

A HANDBOOK FOR NONCUSTODIAL PARENTS

Arkansas Office of Child Support Enforcement



**Child Support ...
Your kids are counting on you**



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 of the parties. These children deserve to have the financial and emotional support of both parents.

This publication was created as a handbook for the noncustodial parent whose support order is being enforced by or who is having a support order set by the Arkansas Office of Child Support Enforcement.

OCSE'S ROLE IN CHILD SUPPORT

OCSE is responsible for the delivery of child support services under Title IV-D of the Social Security Act. Among other things, OCSE helps establish paternity, collects and distributes child support payments to custodial parties, and enforces unpaid child and medical support.

Some may think that OCSE is “out to get” noncustodial parents and that all noncustodial parents are “bad parents” or “deadbeats.” The responsibility of OCSE is to enforce court orders for child and medical support. We’re not “out to get” anyone. And while it’s true that some parents don’t provide for their children, most parents truly care and want what’s best for them.

The best way for you to not feel like OCSE is “after you” is to be an active participant in your case by staying in contact with us and keeping us informed about you: where you work, where you live, changes in contact information, changes in income.

BUILDING YOUR CHILD'S FUTURE

By providing child and medical support, you are being a positive example in your child's life. You are:

- Helping to ensure that your child's day-to-day needs are met.
- Strengthening your relationship with your child and showing that child a parent's pride and dignity.
- Expressing love for your child's life by showing that you are responsible and that you care about him or her.
- Helping your child by providing for medical needs.
- Building your child's self-esteem and helping him or her to become an asset to the community.

CUSTODY AND VISITATION

You are responsible to comply with the court order even though you feel the other party is not doing what he or she has been ordered to do, even though you may be having difficulties getting to see your child or if your child begins to live with you. You are responsible for doing what the court orders you to do until a new court order says otherwise.

Please note: OCSE has no authority to assist you or the custodial party with any custody or visitation issues. You may need to contact a private attorney to address these issues. If you and the custodial party are willing to work together, mediation services are also available through the Access and Visitation Mediation Program administered by the Arkansas Administrative Office of the Courts (AOC). Contact AOC directly at (501) 682-9400 for more information on mediation services.



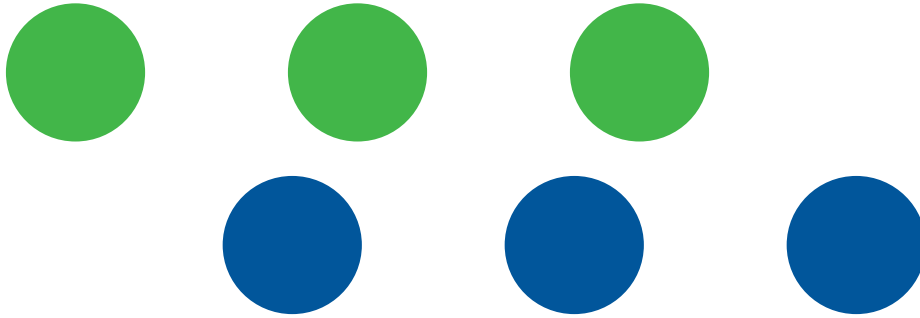
RIGHTS AND RESPONSIBILITIES

A noncustodial parent has a right to the following:

- Be notified of any 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 income.
- Ask for a management review of your case.

A noncustodial parent has a responsibility to do the following:

- Pay child support and provide medical support as ordered by the court.
- Go to all scheduled court appearances.
- Respond to the court's and OCSE's requests for information.
- Notify OCSE and the court if you move, change employers, have a change of income, or change names.



