



MDHS

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES

UNDERSTANDING CHILD SUPPORT:
**A HANDBOOK
FOR PARENTS**



The purpose of the child support program is to secure financial, medical and emotional support for children and families, thereby, contributing to a family's ability to become self-sufficient and maintain self-sufficiency. The Mississippi Department of Human Services, Division of Child Support Enforcement exists to provide these services to the families of Mississippi.

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Every child needs financial and emotional support from both parents. Even when parents do not live together, it is important they work together to support their child(ren). Services provided by the child support program include, but are not limited to, paternity establishment, location and enforcement services, and obtaining and modification of court orders.

This handbook gives you general information about child support in Mississippi.



DEFINITIONS Before you begin, here is a list of definitions that will help you with this handbook:

ARREARAGE:

The total amount of overdue child support obligations that remain unpaid.

ARREARS OBLIGATION:

The periodic amount established in a court order that is to be paid toward any support arrearage that accumulates.

CHILD SUPPORT:

Financial support paid by parents to help support a child(ren) that they do not have physical custody of (the child does not live with them). Child support can be entered into voluntarily or ordered by a court.

CHILD SUPPORT GUIDELINES:

A standard method for determining the amount of child support obligations, using a mathematical formula and based on the income of the parent responsible for payment and other factors determined by state or tribal law.

CONTEMPT OF COURT:

Willfully refusing to do what the court has ordered you to do.

CUSTODIAL PARENT:

The person with whom the child(ren) is primarily residing and/or who is responsible for the care of the child(ren). Also referred to as the parent who receives support or the parent who is owed support.

DELINQUENCY:

Child and/or spousal support payments that are ordered by a court to be paid by a parent for the support of a child or spouse or former spouse with whom the child(ren) is living. Child and/or spousal support obligations are considered delinquent if they have remained unpaid for at least 30 days after payment is due.

DOMESTIC/FAMILY VIOLENCE:

A pattern of abusive and controlling behaviors that a person uses against a current or former intimate partner. It can include physical, sexual, emotional, and economic abuse.

GOOD CAUSE:

Reason for which a custodial parent is excused from cooperating in establishing paternity or in securing child support, such as past physical harm or emotional abuse, including threats of harm or physical abuse, by the child's other parent. In certain instances, it may be determined that it is not in the best interest of the child to pursue child support.

INCOME WITHHOLDING ORDER:

An order that requires an employer to withhold an amount of support from a parent's income and transfer that withholding to the appropriate agency for child support. This it is sometimes referred to as wage withholding or garnishment.

MODIFICATION:

A change in a child support order that affects the amount, scope, or duration of the child support order and modifies, replaces, supersedes, or otherwise is made subsequent to the child support order.

NONCUSTODIAL PARENT OR PARENT RESPONSIBLE FOR SUPPORT:

The parent with whom the child(ren) does not primarily reside. More often this parent will be referred to as the parent who pays support, the parent who owes support, or the parent responsible for payment.

PATERNITY :

The legal establishment of a father for a child, either by court determination, administrative process, tribal custom or voluntary acknowledgment.

PUBLIC ASSISTANCE:

Includes, but is not limited to, programs such as TANF, SNAP, and Medicaid, also includes Title IV-E foster care recipients.

SUPPORT ORDER:

A judgment, decree or order, whether temporary, final or subject to modification for child support, spousal support and/or medical support, issued by a court or an administrative agency of competent jurisdiction or a stipulated agreement signed by a judge. The support order may also provide for arrears or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney fees, and other relief.



WHAT IS CHILD SUPPORT?

Child support is money a parent pays to help meet his or her child's needs when the parent is not living with the child. Support may include payment of the expenses of medical, dental, and other health care, childcare expenses, and school expenses. The support may be part of a court order in a(n):

- Divorce
- Paternity action
- Child custody action
- Family support action
- Action between states

Parents or custodians who want help in establishing, collecting, or paying child support may apply for IV-D child support services.

WHAT IS "IV-D"?

Title IV-D (pronounced four-dee) of the Social Security Act created the child support program and set the rules that all states' child support programs must follow. Often, the child support program is referred to as the "Title IV-D program" or the "IV-D program." Parents and custodians can receive help in establishing and enforcing child support and medical support through the IV-D program.

HOW CAN A PERSON RECEIVE CHILD SUPPORT PAYMENTS?

