of Cooperation* from the Economic Services Division. ESD will review your request and notify you in writing of its decision. We will not pursue support while the request for a waiver is being reviewed. If a waiver is granted, you and your children will receive the full amount of public assistance or Medicaid—without having to cooperate with us. You may request a waiver at any time.

What happens when public assistance ends?

Once your Reach Up grant or Medicaid benefits close, we are required to continue providing services unless you request they be stopped. The month after the grant closes or Medicaid ends, we will forward monthly child support payments directly to you.

How is a public assistance debt handled?

It depends on whether or not the custodial parent is still receiving public assistance or Medicaid. While the custodial parent is receiving public assistance, current child support payments and any arrears paid (that accrued while the custodial parent was on public assistance) are kept by the state. Once the custodial parent is no longer receiving public assistance or Medicaid, we first apply a payment received to the monthly child support, which is forwarded to the custodial parent. Any excess amount received will be used to pay off past-due support (*arrears*) owed to the custodial parent before it goes to pay off the public assistance debt.

This issue can get complicated. If you have any questions, please call a Customer Service Representative at 1-800-786-3214.

Chapter 8:
UNDERSTANDING YOUR RIGHTS

Can I access information in my case file?

An OCS case file is a joint file, which simply means that all information about a case is kept in one file. This includes information gathered from all parties to the case (e.g., the custodial parent, non-custodial parent, legal guardian or caretaker, and children).

While all parties have an interest in the file, they do not have the right to all the information it contains. Some information is protected by confidentiality laws and cannot be shared between the parties. This means that one party may have access to information that the other party does not. Confidential information may include tax records, employment history, financial records, and other sensitive information.

You may obtain a copy of all non-confidential documents in your case file by submitting a written request and a $5.00 fee to your Regional OCS Office (see back).

Can I stop OCS services?

Unless you are receiving public assistance or Medicaid, you may stop services that you requested from us—at any time. Simply submit your request in writing to your OCS caseworker. If wage withholding was ordered by the court, we cannot stop collecting your support payments. You first have to ask the court to suspend the withholding requirement.

If you are receiving public assistance or Medicaid, we are required by law to provide services. You cannot ask us to stop services unless you request a *Waiver of Cooperation* from the Economic Services Division (ESD) based on your belief that you or your children may be physically or emotionally harmed if we pursue child or medical support.

ESD will review your request and notify you in writing of its decision. We will not pursue support while the request for a waiver is being reviewed. If a waiver is granted, you and your children will receive the full amount of public assistance or Medicaid—without having to cooperate with us. You may request a waiver at any time.

We also have the right to terminate a case when all available means to provide services have failed. This may occur if the service recipient fails to cooperate with us (i.e. failing to follow through on a request that prevents us from taking the next step in the case). Before action is taken to close a case, we will send you a letter explaining the reason(s) and you will have the opportunity to respond.

Is my information confidential?

When you receive our services, federal and state law requires you to provide us with certain information, including your and your child's Social Security numbers. We use these numbers to establish parentage, as well as to establish, modify, and enforce support orders. Enrolling a child in health insurance may require the release of the child's Social Security number and mailing address to the other parent's employer. By receiving our services, you authorize the use of your and your child's Social Security numbers for the purposes stated above.

Federal and state law protects the confidentiality of the personal information we have about you and your family. We are committed to protecting your privacy and to keeping information about your case confidential—to the extent permitted by law. This is also required of all agencies and organizations that work with us. You should be aware, however, that:

- Some federal laws require the sharing of certain information. For example, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires employers to report new hires, wage information, and unemployment information. This information, which is stored in a national database, helps us to collect child support and to eliminate fraud.
- All states have access to the Federal Case Registry, which maintains information on child support cases, to help collect support when parents live in different states.
- We may need to provide information about your case to another agency or person working on the case (e.g., district attorney, constable, court staff, child support agencies in other states, federal agencies, and genetic or blood-testing labs). *Information may be exchanged only for the purpose of providing effective child and medical support services and eliminating workers' compensation or welfare fraud.*
- Both parents have access to certain information about each other. If your support order requires the non-custodial parent to provide health insurance or other medical support for your children, he or she will have access to information maintained by the child's insurer. Under state law, both parents have a right to review each other's financial information once a year.
- Once a legal action of any kind is filed, all information included in the court filing (e.g., your name, address, phone number, and any financial information that is disclosed) becomes a matter of public record. However, if there is good cause under Vermont law, the court may keep address information out of the public record. For example, if you are the victim of violence and have an Abuse Prevention Order in place, court records can be sealed.

If your case involves family violence, let your OCS caseworker know and we will work with you to safeguard your identifying information.

Can I appeal an OCS decision?

If you are receiving our services and you disagree with a decision we've made or an action we've taken on your case, here are the steps you should follow:

1. **Talk to your OCS caseworker.**
   This is the first step you should always take.

2. **Talk to a supervisor.**
   If you don't feel comfortable talking to your caseworker or are unhappy with the response you get, please contact his or her supervisor.

3. **Request an administrative review.**
   If you are still not satisfied with the response you get, you may request an Administrative Review, which is the formal procedure used to resolve specific complaints about our actions. Administrative Reviews cover two areas: collection remedies or debt amounts and general grievances. You must make the request within 30 days of the event that led to your complaint.

