



Office of
Child Support
Enforcement



A Handbook for Custodial Parties



It is the responsibility of both parents to make sure the basic needs of their children are met. Even so, some children do not get the support they need. The purpose of the Arkansas Office of Child Support Enforcement (OCSE) is to help ensure children have their financial and health care needs met.

There are three parties in every child support case. The custodial party is the parent or physical custodian who lives with the child and has the day-to-day responsibilities of raising that child. The noncustodial parent does not live with the child but, along with the custodial party, has a responsibility to provide financial and/or medical support. Finally, there are the children who deserve to have the financial and emotional support of both parents.

This publication is a handbook for the custodial party who has an open enforcement case with the Arkansas Office of Child Support Enforcement.

WHAT OCSE DOES

OCSE is responsible for the delivery of child support services as required by state and federal law. OCSE provides services to custodial parties by establishing paternity, collecting and distributing child support payments to custodial parties, and enforcing unpaid child and medical support.

It's important to remember that OCSE represents the State's interest in making sure children receive financial and medical support. OCSE does not represent custodial parties nor noncustodial parents. Our policies and procedures are based on federal and state law.

SERVICES AVAILABLE TO THE CUSTODIAL PARTY

OCSE provides the following services to its customers:

- Search for a noncustodial parent for the purpose of providing services
- Establish paternity for a child
- Establish an order for financial and medical support
- Enforce orders for financial and medical support
- Modify a current child support order

SERVICES ARE AVAILABLE TO YOU IF..

- You are the parent, legal guardian, or caretaker of a child under 18 years of age who lives with you.
- Unpaid child support is owed to you, the child is over the age of 18, and the amount to be recovered is based on a court order. If the child is over the age of 23 and a judgment has not been entered setting out the total amount of unpaid support owed, enforcement may be limited based on the circumstances of the case.

CUSTODY AND VISITATION

OCSE has no authority to assist you with any custody or visitation issues. You should contact a private attorney for help with those issues. If you and the noncustodial parent are willing to work together, mediation services are available through the Arkansas Access and Visitation Mediation Program. For more information about mediation services, go to www.araccess.org.

RIGHTS AND RESPONSIBILITIES

A CUSTODIAL PARTY HAS A RIGHT TO


- Be notified of action by OCSE that impacts the child support case
- Get payment information, including the amount paid toward late payments and the amount paid toward fees
- Request a review of the child support amount once every three years, or more often if there is a significant change in the noncustodial parent's income
- Ask for a management review of your case

A CUSTODIAL PARTY HAS A RESPONSIBILITY TO

- Go to all scheduled court appearances
- Respond to requests for information from OCSE and the court
- Notify OCSE and the court if you move, change your contact numbers, or change names
- Notify OCSE if you hire a private attorney



THINGS YOU SHOULD KNOW ABOUT CHILD SUPPORT

- OCSE caseworkers and attorneys represent the State's interest in a child support case. OCSE does not represent the custodial party nor the noncustodial parent. OCSE will take the action it believes is appropriate in enforcing your case.
 - You have the right to be present at all court hearings regarding your paternity or child support case. If you fail to appear for a scheduled hearing, your case may be decided without your input or may be dismissed.
 - Always read what you are signing and keep copies for your records. Once you sign something, you have agreed to it. If you do not agree with what you are asked to sign, do not sign it; you may wish to consult with a private attorney.
 - You have the right to request a review of your child support order once every three years.
 - If you disagree with an action made by a child support caseworker, you have the right to ask for a review of the action from the office manager.
 - You have the right to employ an attorney to represent you. If you choose to have an attorney, you should advise your caseworker. OCSE will then communicate only with your attorney.
 - Although you will have a caseworker assigned to your case, other workers in the local office can assist you with your questions regarding your case.
 - If you move out of state, you may, but are not required to, apply for services in your new state. OCSE will continue to work your case until your case is opened in your new state.
 - If the noncustodial party doesn't live or work in Arkansas, OCSE may have to work with another state's child support program.
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WHAT TO EXPECT

If you already have a court order for child support, the local office that serves that county will be working your case. For example, if your court order is out of Pulaski County, the Little Rock OCSE office will work your case, even though you may live outside of Pulaski County. If you do not have a court order, the office that serves the county in which you live will work your case. Local offices and the counties they serve can be found on our website at www.childsupport.arkansas.gov.