A person can receive child support if all of the following apply:

- He or she is the parent of a minor child or is the person who is responsible for the minor child.
- The minor child primarily resides in the person's home.
- The minor child is financially dependent on that person.
- One or both of the minor child's parents do not live with the child.
- The court has ordered a child support payment.

WHAT CHILD SUPPORT SERVICES ARE AVAILABLE?

Services provided by Mississippi's child support program include:

- Locating parents;
- Establishing paternity;
- Establishing court orders for child support and medical support (health insurance);
- Obtaining and modifying court orders when appropriate;
- Enforcing court orders for child support and medical support;
- Working with other states, countries, and Tribal nations to establish and/or enforce support when one parent does not live in Mississippi or has assets in another state; and
- Collecting and processing child support payments.

WHAT CHILD SUPPORT SERVICES ARE NOT AVAILABLE IN THE MISSISSIPPI'S IV-D CHILD SUPPORT PROGRAM?

Mississippi's child support program does not provide:

- Divorce assistance;
- Spousal maintenance (alimony) order establishment;
- Enforcement of spousal support if there is no child support in the order;
- Legal advice or counsel;
- Representation in custody or visitation disputes;
- Disestablishment of paternity services; or
- Emancipation of a minor services.



HOW DO I APPLY FOR CHILD SUPPORT SERVICES?

If you are a mother or father of a minor child, or have responsibility for the care of a minor child, you can apply for child support services through the Mississippi Department of Human Services, Division of Child Support Enforcement.

If you are a TANF, SNAP, Medicaid, or foster care recipient, you will automatically be referred to a child support office for child support services.

If you want to prove you are the father of a child or children, you may complete an application and pay a \$25 application fee.

If you only want to locate the parent responsible for support, you can obtain and complete an application for locate only services free of charge.

The application can be found online at www.mdhs.ms.gov/child-support/. Parents can also visit any district office to complete an application. Or you can call the child support hotline at 877-882-4916 and request an application be mailed to your home.

A one-time application fee for full child support services is twenty-five dollars (\$25), and must be paid by personal check, cashiers or certified check, or money order. The fee is non-refundable. No application fee is required for location only services, and there is no application fee for cases referred by TANF, SNAP, Medicaid and some foster care cases.

Completed applications should be mailed to:

MDHS-Division of Child Support Enforcement
950 E. County Line Road, Suite #G
Ridgeland, MS 39157

A non-refundable annual fee of thirty-five dollars (\$35) will be collected from distributed child support in excess of five-hundred and fifty dollars (\$550) for each October – September annual period for applicants who are not currently receiving Supplemental Nutrition Assistance Program (SNAP) benefits and who have never received Temporary Assistance for Needy Families (TANF) benefits. This amount will be collected from the next distributed payment or payments until the fee is paid in full.



AFTER I APPLY, WHAT ELSE SHOULD I DO?

You need to take an active role in your case. Cooperation with the child support program improves the chances of getting an appropriate support order. The child support program cannot succeed without your help.

You will need to provide your Social Security number to the child support program to get services for the establishment of paternity and the establishment, modification, and enforcement of child support orders. Providing your Social Security number to the child support program is required by federal law.

You must report changes that may affect your case. You must report when:

- You or the other parent moves.
- You or the other parent gets a new phone number.
- You or the other parent gets a new job.
- The number of children living with you changes.
- You have new information that might help locate the other parent.
- You have new information about medical insurance.
- You apply for public assistance.
- You are involved in other court actions involving support payments (for example, a divorce action).

IF I APPLY FOR CHILD SUPPORT SERVICES, DO I HAVE ANY RIGHTS?

Yes, you have the right to:

- Receive fair and nondiscriminatory treatment.
- Have all your private data treated confidentially; if you disclose the existence of domestic/family violence, your case will be subject to heightened safeguards to ensure your participation in child support does not contribute to an unsafe environment.
- Be notified of all important actions concerning your case.
- Ask for reviews and changes to your support order. Either parent has the right to ask for a review of the court order to ensure the amount

is appropriately based on established guidelines. A periodic review is required and may result in an increase or decrease in child support.

WHAT MUST BE DONE BEFORE I CAN GET A CHILD SUPPORT ORDER?

