



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Child Support Services



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Division of Child Support Services



Child Support Services Overview

LOCATIONS

Churchmans Corp Ctr.
84-A Christiana Rd.
New Castle, DE 19720

905 S. Govenors Ave.
2nd Floor
Dover, DE 19904

20105 Office Circle
Georgetown
Professional Park
Georgetown, DE 19947

OFFICE HOURS

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

DCSS WEBSITE: www.dhss.delaware.gov/dcsc

DELAWARE FATHERHOOD PROGRAM

Delaware Fatherhood Program is a new program designed to assist parents in finding jobs, gain employment skills, achieve economic stability and sustain employment. Participation can help to establish or rebuild healthy relationships and make a positive impact on the lives of children.

Benefits For Participating

- Job Search and Placement
- Case Review/Possible Modification
- Possible Reinstatement of Driver’s License
- Education and/or Trade Certificates
- Coaching and Mentoring
- Possible Enforcement Actions Delay & State Debt Reduction

Services Are Free And Include

- Employment Services
- Skills Training
- Financial Education
- Medicaid & Medical Assistance
- Child Support Case Management Assistance

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

MISSION & GOALS

The mission of the Division of Child Support Services (DCSS) 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 parentage 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
- **Review and Adjustment**
Providing services to modify orders
- **Establishment of Orders**
Obtaining the legal support order
- **Paternity Establishment**
Determining the child’s father

BUSINESS UNITS

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

LOCATIONS

Churchmans Corp Ctr. 84-A Christiana Rd. New Castle, DE 19720	905 S. Governors Ave. 2nd Floor Dover, DE 19904	20105 Office Circle Georgetown Professional Park Georgetown, DE 19947
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OFFICE HOURS

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

DCSS WEBSITE: www.dhss.delaware.gov/dcsc

THE DIVISION OF CHILD SUPPORT HELPS

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

DCSS's services are provided to: 1) Anyone who applies for services 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. DCSS is required by law to seek child support if you currently receive a TANF benefit, and/or you receive services under the Medicaid program.

The only time that DCSS will NOT try to get support from the non-custodial party 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 DCSS in obtaining support from the non-custodial parent. DCSS staff determine if "good cause" exists.

All support orders are subject to income withholding, payable to the Division of Child Support Services. If income withholding only is chosen by the client, or ordered by Family Court, DCSS 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 party chooses to become a client of DCSS and use all of DCSS's services, they will need to complete an application for services. Applications are available: 1) From offices in NCC, KC, or SC, 2) By calling the Automated Assistance Line or by visiting our web page at www.dhss.delaware.gov/dcsc.

For current or former public assistance or Medicaid families, there is no charge for DCSS services. For all others, there is a \$25 application fee. The Federal Government also requires DCSS to collect a \$35 fee on an annual basis from custodial parents (CP's) who have never received Temporary Assistance for Needy Families (TANF) when the State has collected and disbursed at least \$550.00 of support.

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/dcsc

CUSTOMER SERVICE UNIT AND AUTOMATED ASSISTANCE LINE (AAL)

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

All incoming calls to DCSS 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 8:00 am to 4:00 pm, you will be given the opportunity to speak with one of our Customer Service Representatives.

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	905 S. Governors Ave. 2nd Floor Dover, DE 19904	20105 Office Circle Georgetown Professional Park Georgetown, DE 19947
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DCSS WEBSITE: www.dhss.delaware.gov/dcsc

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. 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 exclusive jurisdiction over all domestic relations matters, including divorce, custody, visitation, child/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/

◇ **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 related to child support programs in the 54 states and territories. www.acf.hhs.gov/programs/css

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

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 parentage 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 DCSS 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 DCSS.
- 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. Once an order is established, 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 DCSS 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 for the non-custodial party and a medical support attachment.

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. Clients will be required to attend all Family Court proceedings on their case.



GLOSSARY OF TERMS (cont'd)

Judgment	Official decision of the court.
Jurisdiction	Legal authority of a court.
Legal Father	Man recognized by law as the father of a child.
Lien	A claim upon property to prevent settlement or transfer of that property until a debt is satisfied.
Modification	A court order that changes the terms of an earlier court order.
Motion	An application to a court for an order or a ruling.
Non-Custodial Parent	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>
Obligee	The person, state agency, or other institution to which child support is owed. <i>(Also referred to as custodial party or CP when the money is owed to the party with primary custody of the child.)</i>
Obligor	The person who is obliged to pay child support. <i>(Also called the non-custodial parent or NCP.)</i>
Parentage Establishment	Legal determination of fatherhood.
Petition	A formal written request.
Petitioner or Plaintiff	Person who brings a legal action or lawsuit.
Stipulation	Written agreement between the parties to an action that the court approves as an order or judgment.
Subpoena	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 Party Party with both legal custody (joint or sole) and primary physical placement of a child receiving support. The child lives with this party most of the time.

Custody Authority assigned by Family Court to one or both parties 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 in New Castle County.

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 Agency Agency that sends a request to another agency 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.

Intergovernmental 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.

