

## DELAWARE HEALTH & SOCIAL SERVICES

### Divisions

- [Child Support Enforcement](#)
- [Developmental Disabilities Services](#)
- [Long Term Care Residents Protection](#)
- [Management Services](#)
- [Medicaid & Medical Assistance](#)
- [Public Health](#)
- [Services for Aging and Adults with Physical Disabilities](#)
- [Social Services](#)
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### Programs

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- [Delaware Health Care Commission](#)
- [Delaware Health Fund Advisory Committee](#)
- [Long Term Care Ombudsman](#)

### Mission Statement

"To improve the quality of life for Delaware's citizens by promoting health and well-being, fostering self-sufficiency, and protecting vulnerable populations."

### Vision Statement

"Together we provide quality services as we create a better future for the people of Delaware."

DHSS WEBSITE: [www.dhss.delaware.gov](http://www.dhss.delaware.gov)



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Child Support Enforcement



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**APPLICATIONS AND FORMS**

Applications, Affidavit of Lost/Stolen Check, Change of Name or Address, and Direct Deposit forms can be obtained from local offices in NCC, KC or SC, or printed out directly from our website: [www.dhss.delaware.gov/dcse](http://www.dhss.delaware.gov/dcse)

**CUSTOMER SERVICE UNIT  
AND AUTOMATED ASSISTANCE LINE (AAL)**

In an effort to provide our clients with better service, the Division of Child Support Enforcement (DCSE) has established a central Customer Service Unit and Automated Assistance Line (AAL).

All incoming calls to DCSE are routed through the Automated Assistance Line. The AAL can be accessed by touch-tone phones and provides pre-recorded answers (*in English & Spanish*) to routinely asked questions regarding basic services and programs.

The AAL is available 24 hours a day. Monday through Friday 8:30 am to 4:00 pm, you will be given the opportunity to speak with one of our Customer Service Representatives. Rotary phone users are instructed to stay on the line and will be transferred to the Customer Service Unit during normal business hours.

Callers will also hear about our services, office locations and hours, policies, programs and new initiatives. Case updates and payment information are also available and updated daily.

**Customer Service and Automated Assistance Lines**

New Castle County	302-577-7171
Kent County	302-739-8299
Sussex County	302-856-5386

**OFFICE HOURS** Monday through Friday, 8:00 a.m. to 4:30 p.m.

**LOCATIONS**

Churchmans Corp Ctr. 84-A Christiana Rd. New Castle, DE 19720	Blue Hen Corp. Ctr. 655 S. Bay Road Dover, DE 19901	9 Academy St. Georgetown, DE 19947
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**DCSE WEBSITE: [www.dhss.delaware.gov/dcse](http://www.dhss.delaware.gov/dcse)**

## **GLOSSARY OF TERMS (cont'd)**

**Summons** Legal notice to a defendant that an action against him/her has commenced in the court issuing the summons and that the judgment will be taken against him/her if the complaint is not answered within a certain time.

**Support Order** Judgment, decree, or order (*temporary, final, or subject to modification*) issued by a court or an administrative agency of competent jurisdiction for support and maintenance of a child. Includes a child who has attained the age of majority under the law of the issuing state, or of the parent with whom the child is living. Can incorporate provision of monetary support, health care, payment of arrearages, or reimbursement of costs and fees, interest and penalties, and other forms of relief.

## **RELATED AGENCIES & INFORMATION**

◇ **State of Delaware Family Court:** Family Court has extensive jurisdiction over all domestic relations matter, including divorce, custody, visitation, child and spousal support, and property division. Jurisdiction over intrafamily misdemeanors, misdemeanor crimes against children, and civil domestic violence protective orders. Jurisdiction over all juvenile offenses except murder, rape, and kidnapping. [www.courts.delaware.gov/family/](http://www.courts.delaware.gov/family/)

◇ **Federal Office of Child Support Enforcement:** The Federal Office of Child Support Enforcement (OCSE) is an agency located in the U.S. Department of Health and Human Services. OCSE sets program standards and policy for the operation of child support programs nationwide. OCSE evaluates state performance in conducting programs, offers technical assistance and training as to state funds, and disseminates information about 'best practices' in child support and conducts audits of state program activities. The OCSE website provides links directly to related child support programs of the 54 states and territories. [www.acf.hhs.gov/programs/css](http://www.acf.hhs.gov/programs/css)