The parent responsible for support must be identified. Every child has both a biological mother and a biological father, though the legal parents may not be the biological mother and father. The legal parents are the people that the law recognizes as the parties that are responsible for the care and support of the child. When a child is born of a marriage, the law automatically recognizes both people as the child's legal parents. When an unmarried woman has a child, an official action is needed to establish the legal father of the child. This official action is called "paternity establishment."

Paternity can be established through:

- A birth certificate with a Simple Acknowledgement of Paternity;
- A marriage license or certificate showing that the parents were married at the time of birth or conception of the children;
- A paternity judgment entered by a court;
- A legally obtained adoption.

Mississippi law authorizes the Department of Human Services to establish paternity at any time until the child attains the age of 21 years unless the child is emancipated.

Genetic testing may be done to determine the biological father of a child; however, paternity cannot be established based solely on a positive genetic test. A man claiming to be the father may want proof that he is the biological father of the child before he is named the legal father. In that case, he may request genetic testing. This testing may determine that the man is not the biological father of the child, or it may determine a greater than 99 percent likelihood that the man is the father.

Legal paternity can be established while the mother is still in the hospital when both parents sign an



acknowledgment of paternity and return it to the hospital staff. There is no fee involved, when the acknowledgment of paternity is filed along with the birth certificate.

If a parent chooses not to voluntarily establish paternity, a petition to establish paternity must be filed with the appropriate court. If the alleged father refuses to sign the Acknowledgment of Paternity form, the mother can request assistance from the agency in establishing paternity, and obtaining child support through the court system. There is a \$25 fee for this service UNLESS the mother is receiving any state supported benefit such as Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families, (TANF) and, or Medicaid, in which case there is no charge for this service.

Once legal parents have been identified, an order for child support can be established.

IS IT IMPORTANT TO ESTABLISH THE LEGAL FATHER OF A CHILD?

Yes, establishing paternity gives a child born outside of marriage the same legal rights as a child born to married parents. A child with a legal father is entitled to benefits through the father. These benefits include Social Security benefits, veterans' benefits, and inheritance rights. Children may also benefit by knowing their family's biological, cultural, and medical history.

The child support program may assist either parent in establishing paternity for a child who does not have a legal father.

HOW ARE CHILD SUPPORT ORDERS ESTABLISHED?

For child support to be enforceable by the agency, there must be a court order which requires the payment of support. For a child support order to be entered, a complaint for support or a stipulated agreement of support must be filed with the court. A complaint for support is a legal document that must be served upon the parent responsible for providing support and set for a hearing in court on a specific date. The court will hear the evidence from each party and set the amount of support to be paid. A stipulated agreement is a notarized document signed

by the parent responsible for support in which he or she agrees to support at a set amount. When approved by the court, it can be enforced as any other child support order. Once a child support case opens, the agency can use either of these methods to obtain a support order.

CAN PATERNITY BE DISESTABLISHED?

Paternity can also be disestablished under certain circumstances. Paternity cannot be disestablished by a negative DNA test alone. To disestablish paternity, the legal father has to file a petition with the court. **MDHS does not offer disestablishment of paternity services.** Then there are certain specific conditions that must be met before a court will disestablish paternity. However, if the legal father took any of the following actions, the court will not set aside a determination of paternity or the child support order:

- Married or lived with the mother of child for an extended period of time and continued to support the child after having knowledge that he is not the biological father;
- Signed a stipulated agreement of paternity that has been approved by court order;
- Signed a stipulated agreement of support that has been approved by court order after having knowledge that he is not the biological father of the child;
- Declined genetic testing prior to the entry of a paternity judgment;
- Failed to appear for a scheduled genetic testing ordered by the court;
- Consented to be named as the biological father on the child's birth certificate by signing A Simple Acknowledgment of Paternity (or ASAP) and failed to rescind the ASAP within a year;
- Consented to be named as the biological father on the child's birth certificate by signing an ASAP and failed to rescind before an order for child support has been entered.
 - If the alleged father can prove that fraud, duress, or material mistake of fact, as a defense as to why he failed to rescind, then the previous two conditions do not apply.



WHAT IF I DON'T KNOW WHERE THE PARENT WHO IS RESPONSIBLE FOR SUPPORT IS LOCATED?

Location services are provided as part of each full-service child support case. However, you can complete an application for locate only services free of charge. Federal regulations require the agency to attempt to locate parents who owe support for child support purposes using all appropriate local, state, federal, and interstate sources as authorized by state law. Mississippi law also requires the agency to establish a state parent locator service for the purpose of locating parents who owe support and alleged parents, which will utilize all appropriate public and private locator sources. All information shall be confidential and shall not be used or disclosed for purposes except for specified purposes.

