

BEST PRACTICES FOR ESTABLISHING CHILD SUPPORT ORDERS

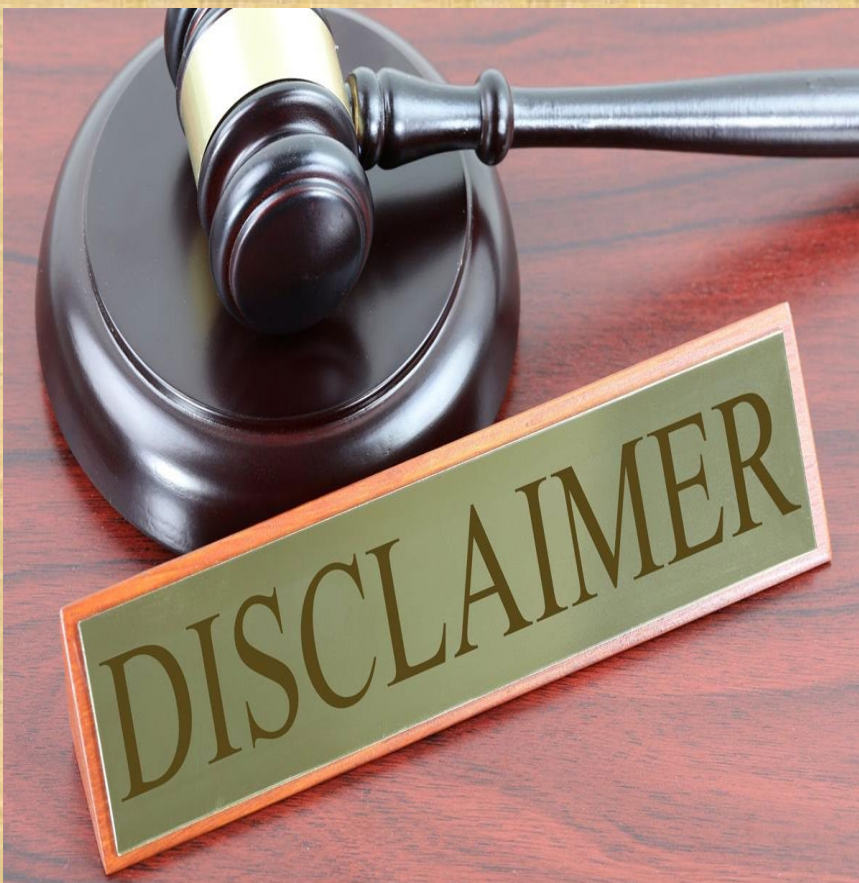
Presented by:

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BEST PRACTICES FOR ESTABLISHING CHILD SUPPORT ORDERS

- **What is child support “locate”?**
 - **Tools of the Trade**
 - **Child support Caseworkers as Private Investigators**
- **Domestic Violence Screening**
- **Service of Process**
 - **Alternatives to the Sheriff**
- **Paternity: Postmortem Establishment**
- **Guidelines:**
 - **Self Support Reserve (“SSR”)**
 - **Above Guidelines Cases**



LOCATING THE PARTIES



- “Location Services” (aka “locate function”): finding physical whereabouts of NCP or NCP’s employer, sources of income, or assets (45 CFR § 303.3)
 - Real and personal property, financial accounts, etc.
- NCP must be located before any other activities take place (establishment, modification, or enforcement).
- A case may be transferred into the location function at any time in the life of a child support case if a party’s whereabouts are unknown.

LOCATE OPTIONS



Automated Interface (CSMS)

- **Expanded Federal Parent Locator Service (eFPLS)** – used for new cases where NCP's location is unknown
- **Department of Labor (DOL)**
- **Motor Vehicle Administration (MVA)**
- **Department of Public Safety and Correctional Services (DPSCS)**



Manual Process

- CS Workers may access many sources (e.g., Maryland Automated Benefit System (MABS), MVA, CIS, and credit bureaus) through written inquiry or via terminal.
- Worker determines which leads are likely to result in fastest location results