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 either custodial parties or noncustodial parents.
- If your paternity or child support case goes to court, it will be decided without your input if you fail to file an answer to a complaint and summons or other legal pleadings or fail to appear for a hearing if put on notice to do so.
- You should completely read what you are signing and keep all documents for your records. Once you sign something, you have agreed to it. If you do not agree with what you are asked to sign, you may wish to consider consulting with a private attorney.
- Know that avoiding child support enforcement is likely to make your situation worse.
- You have the right to request a review of your child support order once every three years. However, you may request a review sooner if there is an increase or decrease of your income by 20% through no fault of your own.
Please note: Regardless of the circumstance (job loss, reduction in your hours, etc.), you are still responsible to pay the court ordered child support amount until a different court order is entered.
- Should your child begin to live with you, you are still responsible to pay the court-ordered child and/or medical support amount until the court orders otherwise. OCSE does not have the authority to go to court to stop child support payments. Notify OCSE immediately should you obtain legal custody.
- 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, OCSE will then communicate only with your attorney.
- Any amount you pay over the court ordered child support each month will go towards paying off arrears (past due child support) or fees, if applicable.



ISSUES THAT MAY AFFECT YOUR CHILD SUPPORT

There are things that may occur that could increase, decrease, or stop your child support obligation, depending on what your court order says. Some examples are:

- **Summer visitation** – Your court order may allow for an extended summer visitation. In some instances, the order may allow the support payments to be suspended or decreased during those visitation periods. Please carefully review your court order, since it will be necessary for you to notify OCSE so that you receive proper credit for that time period.
- **Review and adjustment of the court order** – Each party may request a review of the support order once every three years. Reviews are conducted in accordance with the Arkansas Child Support Guidelines. Support obligations could be adjusted up or down or could remain the same.
- **Age of emancipation** – The age of emancipation in Arkansas is 18. Unless a court order for child support specifically states otherwise, your duty to pay child support for a child will automatically end when the child turns 18 or otherwise emancipates under state law; 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. As each child in the support order emancipates, you may be entitled to an adjustment in support for the remaining minor children. Please contact OCSE six months prior to the child's 18th birthday.
NOTE: If there are any unpaid child support arrears when all children have emancipated, your payments will continue until the arrears are paid in full.
- **Interest charged on unpaid child support** – State law allows for interest at the rate of 10% to accrue on unpaid child support. Interest will be added to your arrears if the custodial party or another state child support agency involved in your case requests that OCSE collect interest.

METHODS OF PAYING YOUR CHILD SUPPORT

There are several ways that child support can be paid:

- **Income Withholding** – This is the most common way to pay and should not be viewed as a form of punishment. Most court orders require an income withholding notice be sent to your employer. The employer then deducts your child support from your paycheck and sends it directly to the Arkansas Child Support Clearinghouse.
- **Money Orders, Traveler's, Cashier's, or Personal Checks** –You can mail payments to the Arkansas Child Support Clearinghouse, PO Box 8124, Little Rock, AR 72203. Be sure to include your case number and the name of the custodial party.
- **Credit Cards/Debit Cards** by using OCSE MyCase at www.childsupport.arkansas.gov. Please note: OCSE does not charge you to make payments online. However, the company that processes these payments does charge for their services. The rate for processing your payment is based on the amount of the payment you make.

IMPORTANT: If you are ordered to make child support payments through the Arkansas Child Support Clearinghouse or through your employer but you make a payment directly to a custodial party, the courts could consider your payment a gift, meaning you could still owe the money. It's always in your best interest to follow the directions in your court order.

PAYMENT HISTORY AND CASE INFORMATION

You may access payment and case information through our customer service website by going online to www.childsupport.arkansas.gov and then register and log in to OCSE MyCase. This site allows you to easily receive information at your convenience regarding the status of your case, communicate with our staff, and update your address and employment information. Or you may call our automated number at 1-800-264-2445 for payment information made in the last two weeks. For a more complete pay history or more details on the status of your case, contact your local office.

ESTABLISHING PATERNITY

Establishing paternity is the legal term for determining the father of a child. You may hear the term “putative father.” A putative father is a person alleged to be the father of a child born out of wedlock but who has not yet been established to be the child’s legal father.

