



Oklahoma Child Support Services Handbook



Oklahoma Child Support Services Handbook

Table of Contents

What is child support?.....	4
Right to child support.....	4
Who we serve.....	4
Available services.....	5
Services not provided.....	6
Cost of services.....	6
How to apply.....	6
Where your case is assigned.....	7
Interstate collection services.....	7
Information needed to provide child support services.....	7
The court's role in the process.....	8
Paternity establishment.....	8
Child support establishment.....	9
Enforcement.....	10
OCSS Customers' Rights and Responsibilities.....	10
Custodian - How to receive payment.....	11
Noncustodian - Making child support payments.....	12
Distribution of child support payments.....	12
Actions by Oklahoma Child Support Services.....	13
Glossary of Terms.....	14

Oklahoma Child Support Services is part of the Oklahoma Department of Human Services. Our mission: To promote healthy families, we establish, monitor and enforce reliable support, while encouraging self-sufficiency and strengthening relationships.

What is child support?

Parents have a legal duty to provide financial support for their children. The court may order either or both parents to make regular payments for a child's living and medical expenses. These payments are called child support.

Right to child support

Child support payments are a basic legal right of children. Regular child support payments reduce child poverty and the need for public assistance.

Who we serve

We serve custodians and noncustodial parents of minor children. Custodians may be parents, aunts, uncles, grandparents, court-appointed guardians, or others who care for a child.

You may use OCSS and a private attorney or private collection agency at the same time. However, the child support office must know of any legal proceedings that may affect your child support.

OCSS must be notified when custody of the child changes between the parents or to another person.

Available services

Once a case is opened, OCSS provides the following services:

Location of parent – OCSS continuously checks federal, state and local sources to find the mailing address, employment or assets of the noncustodial parent. Employers are required to report all newly hired employees to the Oklahoma Employment Security Commission within twenty days of hiring.

Paternity establishment – OCSS helps establish legal paternity either by voluntary acknowledgment or through court actions. Either parent may request this service.

Child support establishment – OCSS files a petition with the court to obtain a child support order. We use Oklahoma's Child Support Guidelines to establish a monthly child support amount for children.

Child care – OCSS uses Oklahoma's Child Support Guidelines to determine annual child care costs and allocate this amount between the parents in the same proportion as their adjusted gross income.

Medical support establishment and enforcement – Children are legally entitled to health insurance coverage if it is available. If the noncustodial parent was ordered to provide health insurance for the child and has not, we will require the noncustodial parent's employer to deduct any employee-paid health insurance premiums from his or her wages.

Collection – Once payments are made through the Oklahoma Centralized Support Registry, they are logged and promptly paid to the custodial person by debit card or direct deposit.

Enforcement – We provide enforcement of child support orders. Without going back to court, we can deduct child support from income, take tax refunds, and seize bank accounts. We can also ask the court to enforce the order and revoke driver, professional, and recreational licenses.

Review and modification – OCSS can review support orders for the correct amount allowed by law. If appropriate, we ask the court to modify the current support. Either parent may request a review of the order.

Services not provided

OCSS attorneys represent the state and not individuals. OCSS does not help with:

- divorce actions
- legal advice
- property settlements
- visitation and custody
- collection of private attorney's fees
- collection of unpaid child care costs and medical bills unless reduced to judgment

You may contact a private attorney for help with these issues.

Cost of services

You may apply for child support services at no cost to you. OCSS automatically provides services to families getting Temporary Assistance to Needy Families or TANF, Medicaid/Soonercare, or child care assistance.

These free child support services continue after the public assistance case is closed. For custodians who have never received TANF, a fee of \$25.00 is charged and withheld from child support after the first \$500 is collected and issued each year.

How to apply

You may get an application by:

Calling

- in the Oklahoma City area: 522-CARE (522-2273)
- in the Tulsa area: 295-3500
- 1-800-522-2922
- the TTY line: 1-866-264-4767
- the TTY line in the Oklahoma City area: 522-3792

Visiting

- the Oklahoma Child Support Services page of the OKDHS Web site at www.okdhs.org.
- any OKDHS or OCSS office.

Separate applications are required if there is more than one child and the children do not have the same mother and father.

Where your case is assigned

Your case is automatically assigned to a child support district office based on Oklahoma law and policy.

Interstate case services

OCSS also serves parents who do not live in Oklahoma. Each state is required to enforce support orders entered by other states. Federal law requires all states provide locate, establishment and enforcement services. The applicant for services may be asked to complete forms to help the other state collect child support. Other states may charge a fee when providing services.