◇ **Office of Vital Statistics:** The Office of Vital Statistics serves as the repository of the most essential information regarding its state's citizens. Its records include birth certificates, death certificates, civil union or marriage and divorce records. [www.dhss.delaware.gov/dhss/dph/ss/vitalstats.html](http://www.dhss.delaware.gov/dhss/dph/ss/vitalstats.html)

## **MISSION & GOALS**

The mission of the Division of Child Support Enforcement (DCSE) is to promote family independence by reducing dependency of single parent households through the collection of monetary child support payments and medical support from non-custodial parents.

This mission is achieved through the effective use of paternity establishment programs, aggressive case processing, enforcement techniques, efficient collection, and prompt distribution of support payments.

When the relationship between a child's parents ends, it does not mean that either parent's responsibility for that child ends. Both parents remain financially and legally obligated to the child.

*No person shall, on the ground of race, color, national origin, religion, age, gender, marital status, disability, or sexual orientation, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Delaware IV-D child support program.*

## **SERVICES**

- **Accounting**  
*Accounting for payments*
- **Enforcement**  
*Collecting child support payments*
- **Location**  
*Finding non-custodial parents*
- **Modification**  
*Providing services to change orders*
- **Obligation**  
*Establishing the legal support order*
- **Paternity Establishment**  
*Determining the child's father*

## **BUSINESS UNITS**

- Office of the Director
- Accounting
- Customer Service & Training
- Fiscal
- Operations
- Program & Policy
- Quality Improvement
- Systems

## **LOCATIONS**

Churchmans Corp Ctr. 84-A Christiana Rd. New Castle, DE 19720	Blue Hen Corp. Ctr. 655 S. Bay Road Dover, DE 19901	9 Academy St. Georgetown, DE 19947
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## **OFFICE HOURS**

Monday through Friday, 8:00 a.m. to 4:30 p.m.

**DCSE WEBSITE: [www.dhss.delaware.gov/dcse](http://www.dhss.delaware.gov/dcse)**

## **THE DIVISION OF CHILD SUPPORT HELPS**

The Division of Child Support Enforcement (DCSE) helps custodial parents locate non-custodial parents, establish paternity, obtain support orders, and collect support. For more information about DCSE's services, call or visit your local office in NCC, KC, or SC - or visit us online: [www.dhss.delaware.gov/dcse](http://www.dhss.delaware.gov/dcse)

DCSE's services are provided to: 1) Anyone when one or both parents reside outside of their minor child's home, and 2) Those who receive public assistance (*Temporary Assistance to Needy Families-TANF*) to care for a child under the age of 18. DCSE is required by law to seek child support if you currently receive a TANF check, and/or you have a medical card for the Medicaid program.

The only time that DCSE will not try to get support from the non-custodial parent is when "good cause" has been established. "Good cause" refers to situations where there is a risk of serious physical or emotional harm to the child or caretaker if the caretaker cooperated with DCSE in obtaining support from the non-custodial parent. DCSE staff determine if "good cause" exists.

As of 01/01/94, all support orders are subject to income withholding, payable to the Division of Child Support Enforcement. If income withholding only is chosen by the client, or ordered by Family Court, DCSE will collect and distribute all the child support paid through the income withholding. (*These cases are referred to as "collection only", and the parties are not clients of the Division for enforcement purposes.*)

If the custodial parent chooses to become a client of DCSE and use all of DCSE's services, they will need to complete an application for services so that the Division can collect and distribute all support paid through income withholding or any other means. Applications are available 1) from offices in NCC, KC, or SC, 2) by calling the Automated Assistance Line, or 3) online - [www.dhss.delaware.gov/dcse](http://www.dhss.delaware.gov/dcse).

For current or former public assistance families, there is no charge for DCSE services. For all others, there is a \$25.00 application fee. Effective 10/01/06, the Federal Government also requires DCSE to collect a \$25.00 fee on an annual basis from custodial parents (CP's) who have never received Temporary Assistance for Needy Families (TANF).