If you were married to the mother of your child at the time of birth or if your name is on the birth certificate, you are generally presumed to be the father. However, if you were not married to the mother of your child and your name is not on the birth certificate, you can legally establish that you are the father in one of two ways:

1. If you’re sure you are the father of the child and the mother agrees, you may both sign a Voluntary Acknowledgment of Paternity. OCSE can assist you in doing this.
2. If you aren’t quite sure you’re the father of the child, you may wish to ask for a genetic test. OCSE can assist you if the mother has asked for OCSE services. Otherwise, you may need to seek the advice of an attorney.

What happens if you were married at the time the child was born, you signed an Acknowledgment of Paternity, or there is a court order finding you to be the father but you later feel the child is not yours? OCSE does not have the authority to assist in such matters, but a noncustodial parent may ask the court for genetic testing if paternity and support were established without testing. This may require the assistance of an attorney.

ESTABLISHING A CHILD SUPPORT ORDER

Once it’s legally determined who the father of a child is, an appropriate amount of child support will be calculated and a child support order established.

The amount of child support you are required to pay is determined by using the Child Support Guidelines. These guidelines are used by the courts to determine an appropriate amount of child and medical support a noncustodial 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 and/or the custodial party. You can review the guidelines by going to our website at www.childsupport.arkansas.gov and then go to Resources / Child Support Charts.



HOW THE AMOUNT OF SUPPORT IS DECIDED

OCSE does not have the authority to decide the amount of child support that should be ordered. OCSE attorneys follow the Arkansas Child Support Guidelines that are established by the Arkansas Supreme Court when deciding the amount of child support that is in the court order. Only a judge has the authority to set the amount of child support that is ordered.

MEDICAL SUPPORT

OCSE is required by federal law to address the health care needs of the children in every court order, whether or not they are receiving ARKids 1st. You or the custodial party may be required to provide a health care policy or you may be ordered to share in the cost of premiums. The court can also require that you pay a specific dollar amount for medical, dental, or vision- related therapies or provide alternative coverage.

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. This is a very 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 Complaint and 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 with the circuit clerk of the county in which the Complaint was filed, then his or her information is considered in court.
 - 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 the 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. If OCSE and the noncustodial parent agree on the terms of the order for support, the case is settled out of court; otherwise, a date to appear in court is set.
6. The court sets the child support amount and issues the order.

LEGAL TERMS AS THEY RELATE TO OCSE

- Answer - the formal written statement by a noncustodial parent or his or her attorney filed with the circuit clerk that responds to a complaint and stating any defenses to the claim.
- Complaint - a written statement that begins a civil lawsuit in which OCSE details the claims against the noncustodial parent.
- Default Judgment - a judgment awarding a custodial party the relief sought in the complaint because the noncustodial parent has failed to file an Answer or to appear in court.

If you have an open enforcement case and you have a question about the legal process or any legal terms, contact your local child support office.



FREQUENTLY ASKED QUESTIONS



Why does my child support have to be taken from my paycheck?

State and federal law require child support to be withheld from wages when a parent is employed. This is called “income withholding.” Employers withhold payments for current support and an additional amount for past support, if owed. In addition, child support may be withheld from other sources of income such as unemployment benefits, workers’ compensation benefits, and Social Security payments.

Why does OCSE charge me to take child support from my paycheck?

OCSE does not charge you to have child support deducted from your paycheck. However, your employer is allowed by Arkansas law to charge you a fee not to exceed \$2.50 for each withholding to offset their costs.

Why do I owe child support? I was never served with any legal papers or attended a court hearing.

Child support obligations can only be established after the parent (or a household member over the age of 14) has been served with proper legal notice and given a chance to appear before the court. However, if a parent does not respond within the time period allowed in the legal notice, the court may proceed by entering an order for support. This is called a “default order.”

Do I need an attorney?

You may choose to hire an attorney to represent your interests. Attorneys who work for the Arkansas OCSE represent the interests of the state of Arkansas. They do not represent the interests of either the noncustodial parent or the custodial party.