Information needed to provide child support services

No matter who applies for services, the following information is helpful:

- Full name and last known address of each parent, and any other names each person is known by: nicknames, aliases, etc.
- Dates of birth and documentation of Social Security Numbers for each parent.
- Children's birth certificates are not needed if there is an existing order for support.
- A physical description with the most current photograph of the parent(s).
- Marriage license, separation order, divorce decree, protective or restraining order involving either parent, other support order, "Acknowledgment of Paternity," or any other legal documents where paternity has been determined.
- An accurate month-by-month list of all child support payments received or paid.

- Name and address of the current or most recent employer of each parent.
- A list of professional or recreational licenses, memberships or permits, held by either parent; for example: electrician, plumber, medical, cosmetology, hunting or fishing.
- Names, addresses and telephone numbers of friends and relatives of each parent.
- Information about property, such as cars, motorcycles, boats, RVs, or land.
- Copies of paycheck stubs, bank statements for checking, savings or other accounts.
- Tax returns for the last two years, including W-2 forms and 1099 forms.

The court's role in child support

The judge has the final authority for deciding the amount of child support to be paid and who will make those payments. The court sets the amount of child support based on both parents' income and the amount of time the child is in each parent's care. The child support order includes medical support, and may include other child related expenses, like child care costs. The court may also change orders when incomes of the parties, custody of a child or other matters affecting child support change.

Paternity establishment

Paternity means fatherhood. When a married couple has a child conceived during the marriage, paternity does not need to be established – the law automatically presumes the husband is the child's legal father. In the case of unmarried parents, the court cannot order child support or determine custody or visitation until paternity is legally established. Services to establish paternity are available to either parent.

Paternity provides a child of unmarried parents the same legal rights as a child born to married parents. Those rights include:

- Support from both parents
- Medical and life insurance from either parent, if available

- Social Security and veteran's benefits, if available
- Inheritance rights
- Access to family medical history

Paternity may be established in several ways. Both parents may sign the Acknowledgement of Paternity form, or AOP, available at any Oklahoma hospital, birthing center, child support office or OKDHS office, or by calling 1-800-522-2922. Before signing the AOP, both parents must review a presentation of their rights and responsibilities.

To establish paternity by district or administrative court order OCSS needs as much information as possible about the relationship between the mother and the person named as the alleged father. OCSS needs information about other sexual partners around the time of conception. This information is not meant to embarrass either parent. It is important, however, in determining the paternity of the child. Either party may request genetic testing. A sample of genetic material is taken from mother, alleged father and child by swabbing the inside of the cheek in the mouth.

Note: A child born out of wedlock has one year after turning 18 to sue in district court to establish paternity. OCSS does not provide this service.

Child support establishment

OCSS can bring a case in district or administrative court to establish a support order. The amount of support is based on child support guidelines set by law. Oklahoma guidelines require information about the number of children, court-ordered child support paid by either parent to another family, other children of the parents, amount of income for each parent, child care expenses and medical costs. The support order established through OCSS will include a provision for immediate income withholding and medical support.

OCSS collects current support ordered by the court as well as:

- cost for genetic testing
- birthing costs
- support for a prior period
- fixed medical costs
- cash medical support
- interest

Enforcement

When enforcing the support order, OCSS may do one or more of the following:

- Order income withholding from wages, unemployment, retirement, or other income.
- Refer the case to take federal and state income tax refunds and other federal payments to pay child support.
- Seize property including bank and other financial accounts, insurance proceeds, such as worker compensation benefits, and lottery winnings.
- Report to credit bureaus.
- Ask the court to suspend or revoke professional, driver's or hunting and fishing licenses.
- Request passport denial.
- Protect and pursue child support debt in bankruptcy court.
- File a contempt citation in district court.

OCSS Customers' Rights and Responsibilities

If you are the custodian:

If you have any questions or concerns about your child support or paternity case, please call our customer service line at 1-800-522-2922.

It is your right to:

- Have your personal information kept confidential.
- Review agency records that are not restricted under confidentiality laws.
- Due process in actions that may affect you.
- Receive a record of payments made through OCSS.
- Request genetic testing if paternity has not been legally established.

It is your responsibility to:

- Cooperate with OCSS attempts to enforce and establish paternity and child support orders.
- Provide information about the noncustodial parent.
- Send to OCSS all child support payments you receive from anyone other than OCSS.
- Tell OCSS if custody of your child changes.
- Keep OCSS informed of your current mailing address and telephone numbers.
- Tell OCSS if you hire an attorney for child support matters. OCSS can then talk only with your attorney about your case.