## **GLOSSARY OF TERMS (cont'd)**

<b>Judgment</b>	Official decision of the court.
<b>Jurisdiction</b>	Legal authority of a court.
<b>Legal Father</b>	Man recognized by law as the father of a child.
<b>Lien</b>	A claim upon property to prevent sale or transfer of that property until a debt is satisfied.
<b>Modification</b>	A court order that changes the terms of an earlier court order.
<b>Motion</b>	An application to a court for an order or a ruling.
<b>Non-Custodial Parent</b>	Parent who does not have primary physical placement of the child(ren), although he or she may have legal custody. ( <i>Also called the NCP or obligor.</i> )
<b>Obligee</b>	The person, state agency, or other institution to which child support is owed. ( <i>Also referred to as custodial parent or CP when the money is owed to the parent with primary custody of the child.</i> )
<b>Obligor</b>	The person who is obliged to pay child support. ( <i>Also called the non-custodial parent or NCP.</i> )
<b>Order to Show Cause</b>	A court order telling a person to appear in court and to explain why a certain order should not be entered.
<b>Paternity Establishment</b>	Legal determination of fatherhood.
<b>Petition</b>	A formal written request.
<b>Petitioner or Plaintiff</b>	Person who brings a legal action or lawsuit.
<b>Stipulation</b>	Written agreement between the parties to an action that the court approves as an order or judgment.
<b>Subpoena</b>	Process issued by a court compelling a witness to appear at a judicial proceeding. Sometimes the process will also direct the witness to bring documentary evidence to the court.

## **GLOSSARY OF TERMS (cont'd)**

**Custodial Parent** Parent with both legal custody (joint or sole) and primary physical placement of a child receiving support. The child lives with this parent most of the time.

**Custody** Authority assigned by Family Court to one or both parents to make major decisions regarding their children.

**Default** A defendant's failure to file an answer or appear in a court case within a certain number of days after being served with a summons or complaint.

**Default Judgment** Decision made by the court when the defendant fails to answer or appear.

**Defendant** Person against whom legal action or lawsuit is filed. (*Also called the respondent.*)

**Disbursement** Paying out collected child support funds.

**Drop Box** Secure box for submitting your child support payments by check or money order.

**Establish** To bring into existence by a legal process.

**Income Withholding Order** Order or notice to a non-custodial parent's employer to withhold child support. (*Also called an IWO or wage attachment.*)

**Initiating State** State that sends a request to another state for help in establishing or enforcing a child support order.

**Intercept** Securing child support by taking a portion of non-wage payments made of a non-custodial parent including federal tax refunds, state tax refunds, unemployment benefits, and disability benefits.

**Interstate Cases** Cases in which the dependent child and non-custodial parent (NCP) live in different states, or where two or more states are involved in some case activity such as enforcement.

## **TIPS TO HELP THE DIVISION HELP YOU**

- Keep your appointments, or call to cancel and reschedule when necessary.
- When applying for services, please bring the following information:
  1. *Child support orders*
  2. *Children's birth certificates*
  3. *Children's paternity records*
  4. *Civil Union/Marriage/Divorce records*
  5. *Proof of income*
  6. *Proof of residence*
  7. *Support payment records*
- Provide as much information as possible regarding the whereabouts of the non-custodial parent (NCP):
  - *Home address*
  - *School location*
  - *Work location*
  - *Temporary residence*
- Notify DCSE in writing of **all changes** in your address, phone, employment, custody, support orders, and \*banking information (\*if you have signed-up for direct deposit).
- Follow your court order **exactly**. Do not make **any** changes to your order outside of Family Court.
- Attend **all** Family Court proceedings.
- Keep records of all support payments.
- If you receive support payments directly, please notify DCSE.
- Remember that gifts to a child do **not** count as support payments.

## **CHILD SUPPORT ORDER ESTABLISHMENT**

In Delaware, Family Court decides what is in the best interest of a child and applies the law regarding child support to the case.

Most child support matters are handled in court at the mediation level, where the parties try to reach an agreement based on the Delaware Child Support (also called the Melson) Formula. If an agreement is reached, an income withholding order (IWO) is issued. *(It can take 30-60 days before income withholding takes effect and money is distributed.)*

In cases where the identity of the father is questioned, and in those cases where one or both parties do not agree with the Delaware Support Formula, the case goes to the Family Court Commissioner's level for a decision. If you are a DCSE client, a Deputy Attorney General (DAG) will prosecute the case. At the hearing, the Commissioner looks at the facts and circumstances and decides the proper support amount. In addition, the Commissioner will also issue an income withholding order and medical support attachment for the non-custodial parent's employer.