When your case first opens, you will be mailed a letter with your case number and the name of your caseworker. If you have questions once your case is open, contact your local office.

OCSE is required to work within time frames and guidelines set out by federal and state law. There may be actions we can't take at a certain time, or at all. Ultimately, the court makes many of the decisions. OCSE's success in collecting child support depends on many factors, including the information you provide. Below is a table setting out expectations for collections of child support.

| | | WHEREABOUTS OF THE NONCUSTODIAL PARENT | | | | |
|-----------------------------------|--|---|---|--|--|--|
| | | Known and in Arkansas | Known but out of Arkansas | Unknown because he/she moves around a lot | Unknown and no idea where to look | |
| INCOME OF THE NONCUSTODIAL PARENT | Salaried with steady employment | Good likelihood of payment | Good likelihood of payment | Medium likelihood of payment | Medium/low likelihood of payment | |
| | Some income or assets known; or possibly selfemployed | Medium likelihood of payment; may take months | Medium likelihood of payment; may take months | Medium/low likelihood of payment; may take years | Medium/low likelihood of payment; may take years | |
| | Income or assets are unknown; or self-employed | Medium/low likelihood; may take months | Medium/low likelihood; may take years | Medium/low likelihood; may take years | Medium/low likelihood; may take years | |
| | Unemployed; works for cash; possibly dependent on drugs or alcohol | Low likelihood; may take months | Low likelihood; may take months | Poor likelihood; may take years | Poor likelihood; may take years | |
| | No idea whatsoever | Poor likelihood; may take months or years | Poor likelihood; may take months or years | Poor likelihood; may take years or many years | Poor likelihood; may take many years and perhaps never | |

THE LIFE OF A CASE

Every case is different. This is a basic overview of a case:

1. The custodial party opens a case, or the case is initiated because the custodial party is receiving certain public assistance that requires cooperation with OCSE.
2. Paternity is established, if appropriate.
3. An order for child and medical support is established.
4. OCSE enforces the support order.
5. The order is modified, if necessary.
6. After the children emancipate and all arrears are paid, the case closes.

ESTABLISHING PATERNITY

If the child's mother was married at the time of the child's birth, her husband is presumed to be the father. If not, OCSE will work to establish paternity, which is a legal term for determining the legal father of a child who was born out of wedlock. You may hear the term "putative father." A putative father is a person who is believed to be the father of a child but who has not yet been legally established to be so.

The following are ways paternity may be established:

- The birth mother and biological father may establish the man as the legal father through an Acknowledgment of Paternity. You may have received information about acknowledging paternity at the hospital when your baby was born. The Acknowledgment of Paternity is a legally binding document. Do not sign it if there is any doubt about who the father of the child is. If an Acknowledgment of Paternity was signed and either parent now has doubts, you should consult with your private attorney.
- A court order may establish paternity either by agreement, after a hearing, or by default if the putative father fails to respond in the court case.
- If the parents were not married when the child was born, either parent may ask for paternity testing to confirm that the putative father is the child's biological father before a court order is entered. We encourage testing if there is any doubt.

ESTABLISHING A CHILD SUPPORT ORDER

If you already have a court order, OCSE will enforce that order. If you don't have an order for child support, OCSE will work to establish a court order.

HOW THE AMOUNT OF SUPPORT IS DECIDED

OCSE does not have the authority to decide the amount of child support that should be ordered; only a judge has the authority to do so. OCSE attorneys follow the Child Support Guidelines that are established by the Arkansas Supreme Court when deciding the amount of child support to ask for. These guidelines are used by the courts to determine an appropriate amount of child and medical support a parent should be responsible for paying. A judge may strictly use the guidelines to set support or may deviate from them depending on certain circumstances of the noncustodial parent and the custodial party.

AN OVERVIEW OF THE LEGAL PROCESS

If you already have a court order, OCSE will enforce that order. If you don't have an order for child support, OCSE will work to establish a court order. Every case will be different; this is a basic overview of the process to establish child support:

1. OCSE files a Complaint with the court.
2. OCSE has the noncustodial parent served with a Summons.
3. The noncustodial parent has 30 days to respond to the Summons.
 - a. If the noncustodial parent responds to the Summons by filing an Answer, then his or her information is considered in court. OCSE may draw up an agreed order.
 - b. If the noncustodial parent does not respond to the Summons by filing an Answer, then a default judgment occurs and the order goes before a judge. There may or may not be a court date, depending on the court's practice in that area.
4. The custodial party and noncustodial parent submit Affidavits of Financial Means.
5. The custodial party and noncustodial parent agree on support or appear in court.
6. The court sets the child support amount and issues the order.