Custodian - How to receive payment

Child support payments sent to OCSS are paid to you through the Oklahoma MasterCard debit card. This card will be sent to you after OCSS receives the first child support payment. You can continue receiving payments on the debit card or enroll for direct deposit. If you already receive TANF or Aged, Blind or Disabled benefits, your child support payments will be placed on the same card.

If you are the noncustodial parent:

If you have any questions or concerns about your child support or paternity case, please call our customer service line at 1-800-522-2922.

It is your right to:

- Have your personal information kept confidential.
- Review agency records that are not restricted under confidentiality laws.
- Due process in actions that may affect you.
- Receive a record of payments made through OCSS.
- Request genetic testing if paternity has not been legally established.

It is your responsibility to:

- Make child support payments as ordered by the court.
- Report changes of address, phone numbers or employer.
- Keep receipts of all of your child support payments.
- Tell OCSS if custody of your child changes.
- Tell OCSS if you hire an attorney for child support matters. OCSS can then talk only with your attorney about your case.

Noncustodian - Making child support payments

Most court ordered child support must be paid by wage withholding. This means your employer deducts payments from your paycheck.

If your payments cannot be made by wage withholding, other options include:

- Debit or credit card payments
- Direct debit from a bank account online at www.okdhs-paycs.com/Login.aspx
- Money orders, cashier's or personal checks mailed to:
Oklahoma Centralized Support Registry
P. O. Box 268849
Oklahoma City, OK 73126 8849

OCSS does not accept temporary checks for child support payments.

Distribution of child support payments

OCSS distributes child support payments to the family as required by federal and state law:

- Current support is paid to the family.
- OCSS collections on active TANF cases are kept by the state to repay the amount of TANF the family receives. OCSS does not keep more than the amount of TANF paid to the family.
- Money collected from state tax refunds is paid to the family first, then paid to any state balances.
- IRS refunds are first applied to the past due support owed to the state, then to any past due support owed to the family.
- Tax refunds from jointly filed returns must be held for up to six months.
- If the order includes cash medical support and the children in the order get SoonerCare benefits, the cash medical amount may be kept to help pay for SoonerCare.

Actions by Oklahoma Child Support Services

OCSS decides the best way to collect support. Remedies are selected to protect children's and tax payers' rights and encourage parents to support their children.

OCSS staff attorneys represent the state of Oklahoma and not parties to the child support case. Information provided to or obtained by OCSS will only be released as needed to enforce your case. Information may be released to law enforcement officers, public officials, court employees or other agencies.

Step-by-step – income assignment

1. A court orders child support and income withholding
2. The order is sent to the employer
3. The employer deducts the child support payment and sends the payment to the Centralized Support Registry.
4. Payments are processed and sent within two business days.
5. Custodians receive payment by:
 - Oklahoma MasterCard debit card – money on the card can be accessed at a MasterCard ATM or used to make purchases.
 - Direct deposit – by request, money is deposited to the checking or savings account of your choice.

Glossary of Terms

Acknowledgment of paternity process – The process of legally establishing paternity, when a child is born out of wedlock and the mother and the alleged father declare that he is the natural father of the child, through the use of an official numbered (03PA209E) Oklahoma Department of Human Services form. This statement may be withdrawn only within 60 days of signing.

Administrative court – Judicial process set up by statute for OKDHS to establish and enforce child support orders outside the district court. Orders obtained through the administrative process are filed with the district court.

Administrative law judge – The presiding officer at an administrative hearing who rules on the case.

Affidavit of payments – A written statement that shows the amount of child support owed and paid by the noncustodial parent, including any child support payments processed through OKDHS. This statement may be used as evidence in court.

Alleged father – A man whose legal relationship to a child is not yet established.

Annual Notice – Notifies all parties of the amount due, actions that may be taken to enforce the child support order, and any required actions.

Arrearage/arrears – Unpaid court ordered child support owed by a parent.

Assignment of support rights – To receive TANF, a person must give the State the right to collect and keep any medical and child support payments owed to that person for the time period assistance is received. The State does not keep more than it paid in TANF and medical benefits.

Bench warrant – An order issued by a district court judge directing law enforcement to arrest the person named in the warrant. A bench warrant may be issued when a person fails to comply with an order to appear.

Cash medical support – An amount ordered to be paid toward the cost of health coverage instead of insurance.

Centralized Support Registry – The OCSS unit that receives, allocates and distributes support payments. This unit also processes all child support applications.

Child support guidelines – The method under state law for setting child support owed based on the income of the parents.