If the child was born out of wedlock and the named father denies that he is the child's father, both parents and the child(ren) are ordered to undergo genetic (DNA) testing. This test determines whether or not the man tested is the father of the child. If the man is found *not* to be the father, he is excluded and the mother is asked to name another man that she believes could have fathered the child, and the process repeats.

The amount of time it will take to establish a child support order will depend upon a number of things. If the parent lives in Delaware, the process is much quicker. Clients will be required to attend all Family Court proceedings on their case.



## **GLOSSARY OF TERMS**

<b>Accrual</b>	Sum of child support payments due.
<b>Adjudication</b>	The entry of a judgment, decree, or order by a judge or other decision maker such as a Commissioner, mediator, referee, or hearing officer - based on the evidence submitted by the parties.
<b>Administrative Procedure</b>	Method by which support orders are made/enforced by an executive agency rather than by courts and judges.
<b>Affidavit</b> a notary.	Statement, in writing, made under oath before a notary.
<b>Arrears</b>	Past due court ordered support payments.
<b>Assignment of Support</b>	Signing over child support payments to the State of Delaware as a condition for receiving TANF benefits, or signing over medical support payments as a condition of receiving Medicaid benefits.
<b>Burden of Proof</b>	Duty of a party to produce the greater weight of evidence on a point at issue.
<b>Capias</b>	Warrant for arrest.
<b>Child Support</b>	Money paid by a parent for the financial support of a minor child. It may include medical, dental, and educational expenses.
<b>Child Support Order</b>	Legal document issued by Family Court, setting the amount to be paid for the support of a child.
<b>Contempt</b>	Failure to comply with a court order when a person has the ability to do so.
<b>Court Order</b>	A legally binding order issued by a judge, or properly empowered administrative officer that can dictate how often, how much, what kind of support an NCP is to pay, how long he/she is to pay it, and whether an income withholding order will be issued.

### ***FEDERAL INCOME TAX INTERCEPT (cont'd)***

their court orders and are subject to federal income tax refund interception. NCPs receiving a notice will have the opportunity to take action to avoid having their federal income tax refund intercepted. Within 30 days of receiving a notice of federal income tax refund interception, the NCP may pay their arrears in full, or request in writing an administrative hearing. NCPs who do not pay their delinquent child support or do not request an administrative hearing will be subject to federal income tax refund interception.

The NCP may contest DCSE's finding that he or she owes past due support by requesting an administrative hearing. If a hearing is requested by the NCP, the custodial parent (CP) may be contacted to appear.

If the NCP is married and files a joint return, the NCP's spouse may be entitled to receive a portion of any joint tax refund. This is possible when the NCP's spouse has incurred no legal responsibility for the NCP's child support debt and the spouse has income and withholding and/or estimated tax payments. For the NCP's spouse to receive their portion of the joint federal income tax refund, the spouse must file a Form 8379, Injured Spouse Claim and Allocation. Form 8379 can be obtained from the IRS web site: <http://www.irs.gov/formspubs/index.html>. Form 8379 should be attached to the top of Form 1040 or 1040A when filing, or according to other applicable instructions as described on Form 8379.

If a collection is made from a joint federal income tax return, the NCP's spouse may be entitled to receive a portion of any joint tax refund. DCSE must hold the money for six months to allow the NCP's spouse to file a claim with the Internal Revenue Service (IRS). If the same NCP owes past due support to two or more child support cases, any money collected will be proportionately distributed among all cases according to federal regulations.

If the CP has received public assistance and/or Medicaid in the past, any federal income tax refund intercepted must first be used to repay the State.

*There is no guarantee the NCP is due a tax refund; thus, there is no guarantee that any money will be collected by DCSE, nor is there any way to predict when the money will be available for distribution.*

*There is a \$25.00 fee deducted from tax offset collections over \$100.00.*

### **MODIFICATION OF EXISTING ORDERS**

The court will accept a petition for modification if it has been two-and-a-half (2-1/2) years or more since the last order. The order will be modified based on the Delaware Child Support Formula.