ENFORCING A CHILD SUPPORT ORDER


OCSE has numerous tools available to help collect child support. One of the primary tools is to withhold child support payments directly from the wages of the payor parent. OCSE can also report child support debts to credit agencies, suspend driver's and other licenses, put a hold on a passport, intercept income tax refunds, intercept Arkansas Lottery winnings, take court action, and request another state to enforce an order when needed.

Federal and state law require that OCSE wait until a certain amount of debt is reached before OCSE takes some actions, such as license suspension and tax offset certification. While OCSE cannot guarantee its success or collections, OCSE will utilize all available enforcement actions to attempt to obtain the support to which your child is entitled.

Arkansas state law provides that interest accrues at the rate of 10% per year. If your child support order is from another state, that state's laws apply. Interest may be collected if it is reduced to a judgment by the court. The custodial party may obtain, at his or her own expense, a certified public accountant or other reliable financial source to calculate the total amount of interest owed. When appropriate, OCSE will attempt to reduce the amount to a judgment. If the amount is reduced to a judgment by the court, OCSE will enforce the judgment amount as child support debt owed. For more information, contact your caseworker.

REVIEW AND ADJUSTMENT

Either parent may request a review of the support order once every three years if there is an increase or decrease in either party's gross income of 20% or more, or if there is a significant change in either party's medical support. Reviews are conducted in accordance with the Arkansas Child Support Guidelines. Support obligations could be adjusted up or down or could remain the same.



ISSUES THAT MAY AFFECT YOUR CHILD SUPPORT

SUMMER VISITATION

Your court order may allow the noncustodial parent to have an extended summer visitation with the children. In some instances, the order may reduce the support payments during those visitation periods.

AGE OF EMANCIPATION

The age of emancipation in Arkansas is 18. Unless a court order for child support specifically states otherwise, the noncustodial parent's duty to pay child support for a child will automatically end when the child turns 18. If the child is still attending high school, child support continues until the child graduates or at the end of the school year after the child reached 19 years of age, whichever is earlier. As each child in the support order emancipates, the noncustodial parent is entitled to an adjustment in support for the remaining minor children.

MYCASE

OCSE MyCase is a customer service portal for customers of OCSE that provides access to information about payments and much more. Reasons to use MyCase:

- View and make payments online
- View recent case activities
- View select correspondence and forms provided by OCSE
- Electronically correspond with your local office
- Provide OCSE updated contact information about you and the noncustodial parent

To use OCSE MyCase, go to www.ark.org/mycase, click "Create An Account" and follow the instructions to register as a new user.

Note: Information on OCSE MyCase will only pertain to the person registered as a user. You can provide information about the other party. But you cannot see the address and contact information OCSE has on file about the other party, and he or she can't see your information.

RECEIVING YOUR CHILD SUPPORT

OCSE's normal method of disbursing child support payments is by electronic means to a prepaid debit card or by direct deposit to a bank account. Electronic payments ensure that your child support reaches you as quickly as possible while eliminating the risk of lost or stolen checks. You will be given information when your case opens about both options and what to do if electronic payments are a hardship.

PAYMENT HISTORY AND RECORDS

You may access your payments made within the last six months by going to your OCSE MyCase account, or you may call our automated phone number at 1-800-264-2445. For a more complete pay history, contact the local office assigned to your case.

CONFIDENTIALITY

Arkansas OCSE follows laws and guidelines for the use of personal information. Information may only be used for the purpose of establishing paternity and enforcing child and medical support. Personal information collected and kept by OCSE is not public record. We will not share information about you or the children (for example, your location or place of employment) with the other parent.