   You may want to request an Administrative Review if, for example, you were denied our services; you believe we have not acted on your case with reasonable promptness; you believe we have improperly allocated or distributed support payments; you dispute the amount of past due support (*arrears*) calculated by us; or you dispute our record of the support payments made in your case.

   Administrative Reviews cannot address complaints that result from circumstances beyond the agency's direct control, including the action or inaction of an out-of-state child support agency; the merits or timeliness of a Vermont or out-of-state court action; the ability of a sheriff to serve a complaint; the validity of federal and state laws and regulations; or legal judgments and interpretations by our attorneys and paralegals.

   This is not to say that these actions cannot be appealed at all. It simply means that they cannot be appealed to us, because they are outside our authority. The Administrative Review process cannot be used to evaluate the merits of legal interpretations made by our attorneys and paralegals. You always have the right to express and pursue your own position including hiring your own attorney and filing your own court action.

4. **Appeal the administrative review decision.**
   If you do not agree with the administrative review decision, you can appeal it—within 30 days of the date of the decision. Grievances that involve debt amounts or collection remedies may be appealed through the Family Division of Superior Court. All other grievances may be appealed through the Human Services Board of the Agency of Human Services. The process for filing an appeal will be described in the written decision.

How do I request an administrative review?

1. You may either:
   a. Complete a *Request for Administrative Review* form (available from any OCS office).
   b. Write a letter requesting an administrative review that includes your name, Social Security number, address, daytime phone number, and basis for an administrative review.
2. Mail your request to the Office of Child Support, Attention: Administrative Review, 280 State Drive, Waterbury, VT 05671-1060.
3. Be sure to indicate on the form or letter whether you prefer to have the review conducted by phone, in person, or by mail.

By Phone: We will schedule the review and call you at the appointed time. Phone reviews are conducted using a speaker phone and a tape-recorder. You may have other people with you during the call. If you want someone to participate from a different location, we can arrange a three-way conference call (*you must make the request in advance). I*f you have written material supporting your case, you must send copies to the reviewing officer 5 business days before the scheduled phone call.

In Person: You may choose to have a face-to-face review at your local OCS office, and you may have other people with you during the review. If you have written material supporting your case, bring it with you. The review will be recorded.

By Mail: If you think your concern can be solved simply by sending written information to the reviewing officer, you may have a review by mail. Send a letter explaining the issue, along with any written material supporting your claim, to the reviewing officer.

We will mail you a *Notice of Review* scheduling the type of review you requested and providing the necessary information, including how to contact the reviewing officer. If you requested a review by mail and have not included supporting material, you will be asked to send your information by first-class mail by a certain date.

During the review, the reviewing officer will consider your concerns, examine any evidence, and ask and answer questions. Within 30 days of the review, the reviewing officer will send you a written decision approved by OCS management. If you cannot make your review on the date or at the time scheduled, you must send the reviewing officer a written request to reschedule it at least 5 business days before the review is to be held.

If you fail to participate in the scheduled review without good cause, your request will be dismissed or a default order will be issued.

Important Information

To get information specific to your case through our automated information system, you must provide your Personal Identification Number (PIN) and System Access Number (SAN). You can, however, get general information without providing your PIN or SAN.

Your PIN and SAN will appear on some OCS documents or you can get them by calling a Customer Service Representative at 1-800-786-3214.

Record your numbers in the space below for quick reference. (If you have more than one case, each case has a different PIN.)

System Access Number (SAN): _____

CHILD: _____ PIN: _____

CHILD: _____ PIN: _____

CHILD: _____ PIN: _____

CHILD: _____ PIN: _____

OCS Caseworker: Phone:

_____ _____

OCS Regional Office: Phone:

_____ _____

www.dcf.vermont.gov/ocs

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OCS OFFICES

Send child support payments & coupons to:
VT Office of Child Support, PO Box 1310, Williston, VT 05495

Central Administrative Office

280 State Drive, Waterbury, VT 05671-1060
Phone: 1-800-786-3214 • Fax: (802) 241-6534

Central Region

Counties: Essex, Orange & Washington
162 North Main Street, Suite 205, Barre, VT 05641-4125
Phone: (802) 479-4204 • Fax: (802) 479-4225

North Region

Counties: Franklin and Grand Isle
100 Lake Street, Suite 101, St. Albans, VT 05478
Phone: (802) 527-5006 • Fax: (802) 527-5403

Northeast Region

Counties: Caledonia, Lamoille & Orleans
90 Prospect Street, Suite 301, St. Johnsbury, VT 05819
Phone: (802) 751-2650 • Fax: (802) 751-2649

Northwest Region

County: Chittenden
32 Cherry St., Suite 310, Burlington, VT 05401
Phone: (802) 863-7444 • Fax: (802) 651-1608

Southeast Region

Counties: Windham & Windsor
100 Mineral St., Suite 202, Springfield, VT 05156
Phone: (802) 536-1880 • Fax: (802) 885-6213

Southwest Region

Counties: Addison, Bennington & Rutland
420 Asa Bloomer State Office Building, 4th Floor
88 Merchants Row, Rutland, VT 05701
Phone: (802) 786-5060 • Fax: (802) 786-5079

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