No petition for modification may be filed within 2-1/2 years, unless there has been a substantial change in circumstances. There will be no modification of an order filed within 2-1/2 years, unless the calculation indicates a change (*upward or downward*) of 10% or greater.

### **ADMINISTRATIVE HEARINGS**

An administrative hearing is a legal proceeding, but is not as formal as a court proceeding. The administrative hearing offers parties the opportunity to contest (*for limited reasons*) administrative enforcement actions including:

1. *Federal/State Tax Refund Offset*
2. *Federal Administrative Offset*
3. *Passport Denial*
4. *State Lottery Offset*
5. *Consumer Reporting*
6. *Lien/Levy of Assets*
7. *Income Withholding Orders (IWO)*
8. *License Suspension/Denial*

Parties must request an administrative hearing in writing within the time period stated in the notice of DCSE's intent to take a proposed enforcement action. An individual may appear for an administrative hearing with, or without, an attorney.

A hearing decision is usually issued within five working days after the hearing. A party may appeal the hearing decision to the Family Court within 30 days of the date that the decision was mailed to the parties.

## **PATERNITY ESTABLISHMENT**

Paternity establishment means legally determining the father of a child. If a child's parents were not married to each other when the child was born, the law does not recognize the father unless paternity is legally established.

Establishing paternity gives a child the same rights and benefits as children born to married parents, including:

- *Legal proof and identity of the child's parents;*
- *Information on family medical history (especially important in regard to inherited health issues);*
- *Father's name on the birth certificate;*
- *Medical or life insurance from either parent (if available);*
- *Financial support from both parents including child support, social security, veteran benefits and military allowances (if applicable), and inheritance.*

Establishing paternity gives the father and mother legal rights to:

- *Seek a court order for child support.*
- *Seek a court order for custody or visitation.*
- *Have a say in certain legal decisions about the child.*

The easiest way to establish paternity is administratively (*without going to court*) via the Voluntary Acknowledgement of Paternity (VAP) program whereby both parents sign an affidavit saying the child is theirs. Signing the VAP is free and can be done at the hospital after the baby is born, or at a local Office of Vital Statistics, or a child support enforcement office in NCC, KC, or SC anytime before the child turns 18, or 19 years of age if the child is still in high school. When unmarried parents sign the VAP, the father's name will appear on the birth certificate. However, only the biological father should sign the VAP. If the mother was married to a man other than the biological father at the time of the child's birth, the man she was married to is the legal father and the biological father can not sign an acknowledgement form. *Note: Either parent has 60 days to rescind the acknowledgement.*

Paternity can also be established by order of the court and may include genetic (DNA) testing. DNA testing can show up to a 99% probability if a man is the child(ren)'s biological father .

## ***STATE INCOME TAX INTERCEPT (cont'd)***

determination. After the determination is made, DOR will send the remaining tax money to DCSE to fulfill the NCP's past due child support obligation.

If the same NCP owes past due support to two or more child support cases, any money collected will be proportionately distributed among all cases according to federal regulations.

The NCP may contest DCSE's finding that he or she owes past due child support by requesting an administrative hearing. If a hearing is requested by the NCP, the custodial parent may also be contacted to appear.

*There is no guarantee that the NCP is due a tax refund; thus, there is no guarantee that any money will be collected by DCSE, nor is there any way to predict when the money will be available for distribution. And if a collection is made from a joint State of Delaware income tax return, the spouse of the NCP may be entitled to receive a portion of any joint tax refund.*



## ***FEDERAL INCOME TAX INTERCEPT***

DCSE has the authority, together with the Federal Department of Financial Management Services, to seize federal income tax returns to which the NCP may be entitled.

For Non-Public Assistance (NPA) and Medicaid Only (MAO) cases, the amount of past due support must be at least \$500.00. For Temporary Assistance for Needy Families (TANF) and foster care cases, the amount of past due support must be at least \$150.00.