Citation for contempt – A district court action filed to enforce a court order. For example, a citation may be filed if a parent has willfully failed to pay child support. The penalty may include a fine, jail time, or both.

Criminal non-support – Criminal charges filed by a district or U.S. attorney for failure of a noncustodial parent to pay child support.

Custodial person, custodian – A parent or other person with legal or physical custody of a child and the right to receive child support on behalf of the child.

Default – Failure of a person to appear or file a response in a civil case by the deadline after having been served with a summons and petition.

Default judgment – Decision made by the court when the defendant fails to appear. Normally, the party asking for relief from the court gets everything requested in the petition or motion when the other party is in default.

Defendant / Respondent – The party in a court action who is being sued.

Delinquency – Any payment under an order for support that becomes due and remains unpaid.

Electronic funds transfer, EFT – The electronic deposit or receipt of a child support payment.

Employer – The person or entity who pays someone for providing services, including contractors.

Family group number, FGN – The child support case number.

Financial institution – Any federal or state bank or savings association, federal or state credit union, benefit association, insurance company, safe deposit company, money market mutual fund or similar entity.

Fixed medical support – Periodic payments for ongoing medical costs not paid by insurance or already covered by a cash medical support order.

Full faith and credit – A law that requires courts to recognize and enforce orders entered by another court.

Genetic test – A scientific method to determine paternity by collecting DNA samples from the mother, child and alleged father.

IV-D recovery – A custodial person receiving TANF must send any direct support payments to the Central Support Registry. When a custodial person keeps these payments, OCSS will recover the overpayment by retaining future collections.

Income assignment – A court order to withhold a portion of income for child support.

Income withholding – Collection of support through mandatory payroll deduction.

Lien – A court order attaching real or personal property. Generally, liens are placed on property owned by an obligor, workers' compensation settlements, or personal injury settlements.

Levy – The legal process of obtaining money through seizure and sale of property.

License – A document granting the right or privilege to engage in a profession, occupation, business, or recreational activity. This includes, but is not limited to, hunting, fishing, occupational or a driver license or permit.

Locate – Process of obtaining a valid address or employer.

Modification – The legal process of changing a court order.

New hire reporting – The requirement that an employer notify OCSS within 20 days of any new hires.

Noncompliance – Failure to obey a court order.

Noncustodial parent – An individual ordered to pay child support for one or more children. The noncustodial parent may also be referred to as the absent parent or obligor.

Obligation – Court ordered amount of money to be paid as child support.

Obligee – Person or entity owed a support debt or support obligation.

Obligor – Person required to make support payments by court order.

Office of Administrative Hearings: Child Support – Conducts hearings to establish and enforce child support orders. Cases are heard by administrative law judges.

Overpayments – Payments by OCSS to custodial persons, noncustodial parents, or others to which they are not entitled.

Paternity – Fatherhood; male parentage.

Paternity order – An order that establishes the paternity of a child born out of wedlock.

Payment plan – A schedule for payment of past due child support.

Petition – A written request filed in district court to start a legal action.

Public assistance – State or federal benefits granted to eligible recipients. TANF, Medicaid and day care recipients are automatically referred to OCSS.

Purge fee – The amount a person must pay to get out or stay out of jail. It is set when the person is found guilty of contempt of court.

Respondent / Defendant - The party in a court action who is being sued.

State Disbursement Unit, SDU – The site that receives, allocates and distributes support payments. See also Centralized Support Registry.

Subpoena – A document requiring a person to appear at a certain time and place to give testimony and provide documents.

Summons – A legal notice to a person of a suit pending in court that requires an answer or appearance. A judgment will be ordered if the petition is not answered in time.

Support debt – The amount a parent owes a state for public assistance paid for his or her child.

Tax refund offset – Money taken from a person’s state or federal income tax refund to pay a child support debt.

Tribunal – Another word for court.

UIFSA – The Uniform Interstate Family Support Act is a law to help states work together on child support cases.

Voluntary acknowledgment – See Acknowledgment of paternity process.

Wage withholding – See Income assignment.

OKDHS Pub. No. 91-25 Revised 06/2011

This publication is authorized by the Oklahoma Commission for Human Services in accordance with state and federal regulations and printed by the Oklahoma Department of Human Services at a cost of \$4,545.00 for 5,050 copies. Copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries. OKDHS offices may request copies on ADM-9 (23AM009E) electronic supply orders. Members of the public may obtain copies by contacting OKDHS Design Services at 1-877-283-4113 (toll free), by faxing an order to (405) 962-1740, or by downloading a copy at www.okdhs.org/library/pubs.