Efforts to locate a parent responsible for support must continue for six months if his/her social security number is unknown, for two years if his/her social security number is known, or until the child support case is closed.

If the parent responsible for support is located and the custodial parent is only receiving locate only services, the custodial parent can choose to pursue full child support services from the agency. However, a fee will be assessed.

DOES THE AGENCY REPRESENT ME IN COURT PROCEEDINGS REGARDING MY CHILD SUPPORT CASE?

No, MDHS represents the State, and does not provide representation to either parent. Mississippi law states that an attorney authorized by the State to initiate any action pursuant to Title IV-D is deemed to represent the interest of the MDHS only. No attorney-client relationship exists between an attorney employed by MDHS and any recipient of IV-D services.

DOES MY CHILD SUPPORT ORDER AUTOMATICALLY END WHEN MY CHILD REACHES AGE 18?

No, not for child support ordered by a Mississippi court. The age of majority in Mississippi is 21 years old. For child support ordered in other states, the age at which child support ends will vary. Once a child reaches the age of majority, or is emancipated, child support will be terminated, unless it is otherwise provided for in the support judgment. However, MDHS may still pursue the collection of child support arrears past the age of 21. In Mississippi, emancipation also automatically occurs when the child marries, joins the military and serves on a full-time basis, or is convicted of a felony and is sentenced to two or more years.

Upon the filing of a petition, a Mississippi court may determine that emancipation has also occurred when the child discontinues full-time enrollment in school once they are eighteen (18) (unless the child is disabled), or if the child voluntarily moves from the home of the custodial parent or guardian, lives on their own independently, obtains full-time employment, and does not continue their education before turning twenty-one (21). If the child lives with another person without the approval of the parent obligated to pay child support, the child may also be considered emancipated. A support obligation will be suspended for a child who is incarcerated, but not emancipated, during the period of time that the child is incarcerated.

WHAT IF I AM RECEIVING PUBLIC ASSISTANCE?

Ask your MDHS caseworker about child support services. Information regarding child support enforcement services must be provided to TANF, Medicaid-only, and Title IV-E foster care recipients.

For children automatically eligible for child support enforcement services, the referral sources are:

- The Mississippi Department of Human Services which refers cases for participants of Temporary Assistance for Needy Families (TANF) and Supplemental Assistance Nutrition Program (SNAP) benefits. The Division of Early Childhood Care and Development within MDHS requires applying for child support services, and remaining



in compliance with their child support case, as part of the approval process for a childcare certificate.

- The Mississippi Department of Child Protection Services refers cases with foster children who receive Title IV-E foster care board payments.
- The State of Mississippi, Division of Medicaid, which refers cases of children who receive Medicaid benefits.
- The Social Security Administration, which refers cases with children who are recipients of Supplemental Security Income (SSI) and Medicaid benefits.

IF I RECEIVE PUBLIC ASSISTANCE, MUST I COOPERATE WITH THE CHILD SUPPORT PROGRAM?

Yes, you must cooperate with child support unless you have an approved good cause claim (see below). If you do not cooperate with child support, your benefits may be lowered and your eligibility may end for cash, food, day care, or medical assistance. Recipients of TANF money payments, IV-E Foster Care board payments, and Medicaid-only benefits must assign their rights to child, spousal, and/or medical support to the State as a condition of eligibility for these programs. Assigning your rights is the legal procedure by which a person receiving public assistance agrees to turn over to the state or tribe any right to child support, including arrearages, paid by the other parent in exchange for receipt of a cash assistance grant and other benefits.

Eligibility for the SNAP Program includes cooperating with the agency in establishing paternity and obtaining support. No natural or adoptive parent or other individual who is living with and exercising parental control over a child under 18 years old, who has a parent responsible for support shall be eligible to participate in the SNAP Program unless the individual cooperates.

As mentioned above, good cause is a legal reason for which a parent is excused from cooperating with the child support enforcement process, such as past physical harm or emotional abuse, including threats of harm or physical abuse, by the child's other parent. It also includes situations where rape or incest resulted in the conception of the child and situations where the mother is considering placing the child for adoption.