DCSE sends notices to NCPs who meet the criteria for federal income tax refund intercept, informing them that they are not in compliance with

### ***PASSPORT DENIAL (cont'd)***

DCSE sends notices to the NCPs who meet the criteria for passport denial, informing them that they are not in compliance with their court orders and are subject to passport denial. Anyone receiving a notice will have the opportunity to take action to avoid having their passport denied.

Within 30 days of receiving a notice of denial, a person may pay their arrears in full or request in writing an administrative hearing. NCPs who do not pay their past due child support or request an administrative hearing will be subject to passport denial.

### ***TAX INTERCEPT***

#### ***STATE INCOME TAX INTERCEPT***

DCSE has the authority, together with the Delaware Division of Revenue, to seize state income tax refunds to which the NCP may be entitled. NCPs who owe \$150.00 or more of past due child support are subject to state income tax intercept.

DCSE sends notices to NCPs who meet the criteria for state income tax refund intercept, informing them that they are not in compliance with their court orders and are subject to state income tax refund interception.

NCPs who receive a notice will have the opportunity to take action to avoid having their state income tax refund intercepted. Within 30 days of receiving a notice of state income tax refund interception, the NCP may pay their arrears in full, or request in writing an administrative hearing. NCPs who do not pay their past due child support or do not request an administrative hearing will be subject to state income tax refund interception.

If the NCP is married and files a joint return, the Division of Revenue (DOR) will determine what portion of the joint tax refund the NCP's spouse is entitled to.

The NCP will receive a notice from DOR indicating their refund will be forwarded to DCSE for past due child support. The NCP will have 30 days after receiving notice to contact DOR so they can make the refund

### **LOCATING A PARENT**

In order to establish or enforce a child support order, we must know where to find the parent responsible for support. The applicant is our best resource in attempting to locate the non-custodial parent (NCP).

DCSE will attempt to locate the NCP anywhere in the United States. This includes the use of automated locate resources, such as searching the files of the Division of Motor Vehicle, Department of Labor, Federal Parent Locator Service, Internet, and Office of Vital Statistics. DCSE can also check information that employers report about newly hired employees.

To use the locator service, the custodial parent must be able to provide the NCP's:

- *Full name*
- *Date of birth*

And at least one of the following:

- *Last known address(es)*
- *Mother's maiden name*
- *Father's full name*
- *Social security number*

The more information provided on the NCP, the greater the chances are of successfully locating them. Anytime information is received about a parent, please contact DCSE to provide a case update.



## **PAYMENT METHODS**

As of April 1, 2011 DCSE is required to electronically deposit child support payments into either a Direct Deposit or First State Family Card account. Both methods are FREE, FAST & SECURE!

- Direct Deposit
- First State Family Card (Stored Value Card)
  - *Checks are still issued; but, only for those clients who receive infrequent payments (approx. only 1-3 times per year).*

### ***DIRECT DEPOSIT***

Why pay a [check cashing fee of 2% of the value of your check, or a \\$4 flat fee](#), when your child support payment can be deposited directly into your account? Make smart decisions about your money; sign-up for Direct Deposit today!

Once you enroll, the Division of Child Support (DCSE) sends a credit to your bank, savings and loan, or credit union and your funds are conveniently deposited directly into your checking or savings account. It's that easy! All banking information is confidential.

### ***FIRST STATE FAMILY CARD (Stored Value Card)***

This is a pre-paid account that is credited whenever a payment is posted to any/all of a client's child support cases. No line of credit is associated, no bank account is required, and it can be used anywhere credit/debit is accepted.

Every custodial parent with a child support case and a valid social security number or ITIN can enroll; but, they'll have to choose one method of electronic payment only. Either Direct Deposit or First State Family Card. Clients cannot have both.

If you are a child support client, you can obtain an [Enrollment Form](#) by:

- *Calling Customer Service*
- *Going online [www.dhss.delaware.gov/dhss/dcse/forms.html](http://www.dhss.delaware.gov/dhss/dcse/forms.html)*
- *Stopping in to any one of our three offices to pick one up.*

Then return the completed Enrollment Form, along with any required account information, to: DCSE, PO Box 12327, Wilmington, DE 19850.

## ***LOTTERY INTERCEPT***

NCPs subject to lottery intercept are those who owe \$150.00 or more of past due child support. DCSE has the authority, together with the Delaware Division of Revenue, to seize lottery winnings to which the NCP may be entitled.