LOCATE

Positive Location

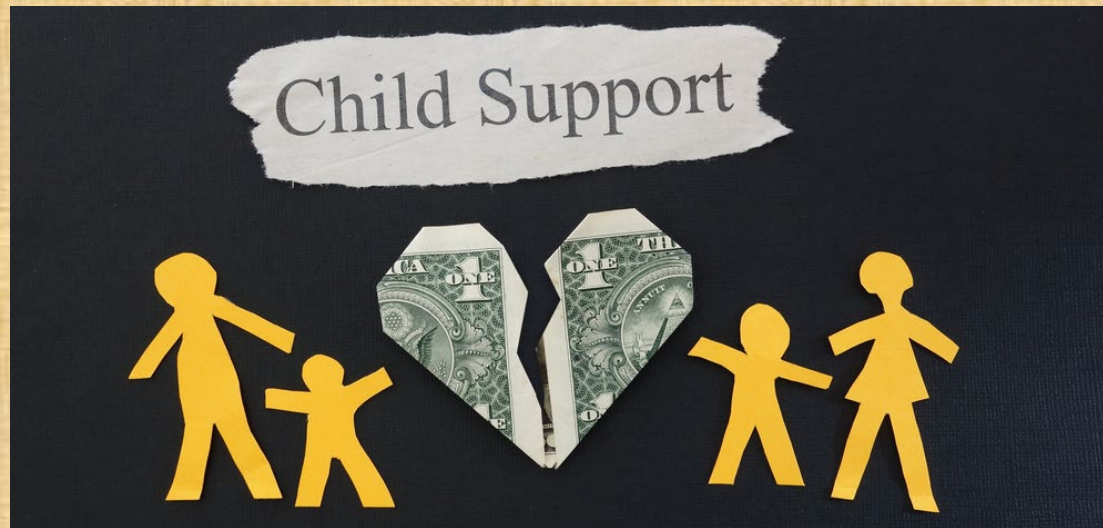
- When NCP's address is discovered and, if appropriate, verified, CS workers enter info into CSMS
- Worker transfers case to the next appropriate function



Exhausted Resources



- After all resources are exhausted and all searches are unsuccessful, CS worker reviews case for possible closure
- If case does not meet closure criteria, case remains in locate status
 - Automatically submitted for wage screening and to FPLS on a quarterly basis and submitted to FPLS periodically
 - If, after three years, locate efforts are still unsuccessful, the case may be closed.



After locate, comes “Establishment” function, which requires CS personnel to:

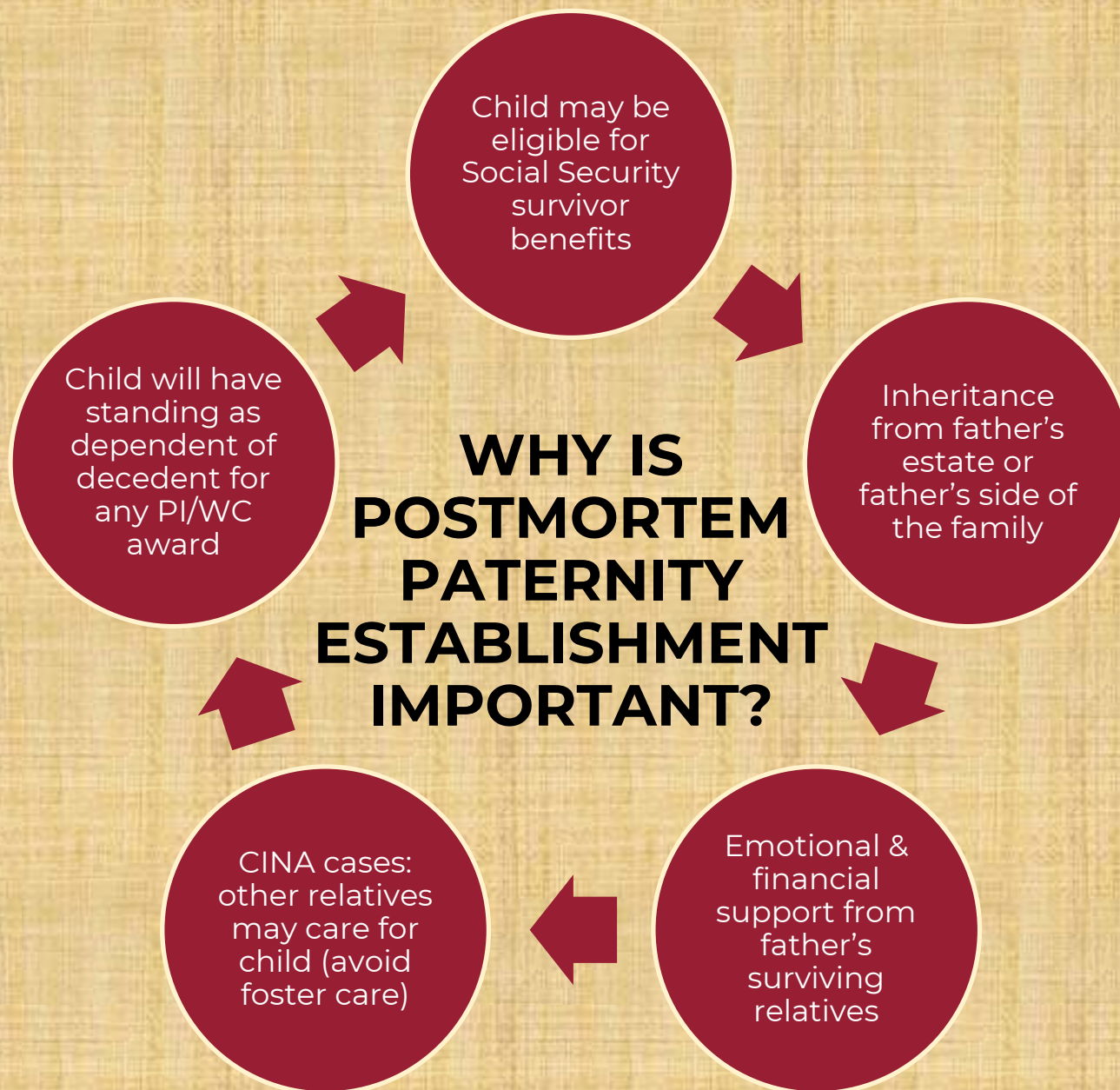
- Contact parents
- Interview parents
- Apply guidelines
- Obtain order by consent or adjudication
- Establish an account