WHAT PROTECTIONS ARE AVAILABLE TO ME WHEN I REPORT THE EXISTENCE OF DOMESTIC/FAMILY VIOLENCE?

Domestic/family violence is more than just physical abuse. Both men and women and either parent can be victims. Domestic/family violence can also include:

- The use of words to inflict emotional damage or gain control;
- The use of force or verbal pressure to have sex or other sexual acts without permission;
- The destruction or theft of property or the withholding of money;
- Unwanted attention that can create an environment of fear.

If there are domestic/family violence issues in a case, your privacy can be safeguarded and information about the location of the parent and child(ren) will be protected from disclosure to the other parent and/or anyone, unless disclosure is ordered by a court. These protections can include:

- Removing the address and other personal contact information for certain court filings.
- Notifying other states of safety concerns if you or the other parent move out of state.
- Making sure to schedule appointments so you and the other parent are not in the office at the same time.
- Working with the courts to make sure there's appropriate security at court or alternative methods for appearing at court.
- Connecting you with community resources to help with safety planning, transportation, housing and other legal services.
- Upon a showing of good cause, closing your case if pursuing child support is not in the best interest and safety of you or your children.



HOW DO I CLAIM GOOD CAUSE IF I HAVE A VALID REASON NOT TO COOPERATE WITH THE CHILD SUPPORT PROGRAM?

You will not be required to pursue paternity or child support under specific circumstances. You are eligible to claim good cause for not cooperating to get child support when there is danger of physical or emotional harm to you or your child.

You may be excused from cooperating with child support if any of the following circumstances have occurred:

- The other parent has caused physical and/or emotional harm to the child.
- Physical and/or emotional harm caused by other parent to the relative caring for the child limiting the custodial parent’s ability to care for the child.
- Child conceived as a result of incest or rape.
- Pending legal adoption proceedings.
- A public or private social services agency is assisting you, the custodial parent, to decide whether to keep the child or to release the child for adoption.
- There is a protective order against the other parent.

Any of the Following Documents Constitute Proof Required to Claim Good Cause:

- Sworn/notarized statements from individuals with knowledge of good cause circumstances.
- Court, criminal, law enforcement, medical, psychological, or social services record indicating the possibility of physical or emotional harm by the other parent to the child or the custodial parent.
- Medical records indicating emotional history and current emotional health status of the child or custodial parent.
- Medical or law enforcement records indicating conception resulted from incest or rape.
- Documents indicating that adoption is pending in court.
- Written statement from the public or private agency assisting the custodial parent.

HOW IS THE AMOUNT OF CHILD SUPPORT DETERMINED?

In Mississippi, the amount of child support is determined using statutory guidelines. These guidelines provide the percentage of the adjusted gross income (an individual’s total gross income minus specific deductions) of the parent who is responsible for paying support which should be awarded for the support based on the number of children who are due support.

The court reviews child support agreements to make sure the guidelines are applied correctly and the child support amount is appropriate. In some cases, the court may decide not to use the guidelines to determine the amount of child support.

The guidelines are as follows:

Number of Children Due Support and Percentage Of Adjusted Gross Income That Should Be Awarded For Support:

1 child	14%
2 children	20%
3 children	22%
4 children	24%
5 or more children	26%

To calculate adjusted gross income, determine all income from all potential sources that may reasonably be expected to be available to the parent responsible for providing support including, but not limited to:

- Wages and salary income;
- Income from self-employment;
- Income from commissions;
- Income from investments, including dividends, interest income and income on any trust account or property;
- The responsible parent’s portion of any joint income of both parents;
- Workers’ compensation, disability, unemployment, annuity and retirement benefits, including an Individual Retirement Account (IRA);
- Any other payments made by any person, private entity, federal or state government or any unit of local government;
- Alimony;



- Any income earned from an interest in or from inherited property;
- Any other form of earned income.

Gross income excludes any monetary benefits derived from a second household, such as the responsible parent's spouse's income.

After determining this amount, subtract the following legally-mandated deductions:

- Federal, state and local taxes. Contributions to the payment of taxes over and beyond the actual liability for the taxable year shall not be considered a mandatory deduction;
- Social security contributions;
- Retirement and disability contributions except any voluntary retirement and disability contributions;
- If the responsible parent is subject to an existing court order for another child or children, subtract the amount of that court-ordered support;
- If the responsible parent is also the parent of another child or other children residing with him or her, then the court may subtract an amount that it deems appropriate to account for the needs of said child or children.