DCSE will send notices to NCPs who meet the criteria for lottery intercept, informing them that they are not in compliance with their court orders, and are subject to lottery interception. Anyone receiving a notice will have the opportunity to take action to avoid having their lottery winnings intercepted.

Within 30 days of receiving a notice of lottery interception, the NCP may pay their arrears in full, or request in writing an administrative hearing. The NCPs who do not pay their delinquent child support, or request an administrative hearing will be subject to lottery interception.

If the same NCP owes delinquent support to two or more child support cases, any money collected will be proportionately distributed among all cases according to federal regulations.

*There is no guarantee that the NCP will be due lottery winnings. Thus, there is no guarantee that any money will be collected by DCSE, nor is there any way to predict when the money will be available for distribution to the CP. There is a \$25.00 fee deducted from all lottery intercept collections over \$100.00.*

## ***PASSPORT DENIAL***

DCSE has the authority, together with the Federal Department of State, to deny passports. Federal welfare reform legislation requires states to deny passports to any NCP who has past-due arrears of \$2,500.00 or more.

When anyone applies for a passport, the Federal Department of State will match social security numbers and date of birth against a listing of potential NCPs subject to passport denial. If a passport is denied, the Federal Department of State notifies the NCP of such action.

### ***LICENSE SUSPENSION***

Federal welfare reform legislation requires states to have laws that suspend the licenses of NCPs who do not pay their child support.

DCSE has the authority, together with the licensing agencies, to suspend any type of license including business, drivers, professional, occupational, as well as recreational (*hunting, fishing and trapping*).

There are two groups of people who are subject to license suspension:

- 1) NCPs who owe \$1,000.00 or more in past due child support, and who have not made a complete payment as ordered by Family Court in the past 30 days.
- 2) NCPs who have an outstanding Capias or bench warrant issued by Family Court for failure to appear at any paternity or child support proceeding in a DCSE case.

DCSE will send notices to NCPs who meet the criteria for license suspension, informing them that they are not in compliance with their court orders and are subject to license suspension. Anyone receiving a notice will have the opportunity to take action to avoid having their license suspended.

Within 20 days of receiving a notice of suspension, a person may pay their arrears in full, consent to a payment plan agreement, surrender to Family Court on an outstanding Capias or warrant, or request in writing an administrative hearing. NCPs who do not pay their past due child support, sign a payment plan, surrender to Family Court, or request an administrative hearing will be notified that their license is suspended.

### ***LIEN/LEVY OF ASSETS***

DCSE has the authority to perfect liens against the assets of delinquent non-custodial parents.

### **ENFORCEMENT MEASURES**

Non-custodial parents (NCPs) who do not pay child support established by court order are subject to enforcement measures to collect regular and past-due payments. The Division of Child Support Enforcement (DCSE) has broad authority to collect and enforce the payment of child support including:

- *Consumer Reporting*
- *Court Processing*
- *License Suspension*
- *Lien/Levy of Assets*
- *Lottery Intercept*
- *Passport Denial*
- *Tax Intercept*

### ***CONSUMER REPORTING***

DCSE has the authority to report missed or late payments to various consumer reporting agencies, if the NCP owes \$1,000.00 or more in past due child support payments as ordered by Family Court.

DCSE will send notices to NCPs who meet the criteria for consumer reporting, informing the NCP that they are not in compliance with their court orders and are subject to consumer reporting submission.

NCPs receiving a notice will have the opportunity to take action to avoid being reported. Within 20 days of receiving a notice of consumer reporting, an NCP may pay arrears in full or request an administrative hearing in writing. Those NCPs who do not pay their past due child support or do not request an administrative hearing will have their payment status submitted to the various consumer reporting agencies.

After submission by DCSE to the consumer reporting agencies, an NCP will have difficulty securing a home mortgage, auto loan, and other personal lines of credit.

### ***COURT PROCESSING***

If an NCP has the ability to pay child support and chooses willfully not to, DCSE may ask a Family Court Judge to find the NCP in contempt of court for failing to comply with a child support order. If the court finds the NCP in contempt, the judge may order a purge payment, impose a sanction, and even put the NCP in jail. Capiases are issued by Family Court when the NCP fails to appear.