What happens if I don’t pay the court ordered amount?

If you do not obey a support order, OCSE may suspend your driver’s, professional, business, and/or hunting and fishing licenses; place a lien on personal and real property or accounts in financial institutions; intercept state and federal income tax refunds; or prevent your ability to obtain a passport. In addition, you may be taken back to court and found in contempt of court. A contempt action may be filed against any noncustodial parent who fails to make support payments in full or does not obtain and keep the required medical insurance. If you are found in contempt of court you may be sent to jail until you pay some or all of the unpaid support.

I told you where I am working. It’s not my fault you did not take my child support from my paycheck.

You are responsible for ensuring that your court ordered obligations are paid. If child support has not been deducted from your paycheck the responsibility lies with you to make that payment directly to Arkansas

Child Support Clearinghouse, PO Box 8124, Little Rock, AR 72203. Check with your employer to confirm they have received a request to withhold your child support. If they have not, contact your local child support office to request that another copy be mailed. Until your obligation is deducted from your check, make your payments directly to the Arkansas Child Support Clearinghouse.

Will OCSE collect from my unemployment benefits/compensation?

State law allows OCSE to withhold child support from your unemployment benefits if it is included in your court order or if you agree. For OCSE to withhold from your unemployment, your case must be open with OCSE. The amount to be withheld should be stated in your court order.

How does buying my child gifts affect my child support payments?

Generally, courts do not allow gifts to a child as a substitute for cash child support payments and require that child support payments be paid as ordered by the court.

How will I know when OCSE is taking action against me?

Before OCSE can take any action against you, it must notify you. The notice will specify the type of action that is being taken. It is important that you provide the court and OCSE with your current address so you will receive proper notice.

Why does OCSE take my current spouse's Income Tax refund?

If you file a joint return with your current spouse, the entire refund from both your state and federal tax returns is subject to offset if you owe unpaid child support. However, for federal tax refunds, your current spouse can file an Injured Spouse Claim form along with your Form 1040 or 1040A and his or her portion of the refund will not be intercepted. If your spouse's share of your state tax refund is intercepted, you may contact your local child support office for assistance.

What happens if my income changes?

If your income changes significantly (for example, job loss or reduction in hours), contact your local child support office to ask about a review and adjustment. You may be eligible for a reduction in your child support. It will take a new court order to change the existing one. You are responsible to pay your court ordered amount of child support until a new court order is established.



CONFIDENTIALITY

Arkansas OCSE follows laws and guidelines for the use of personal information on each case only for purposes of establishing paternity and enforcing child support. Personal information collected and kept by OCSE is not public record.

CONCLUSION

We hope this handbook 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 our website at www.childsupport.arkansas.gov.

Your kids are counting on you.



LOCAL OFFICES OF CHILD SUPPORT

Batesville OCSE

1602 Batesville Blvd
Batesville, AR 72501
Phone: (870) 251-4333
Counties served: Cleburne,
Fulton, Independence, Izard,
Stone

Camden OCSE

793 California Ave.
Camden, AR 71701
Phone: (870) 837-1838
Counties served: Cleveland,
Ouachita

Helena-West Helena OCSE

648 N Sebastian
Helena-W Helena, AR 72390
Phone: (870) 572-3545
Counties served: Phillips

Little Rock OCSE

322 S. Main St, Ste 100
Little Rock, AR 72201
Phone: (501) 371-5400
Counties served: Perry, Pulaski

Mena OCSE

806 10th St
Mena, AR 71953
Phone: (479) 394-6339
Counties served: Montgomery,
Polk, Scott