POSTMORTEM PATERNITY ESTABLISHMENT:

Putative father dies prior to the establishment of paternity

- ☠ CSA may close a case if NCP or alleged father is deceased and no further action, including a levy against the estate, can be taken
(see 45 C.F.R. § 303.11(b)(4))
- ☠ Court may order CSA's involvement in posthumous paternity proceedings
(see Fam. Law § 5-1010(e))
- ☠ *Taxiera v. Malkus*, 320 Md. 471 (1990): Circuit Court was authorized to determine, in a paternity action, whether the alleged father was the child's father after the death of the putative father



ESTABLISHING PATERNITY / PARENTAGE

Paternity/Parentage is established when:

- The alleged father (nonbirth parent) voluntarily acknowledges paternity/parentage (FL § 5–1029(f)(4); E&T § 1-208(c))
- Pursuing legal action to establish paternity/parentage in accordance with Maryland law, and the court has issued a declaration of paternity (FL § 5-1032(a)(1))
- Paternity/parentage was established in another state in accordance with the law of that state
- Parties complete an Affidavit of Parentage (AOP) (FL § 5–1028)
- **Marital/RDP Presumption:** If the child was conceived during a marriage / Registered Domestic Partnership, the child is presumed to be the legitimate child of both spouses/partners (E&T § 1-206(a); FL § 5–1027(c))

ESTABLISHING A CHILD SUPPORT ORDER

- ❖ **Support Establishment:** process by which CSA obtains a CS order and/or health insurance, by:
 - Negotiating an agreement with the parties that the court approves; or
 - Trial and adjudication.
- ❖ CSA, upon request of either parent or the state, shall take steps to establish a support order according to Maryland child support guidelines.





FAMILY VIOLENCE SCREENING



According to the Federal Office of Child Support Services (OCSS), almost 40% of CPs with IV-D cases (roughly 3.6 million people) have experienced domestic violence with the other parent in their CS case

The Family Violence Indicator (FVI) is a protective mechanism required by federal law, which prohibits the release of personal information contained in a child support case when the state has evidence of domestic violence or abuse against a party or child if there is reason to believe the disclosure of information could put a parent/child at risk of physical or emotional harm.

While child support agencies are not required to assist parents in obtaining protective orders, OCSS requires state agencies to have processes in place for helping parents access necessary legal protections.