REVIEW AND ADJUSTMENT 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 & Video 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 DCSS'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/PARENTAGE ESTABLISHMENT

Paternity/parentage establishment means determining the parent of a child. If a child's parents were not married or in a civil union when the child was born, the law does not recognize the other parent unless paternity/parentage is legally established. Establishing paternity/parentage will give your child the same rights and benefits as children born to married parents. These rights and benefits include:

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

Establishing paternity/parentage gives both parents 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 for biological parents to establish paternity is administratively (*without going to court*) via the Voluntary Acknowledgment of Paternity (VAP) program whereby both biological parents sign a legal document, agreeing 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 (OVS), or a Child Support Services 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 biological parents' names will be placed on the birth certificate by OVS. If either parent changes their mind, they have 60 days, from the date the form was filed with OVS, to appeal. If the mother was married during the 300 days before the child was born, or if the mother was not married, but during the first 2 years of the birth of the child, another man continuously lived with the child and acknowledged the child as his own, then that person is considered the presumed father. In order for the mother and biological father to complete the VAP, both the mother and presumed father must also complete a form called Denial of Paternity (DOP). Both the DOP & VAP must be filed with OVS; otherwise, they are not valid.

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

GLOSSARY OF TERMS

Accrual	Sum of child support payments due.
Adjudication	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.
Administrative Procedure	Method by which support orders are made/enforced by an executive agency rather than by courts and judges.
Affidavit	Statement, in writing, made under oath before a notary.
Arrears	Past due court ordered support payments.
Assignment of Support	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.
Capias	Warrant for arrest.
Child Support	Money paid by a parent for the financial support of a minor child. It may include medical, dental, and educational expenses.
Child Support Order	Legal document issued by Family Court, setting the amount to be paid for the support of a child.
Contempt	Failure to comply with a court order when a person has the ability to do so.

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 DCSS'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. DCSS must hold the funds 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.

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

There is a \$25 fee deducted from tax offset collections over \$75.

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).

DCSS 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. DCSS 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 DCSS to provide a case update.

iPay Online

iPay online is a convenient, secure and easy way to manage child support payments. iPay accepts major credit cards and debit card when making a payment online for a separate fee.

- Pay child support obligations electronically
- Categorize cases into organizational units called divisions
- Eliminate check writing
- Track pending payments
- Track payment history
- Schedule one time or recurring payments
- Print records
- Control access to accounts

PAYMENT METHODS

As of April 1, 2011 DCSS 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 (DCSS) 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/dcss/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: DCSS, PO Box 12327, Wilmington, DE 19850.

STATE INCOME TAX INTERCEPT (cont'd)

determination. After the determination is made, DOR will send the remaining tax funds to DCSS 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 funds collected will be proportionately distributed among all cases according to federal regulations.

The NCP may contest DCSS'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 funds will be collected by DCSS, nor is there any way to predict when the funds 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

DCSS has the authority, together with the Federal Department of Financial Management Services, to seize federal income tax refunds 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. For Temporary Assistance for Needy Families (TANF) and foster care cases, the amount of past due support must be at least \$150.

DCSS 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)

DCSS 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.

STATE INCOME TAX INTERCEPT

DCSS has the authority, together with the Delaware Division of Revenue (DOR), to seize state income tax refunds to which the NCP may be entitled. NCPs who owe \$150 or more of past due child support are subject to state income tax intercept.

DCSS 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 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 DCSS for past due child support. The NCP will have 30 days after receiving notice to contact DOR so they can make the refund.

There is a \$25 fee deducted from state tax offset collections over \$75.

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 Services (DCSS) has broad authority to collect and enforce the payment of child support including:

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

CONSUMER CREDIT REPORTING

DCSS has the authority to report missed or late payments to various consumer credit reporting agencies, if the NCP owes \$1,000 or more in past due child support payments as ordered by Family Court.

DCSS will send notices to NCPs who meet the criteria for consumer credit 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 credit 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 credit reporting agencies.

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

COURT PROCESSING

If a NCP has the ability to pay child support and chooses willfully not to, DCSS 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.

LICENSE SUSPENSION

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

DCSS 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 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 DCSS case.

DCSS 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 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 agreement, surrender to Family Court, or request an administrative hearing will be notified that their license is suspended.

LIEN/LEVY OF ASSETS

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

LOTTERY & VIDEO LOTTERY INTERCEPT

NCPs subject to lottery intercept are those who owe \$150 or more of past due child support. DCSS has the authority, together with the Delaware Division of Revenue and DE Video Lottery, to seize winnings the NCP may be entitled to. This includes any video and/or slotmachine winnings over \$1,200. The video winnings, up to the amount of arrearage, or all of it if it is less than the total arrearage, will be withheld and forwarded to DCSS.

DCSS provides notice 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.

The NCP may contest the lottery interception, or request an administrative hearing in writing.

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 collect lottery winnings. Thus, there is no guarantee that any money will be intercepted by DCSS or the Video Lottery, nor is there any way to predict when any funds would be available for distribution to the CP.

PASSPORT DENIAL

DCSS 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 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.