COMMON TERMS YOU MAY HEAR

- Answer - the formal written statement by a party that responds to a complaint or motion stating the grounds for defense.
- Arrears –child support that has gone unpaid.
- Central Office – the state headquarters of the Office of Child Support Enforcement.
- Clearinghouse – the branch of the Office of Child Support Enforcement that processes all child support payments for the State of Arkansas. Official name: Arkansas Child Support Clearinghouse. Also known as the State Disbursement Unit (SDU).
- Complaint - a written statement that begins a civil lawsuit, in which OCSE details the claims against the noncustodial parent.
- CP – the custodial party, may also be referred to as the payee parent.
- Default Judgment - a judgment awarding a custodial party the relief sought in the complaint because the noncustodial parent has failed to appear in court or otherwise respond to the complaint.
- Emancipation – the age of emancipation in Arkansas is 18. Unless a court order for child support specifically states otherwise, the noncustodial parent’s duty to pay child support for a child will automatically end when the child turns 18; however, if the child is still attending high school, child support continues until the child graduates or at the end of the school year after the child reaches 19 years of age, whichever is earlier, or otherwise emancipates under State law. As each child in the support order emancipates, the noncustodial parent may be entitled to an adjustment in support for the remaining children.
- Modification – the process of changing a current court order.
- NCP – the noncustodial parent, may also be referred to as the payor parent.
- OCSE – the Office of Child Support Enforcement.
- SDU – see Clearinghouse.



FREQUENTLY ASKED QUESTIONS

WHAT DOES “ARREARS” MEAN?

“Arrears” is any amount of money that has been court ordered to be paid for child support, spousal support, and medical support, and that has not been paid.

WHAT HAPPENS IF THE NONCUSTODIAL PARENT DOESN'T PAY THE COURT ORDERED AMOUNT?

If the noncustodial parent does not obey a support order, OCSE will take action to get payments started again. OCSE may take action such as suspend the payor parent's driver's, professional, business, and/or hunting and fishing licenses; place a lien on accounts in financial institutions; intercept state and federal income tax refunds; or prevent the noncustodial parent from obtaining a passport. Legal action may result in the payor parent being found in contempt of court and placed in jail until he or she complies.

HOW DO I GET MY ORDER INCREASED?

The modification, or change, of a child support order is the legal process of changing the court ordered amount of support due under your order. Reviews are conducted in accordance with the Arkansas Child Support Guidelines. Support obligations could be adjusted up or down or could remain the same.

You may:

- Hire an attorney to ask for a modification; or
- Contact the local office handling your case and request a review of your support amount. You may make this request once every three years or when there has been an increase or decrease in either party's gross income of 20% or more, or if there is a significant change in either party's medical support. Once a request for a review of support has been started, the process will be completed, even if the amount of payments go down.

WHAT HAPPENS TO MY CHILD SUPPORT IF THE NONCUSTODIAL PARENT IS INCARCERATED?

The child support obligation does not go away. If OCSE becomes aware a payor parent will be incarcerated for at least 180 days, both parties will be sent a notice that he or she may request a review of the support order to reduce the amount of child support. A change to the ordered amount is not automatic.

Normally no action can be taken to collect while the noncustodial parent is incarcerated. If the noncustodial parent participates in a work release program while in prison, the child support obligation may be deducted from those wages.

HOW DOES BUYING MY CHILD GIFTS AFFECT THE NONCUSTODIAL PARENT'S CHILD SUPPORT PAYMENTS?

Generally, gifts to a child do not take the place of cash child support.

WHAT IF THE NONCUSTODIAL PARENT REFUSES TO PAY CHILD SUPPORT BUT INSISTS ON VISITATION WITH MY CHILD?