BALTIMORE CITY FVI SCREENING FORM (Pt 1)

Section A (Please check one)

- ☐ There is no history of family violence between myself and the non custodial parent (proceed to Section D)
- ☐ There is a history of family violence between myself and the non custodial parent (proceed to Section B)

Section B (Please check one)

- ☐ The non-custodial parent knows my current residential address.
Address: _____
(Proceed to Section D)
- ☐ The non-custodial parent does not know my residential address, but I do not believe disclosure would result in physical or emotional harm to me or my child
(Proceed to Section D)
- ☐ The non-custodial parent does not know my current residential address, and I believe that disclosure of my address or other identifying information to the non-custodial parent listed above may result in physical or emotional harm to me or my child. My current residential address is _____ and is currently not listed on Maryland Judiciary Case Search, or any other public website available for view.
(Proceed to section C)

BALTIMORE CITY FVI SCREENING FORM (Pt 2)

Section C (Please answer following questions and the attached Affidavit)

1. Do you have a current or expired protective order against the non custodial parent?

YES _____ NO _____

a. When was the order issued? _____ Expiration date? _____

b. By which Court? _____ Case number? _____

2. Have you or your minor child(ren) been the victim in a criminal matter against the non custodial parent?

YES _____ NO _____

a. Date? _____ Jurisdiction? _____

b. Was there a police report? _____

c. Was the non custodial parent arrested? _____ Convicted _____?

3. If it is determined that there is no legal basis to request shielding of my address, I am requesting closure of this child support matter, unless pursuing this matter is required to receive ongoing benefits for my minor child(ren)

YES _____ NO _____

BALTIMORE CITY FVI SCREENING FORM (Pt 3)

1. If it is determined that a mailing address can be legally used in lieu of a residential address, please see below. *I attest that I have permission from the occupant of this address to receive mail and accept service on my behalf for all court documents pertaining to this proceeding.*

Mailing Address: _____

Section D

Signature

Date

Phone number

BALTIMORE CITY FVI SCREENING FORM (Pt 4)

Affidavit of Facts/Domestic Violence

Please state specific facts or incidents in support of shielding/non-disclosure of your

information:

I, _____, hereby swear or affirm that this information is true to the best of my knowledge.

Signature _____

Date _____

Self Support Reserve (SSR)

SSR: the adjustment to a basic child support obligation ensuring that an obligor maintains a minimum amount of monthly income, after payment of child support, federal and state income taxes, of at least 110% of the 2019 federal poverty level for an individual (\$1,145)

Allows a court to consider a downward deviation if NCP is left with less than \$1,145 per month paying taxes and child support.



Self Support Reserve (SSR)

Combined Adjusted Actual Income	1 Child	2 Children	3 Children	4 Children	5 Children	6 or More Children
0-1200	*50	*55	*57	*58	*59	*60
1250	*74	*79	*81	*82	*83	*84
1300	*109	*116	*119	*121	*122	*124
1350	*144	*154	*158	*160	*162	*164
1400	*179	*191	*196	*199	*201	*204
1450	*214	*229	*235	*238	*241	*244
1500	*249	*266	*273	*277	*280	*284
1550	*284	*304	*312	*316	*320	*324
1600	*319	*341	*350	*355	*359	*364
1650	339	*379	*389	*394	*399	*404
1700	348	*416	*427	*433	*438	*444
↓	↓	↓	↓	↓	↓	↓
2600	511	750	906	1012	1113	*1164
2650	520	763	922	1030	1133	*1204
2700	529	776	938	1048	1152	*1244
2750	538	789	954	1066	1172	1274

2022 Guidelines Schedule identifies with an asterisk when the guidelines amount has been adjusted because of the SSR

SSR Hypothetical

Fred and Wilma are married and separated. They have a one-year-old child, Pebbles, who was born during their marriage. Wilma, through her local child support agency, files a complaint for child support and the case is scheduled for a hearing.

Wilma is unemployed, but cares for Pebbles, who resides with her. Fred provides a paystub indicating his income is \$1,733 gross per month and he pays \$259.95 per month in taxes/FICA. His net monthly income is \$1473.05.