After adding the total income from all the sources listed in the first paragraph, and subtracting all the deductions listed in the second paragraph, you can compute the total annual amount of adjusted gross income by dividing that amount by twelve (12) to obtain the monthly amount of adjusted gross income.

Child support will continue until a child becomes emancipated, or reaches the age of majority.

WHAT IF I NEED A CHANGE IN MY CHILD SUPPORT ORDER?

If there is a substantial change of circumstances, you can request a review of your child support order at any time. The following are some of the factors that can be used to demonstrate a substantial change in circumstance:

- Substantial increase or decrease in the responsible parent's income;
- Increased needs caused by advanced age and maturity of the children;
- Increase in expenses;

- The health and special needs of the child;
- The health and special medical needs of the parents.

Both the parents will be notified of their right to request a review every three years from the date the order was entered or modified by the court; however, either parent may request a review of their case at any time should circumstances warrant. The reviews conducted on the three year review cycle do not require proof of a substantial change of circumstances before a court may modify the child support order. Reviews conducted inside the three year review cycle require proof of a substantial change in circumstances. Reviews are conducted on all active TANF cases every three years. Non-TANF reviews are conducted upon written request only.

WHAT OTHER TYPES OF SUPPORT CAN BE ORDERED?

Both Mississippi law and federal regulations require that the child support agency secure medical support information and establish and enforce medical support and/or cash medical support in all new or modified child support orders. The state defines health care coverage to include fee for service, health maintenance organizations, preferred provider organizations, and other types of private health insurance and public health care coverage under which medical services could be provided to the dependent child(ren).

Spousal support is a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse. Federal regulations and state law require the department to enforce and collect spousal support under limited conditions.

When a support obligation has already been established for a spouse or former spouse, either separately or in the order that established a child support obligation, the department must enforce, collect, and distribute the spousal support if the following conditions are met:

- The child support obligation is being enforced and/or collected through a IV-D child support case;
- The child(ren) and spouse are living in the same household; and
- The child support obligation and the spousal support obligation are owed by the same parent



to the same custodial parent.

The child support agency does not establish an order for spousal support. However, the agency does enforce spousal support obligations under the conditions stated above.

HOW DO I MAKE A CHILD SUPPORT PAYMENT?

There are several payment options for parents to make child support payments, including:

- Payroll deduction (this option must be discussed with your employer)
- eCheck/bank account debit
- MoneyGram (for cash and PIN-debit card payment)
- Cash – Pay With Cash using PayNearMe
- Check, Money Order and/or cashier's check – include Social Security Number AND Case Number

Checks, money orders, and cashier's checks should be made payable to MDHS/SDU and include the responsible parent's name and child support case number and can be mailed to:

MDHS/SDU
P.O. Box 23094
Jackson, MS 39225

Visit www.mdhs.ms.gov/child-support/ for more information about making payments.

HOW IS CHILD SUPPORT PAID TO ME?

It is important that families receive their child support payments as quickly as possible. Any delay quickly and seriously threatens a family's budget. For this reason, states are required to disburse most payments within two days of their receipt. Every state has a State Disbursement Unit (SDU)—a single office to receive and send out payments for child support. Electronic payment provides custodial parties with a safe and easy method for receiving payments.

Custodial parents can receive support through a Debit MasterCard or through direct deposit into a bank account. Each time child support payments are collected, these funds are electronically deposited to the debit card. Debit cardholders cannot add any additional funds to the debit card.

Note: Fees may apply to the Debit Mastercard depending on how the card is used.

For more information about these payment options and debit card fees visit:

www.mdhs.ms.gov/child-childsupport/.

WHAT METHODS ARE USED TO COLLECT CHILD SUPPORT?