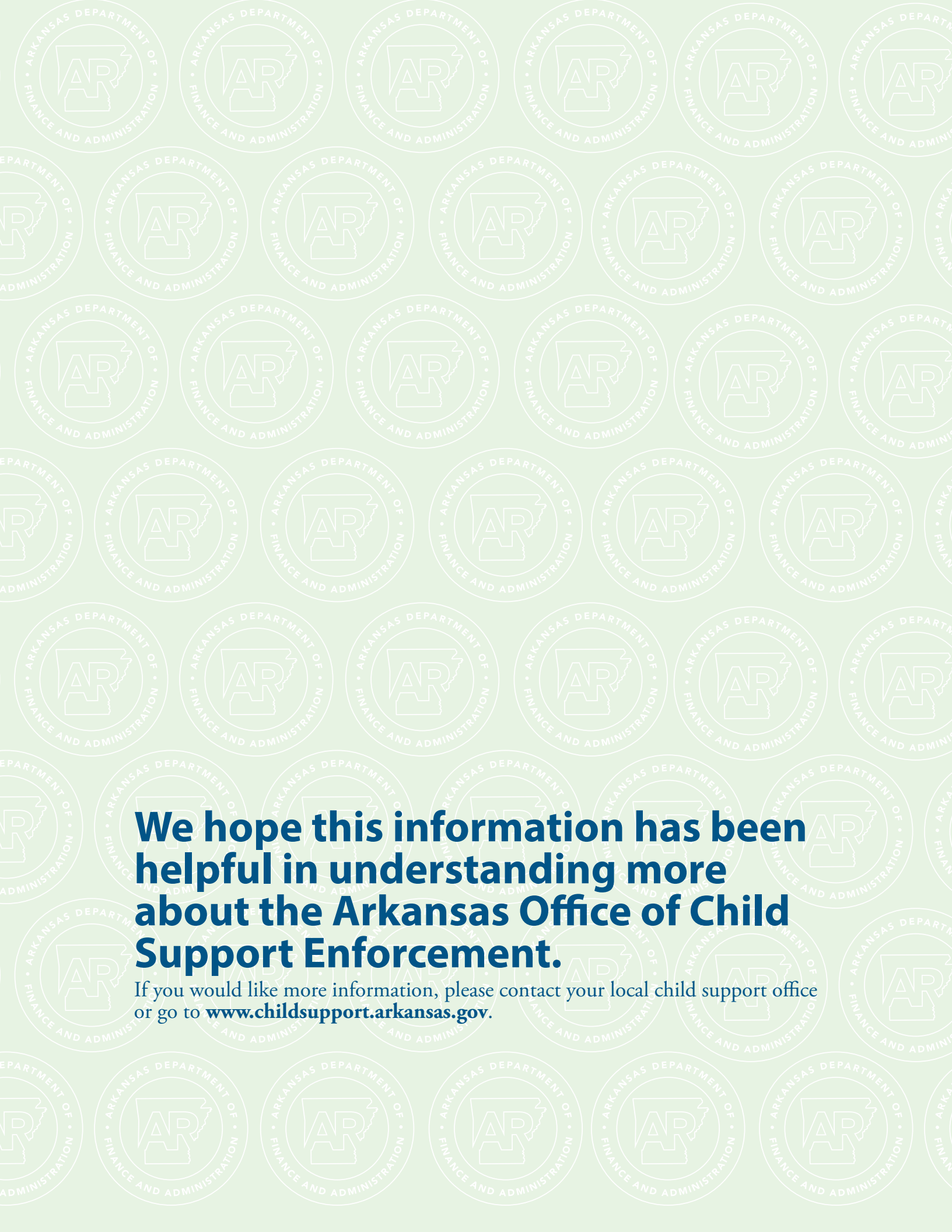
Arkansas law draws a line between the issues of visitation and child support. That means one parent cannot deny the other parent his or her time with the children because support was not paid. Similarly, the parent who is ordered to pay support cannot stop providing support because he or she didn't get the child for some or all of the court-ordered parenting time. OCSE has no authority to assist you with access and visitation issues. You may wish to contact an attorney.

HOW WILL I KNOW WHAT IS HAPPENING WITH MY CASE?

The best and easiest way is by using MyCase, our customer service website. MyCase allows you to see actions taken on your case, payment information, and communicate with your local child support office. To register as a new user, go to www.ark.org/mycase, click "Create an Account," and follow the instructions to register.

WHAT ABOUT MEDICAL INSURANCE?

Child support orders should provide for how the parents will provide health insurance and other expenses. If you wish to be the parent responsible for providing health insurance, let us know or, if you already have an enforcement case open, contact your local office. If the court directs you to provide health insurance through your employer and you fail to enroll the child within the specified amount of time, OCSE will notify your employer to enroll the child and deduct the premiums from your wages.

The background of the entire page is a repeating pattern of the Arkansas Department of Finance and Administration logo. Each logo is circular, with the text "ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION" around the perimeter and a stylized "AR" in the center. The logos are arranged in a grid, slightly offset from each other.

We hope this information has been helpful in understanding more about the Arkansas Office of Child Support Enforcement.

If you would like more information, please contact your local child support office or go to www.childsupport.arkansas.gov.