**Is Fred eligible for a
SSR deviation?**

**Step 1: calculate the
guidelines!**



In the Circuit Court for Anne Arundel County, Maryland

Wilma Flinstone

vs Plaintiff

Fred Flinstone

Defendant

Civil no. **C-02-FM-25-00010**

Children	Date of Birth/Age	Children	Date of Birth/Age	
Pebbles Flinstone	10/10/2023			
		Mother	Father	Combined
1. Monthly Actual Income-Before Taxes		0	1733	1733
a.Minus pre-existing child support payment actually paid		0	0	
b.Minus alimony actually paid		0	0	
c Plus/minus alimony awarded in this case		0	0	
2. Monthly Adjusted Actual Income		0	1733	1733
3. Percentage of Shared Income				
Apply line 2 combined to Child Support Schedule		0%	100%	
4. Basic Child Support Obligation				357
a Work-Related Child care expenses Code FL,12-204(g)		0	0	0
b.Health Insurance Expenses Code FL,12-204(h)(1)		0	0	0
c. Extraordinary Medical Expenses Code FL,12-204(h)(2)		0	0	0
d. Cash Medical Support,Code, FL, 12-102(c)(3)(ii)		0	0	0
e Additional Expenses		0	0	0
5. Total Child Support Obligation				357
6. Each Parents Child Support Obligation (line 3 times line 5)		0	357	
7. Recommended Child Support Obligation		0	357	
a. Income apportioned credit/debit from line 4		0	0	
8. Recommended Child Support Order			357	

Step 2: Subtract the recommended GL amount from Fred's net monthly income

Gross Monthly Income: \$1,733.00

Net Monthly Income: \$1,473.05

Less rec'd GL amt: - \$ 357.00

Net income (after CS pd): \$1,116.05
(less than SSR: \$1,145)

If this amount was \$1,145 or more, Fred would not be eligible for SSR deviation

Step 3: Calculate amount of SSR deviation

SSR Amt: \$1,145

Subtract Net income (after CS paid): - \$1,116.05

Permissible SSR Deviation: \$ 28.95

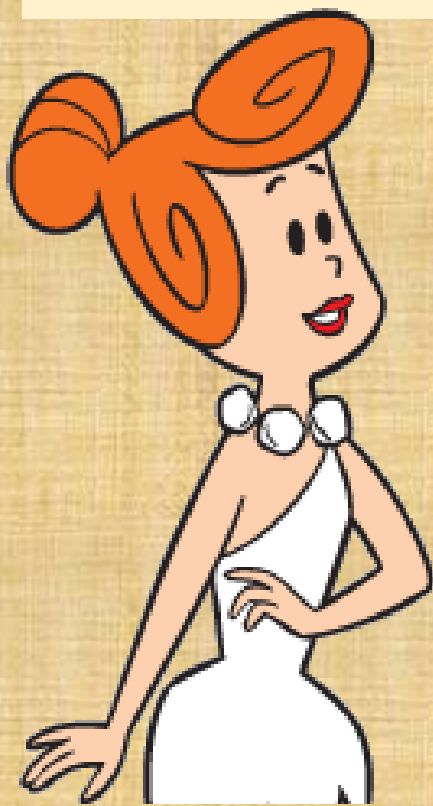


Step 4: Subtract deviation amount from Recommended GL amount to find monthly support obligation

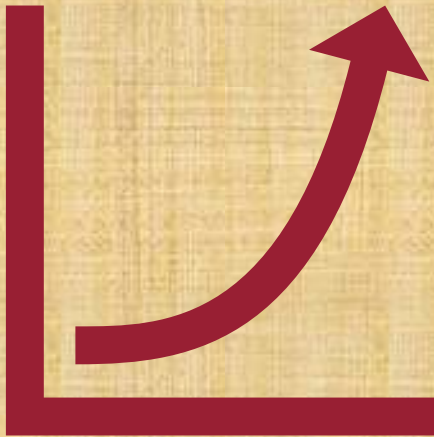
Rec'd GL Amt: \$357.00

Less SSR deviation: - \$ 28.95

Monthly Support Amount: \$328.05



Self - Support Reserve	
\$1,733.00	NCP's Monthly Income
\$259.95	Less 15% (FICA/Taxes)
\$1,473.05	NCP's Monthly Take-Home Pay
\$357.00	NCP's SOA from Guidelines Worksheet
\$1,116.05	Difference
\$1,145.00	Statutory Self-Support Reserve (Family Law § 12-201(n))
\$28.95	Permissible Deviation
\$357.00	NCP's SOA from Guidelines Worksheet
\$328.05	NCP's SOA



ABOVE THE GUIDELINES CASES

- “If the combined adjusted actual income exceeds the highest level specified in the [Guidelines Schedule], the court may use its discretion in setting the amount of child support.” FL § 12-204(d)
- *Voishan v Palma*, 327 Md 318 (1992).

TIPS FROM THE BENCH



Questions