There are several methods used to collect and enforce child support including:

- Income Withholding
 - The employer of a parent who owes child support may withhold support from the employee's wages. Most child support orders require "immediate" income withholding for cash support. "Immediate" means that the child support payment is withheld as soon as the court order is entered and sent to the responsible parent's income provider. Income includes, but is not limited to wages, salary, commission, compensation as an independent contractor, workers' compensation, disability benefits (SSA), annuity benefits, retirement benefits, and any payments made by any person or private entity, the federal, state, or local government.
- Intercepting Unemployment Benefits
 - A parent who owes child support may have support withheld from their unemployment benefits.
- Tax Offsets
 - A parent who owes back child support may be subject to interception of any refund due from federal or state taxes. TANF and IV-E foster care cases must have court ordered arrears, and the parent must owe at least \$150 in past due support. The parent's name, current address, and Social Security number must be verified. If a person does not receive TANF benefits, then the parent must owe at least \$500 in court-ordered past due support.
- Credit Bureau Reporting
 - State law requires that the agency report the amount that is past due and the name of any parent who is delinquent in the payment of child support. Before a parent is reported, he or she must have a child support order that has remained unpaid for at least 60 days after the payment is



due. The parent must be given advanced notice that he or she is going to be reported to the credit bureau.

- Liens

- A parent who owes back child support may have liens placed against their workers compensation or personal injury claims. A lien is a claim against real or personal property that can be used to pay a debt. Liens restrict the property owner's ability to transfer property until the debt has been paid.

- Accounts Frozen and Seized

- A parent who owes back child support may have their account(s) from financial institutions, such as banks and credit unions, frozen and seized.

- Passport revocation

- A parent who owes back child support of \$2,500 or more will have their passport revoked or application denied. The parent is given advanced notice of potential passport revocation or denial and is given 30 days from the date of the notice to request an administrative review.

- License Suspension

A parent who owes back child support may have any state-issued license suspended if one of the following conditions exists:

- The parent has failed to comply with a subpoena or warrant relating to paternity or child support proceedings and the case contains a last known address for that parent.

- The parent is one or more months behind in making payments in full for current support and support arrearage, and the case contains a last known address for that parent.

- The parent fails to make a child support payment, and it remains unpaid for at least 30 days after agreeing to a payment plan.

Note: Before a parent's license can be initially suspended, the agency must mail a notice which informs him or her that if they do not take steps to pay the support, their state-issued license(s) will be suspended after ninety days. Any subsequent suspension of the license(s) does not require this notice if the parent has entered into a delinquent payment plan that has been approved by order of the court.

One of the following criteria must exist before a license can be reinstated:

- The parent's arrears balance(s) is zero

- A stipulated agreement has been entered into or there must be an agreed judgment date

- The parent has complied with a summons or warrant (a license can only be reinstated by this type of compliance if the initial suspension was due to this specific type of non-compliance, not non-payment).

- The parent provides proof that he or she has been recently released from incarceration of more than 180 days, and the Child Support staff attorney determined reinstatement is appropriate.

If a case meets any one of the above listed criteria, notice will be sent by first class mail to each applicable licensing entity, requesting that the license be immediately reinstated.

- Contempt Action

- A parent who owes back child support may be taken to court for contempt which could result in the court ordering the parent to jail if a child support payment is not made and the parent has not demonstrated an inability to pay. A contempt action will not be initiated until other enforcement remedies have been attempted. The parent can be confined to jail until he or she pays a set amount towards the support that is determined by the court.

WHAT HAPPENS WHEN ONE PARENT DOES NOT LIVE IN MISSISSIPPI?

All states must provide child support services regardless of where the other parent lives. Federal law requires states to work together to establish and enforce child support.

- When a custodial parent lives in another state, Mississippi collects child support from the responsible parent and sends the support to the other state.

- When the parent who owes support lives in another state, Mississippi can send a request to the other state to establish a new support order or enforce the existing Mississippi order. The other state will collect support from the responsible parent and send the support to Mississippi. If the other state establishes a support order, it applies its own laws when setting the amount and duration of support. If the other state enforces a Mississippi order, it will recognize Mississippi law regarding the duration of support, but it will apply its own laws and policies in enforcing the order.

Division of
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ENFORCEMENT**



These actions may occur as long as certain requirements are met under the Uniform Interstate Family Support Act (UIFSA). This may include parents agreeing in writing to allow a specific state to exercise jurisdiction over the child support case.

YOU MAKE A DIFFERENCE!

As you work with the child support program to establish a financial partnership in support of your child, remember that not all solutions to child support problems are within your control. The legal rights of all parties must be protected. The more you know about Mississippi's child support program, the better you will be able to exercise your rights and responsibilities under the law, and the more successful you will be in providing support to your child.

NEED MORE INFORMATION?

If you would like more information about the child support program in Mississippi, check out other resources on our website: www.mdhs.ms.gov/child-support or you can visit a local office near you or call customer service at: 877-882-4916.