Russellville OCSE

800 East Main, Ste A
Russellville, AR 72801
Phone: (479) 968-7051
Counties served: Conway,
Johnson, Pope, Yell

Van Buren OCSE

3132 Alma Blvd
Van Buren, AR 72956
Phone: (479) 471-8855
Counties served: Crawford,
Franklin, Logan, Sebastian

Benton OCSE

318 Edison Ave, Ste 4
Benton, AR 72015
Phone: (501) 860-6162
Counties served: Grant,
Hot Spring, Saline

Conway OCSE

2455 Washington Ave, Ste 107
Conway, AR 72032
Phone: (501) 329-1721
Counties served: Faulkner,
Searcy, Van Buren

Hope OCSE

811 N Hervey
Hope, AR 71801
Phone: (870) 777-8400
Counties served: Hempstead,
Howard, Little River, Nevada,
Pike

Lonoke OCSE

115 Jefferson St
Lonoke, AR 72086
Phone: (501) 676-2736
Counties served: Lonoke

Monticello OCSE

428A West Gaines
Monticello, AR 71655
Phone: (870) 367-8763
Counties served: Ashley,
Bradley, Drew

Searcy OCSE

2701 East Race, Ste 2
Searcy, AR 72143
Phone: (501) 268-6164
Counties served: Prairie, White

West Memphis OCSE

3821 N Airport Rd
Marion, AR 72364
Phone: (870) 739-2555
Counties served: Crittenden

Berryville OCSE

803 Champlain St
Berryville, AR 72616
Phone: (870) 423-2979
Counties served: Baxter,
Boone, Carroll, Marion,
Newton

El Dorado OCSE

2708 West Vine St
El Dorado, AR 71730
Phone: (870) 862-9785
Counties served: Calhoun,
Columbia, Dallas, Union

Hot Springs OCSE

2228 Albert Pike, Ste H
Hot Springs, AR 71913
Phone: (501) 321-1561
Counties served: Clark,
Garland

Lowell OCSE

122 N Bloomington, Ste A
Lowell, AR 72745
Phone: (479) 770-5443
Counties served: Benton,
Madison, Washington

Pine Bluff OCSE

3023 West 28th Ave
Pine Bluff, AR 71603
Phone: (870) 534-5271
Counties served: Jefferson,
Lincoln

Stuttgart OCSE

211 South Leslie St
Stuttgart, AR 72160
Phone: (870) 673-2721
Counties served: Arkansas

Blytheville OCSE

1102 Byrum Rd
Blytheville, AR 72315
Phone: (870) 763-5970
Counties served: Mississippi

Forrest City OCSE

3945 N Washington
Forrest City, AR 72335
Phone: (870) 633-7745
Counties served: Cross, Lee,
Monroe, St. Francis, Woodruff

Jonesboro OCSE

2006 Latourette Dr
Jonesboro, AR 72404
Phone: (870) 972-5510
Counties served: Craighead,
Greene, Poinsett

McGehee OCSE

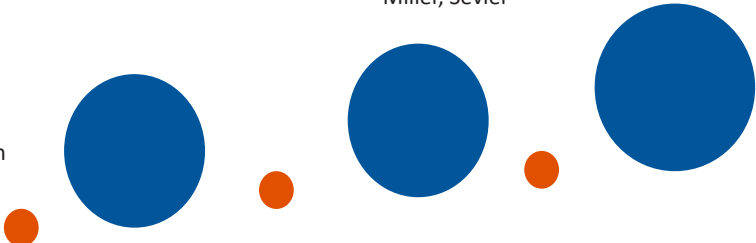
504 Hwy 65 North
McGehee, AR 71654
Phone: (870) 222-4818
Counties served: Chicot,
Desha

Pocahontas OCSE

1905 Old County Rd
Pocahontas, AR 72455
Phone: (870) 892-4911
Counties served: Clay,
Jackson, Lawrence, Randolph,
Sharp

Texarkana OCSE

210 N State Line Ave, Ste 400
Texarkana, AR 71854
Phone: (870) 772-3443
Counties served: Lafayette,
Miller, Sevier



**Office moves may have occurred since the printing of this publication. You may want to call before visiting an office.*



Office of Child Support Enforcement
Arkansas Department of Finance and Administration

www.childsupport.arkansas.gov