

IMPORTANT INFORMATION FOR OBLIGORS (PERSONS ORDERED TO PAY SUPPORT)

REPORTING CHANGES IN ADDRESS AND EMPLOYMENT

Under New Hampshire law RSA 161-B:6, if you have a child support order payable through the Bureau of Child Support Services (BCSS), you **must inform BCSS, in writing, of any change in your home or mailing address or employment within fifteen (15) days of the date the change occurs.** You should provide information about address or employment changes to the District Office that manages your case. Any person who does not comply with this requirement due to a willful failure to submit the required information or by submitting false information is guilty of a misdemeanor and may be fined up to \$2,000 and imprisoned for up to one year.

You must also inform the Court that issued your order, *in writing*, of any changes in address. Since you must inform both the Court and BCSS of any change of address, both agencies will assume that the last address provided by you, for example, the address listed on your court order, is your current address. All correspondence regarding your case will be sent to the most recent address you provided, and the Court and BCSS will presume you have received it. **If you fail to comply with any notice or order mailed by the Court to you at the address provided, you may be held in default, found in contempt of Court, a capias may be issued for your arrest, and/or the Court may issue an order against your interest, including incarceration.**

INCOME ASSIGNMENT

Under an income assignment, your employer deducts the amount of your support obligation from your income and sends it to the NH Department of Health and Human Services. All child support orders are subject to immediate income assignment, unless exempt under the law. In addition, any order exempt from immediate income assignment will be subject to income assignment whenever you owe past due support (arrearage) equal to one month's support obligation. If you have an arrearage and the court has not ordered an additional amount towards the arrearage already, BCSS will direct your employer to withhold an additional amount of twenty percent (20%) of your support obligation from your income **without any further order of the Court.** BCSS will continue to withhold this additional amount until you have paid your arrearage in full. Once you pay down the arrearage to zero, the amount withheld from your income will be the ongoing support obligation. If your ongoing support obligation ends but you still have an arrearage, the increased income assignment will continue until your payments reduce the arrearage to zero.

MEDICAL SUPPORT (Health Care Coverage)

If there is a medical support provision in your support order which requires you to provide health care coverage for your child(ren) or requires you to pay a specific dollar amount for medical support or a medical arrearage, BCSS will enforce it along with any other part of your order which we are required to enforce. If you do not have a medical support or health care coverage provision in your support order and your child is receiving medical assistance from the state, or the Obligee (person receiving support) has asked BCSS to provide medical support services, BCSS will petition the Court to have such language added to your support order. The Court may order you to obtain or provide health care coverage for your child(ren) if it is available to you at a reasonable cost through your employer or another group insurance plan in which you can participate, or you may be ordered to pay a specific dollar amount towards insurance costs or unreimbursed expenses. "Reasonable cost" means that the medical support obligation does not exceed four percent (4%) of the parent's individual gross income.

PARENTAL RIGHTS AND RESPONSIBILITIES

BCSS does not have the authority to settle disagreements about parental rights and responsibilities (previously known as "custody"). If you and the child's mother or guardian cannot agree on decision-making responsibility and/or residential responsibility for your child(ren), you have a right to go to the Circuit Court – Family Division in your jurisdiction to seek a parenting plan and determination of parental rights and responsibilities. *NOTE: Even if you are not in agreement regarding parenting time with your child(ren), you must continue to pay your child support, unless your order is changed.*

DIRECT SUPPORT

You should **not** make any support payments directly to the Obligee after you have signed an agreement that contains an effective date or a court order has been issued that requires payment through BCSS. In most cases, we can only credit your account for payments made through BCSS.

MISCELLANEOUS INFORMATION

If you buy anything for your child(ren) (for example: groceries, baby formula, diapers, clothing, toys, vehicles, etc.) the amount of the item cannot be counted as child support, and you cannot deduct it from your regular support obligation.



IMPORTANT INFORMATION FOR OBLIGORS – continued

INTERSTATE/INTERGOVERNMENTAL ORDERS

If you do not reside in New Hampshire and you have a New Hampshire support order payable through BCSS, you are subject to New Hampshire's child support laws and to BCSS' child support policy and administrative rules.

If you reside in New Hampshire, but are subject to a child support order from another state or country, BCSS can take enforcement action against you at the other state or country's request. BCSS can enforce another state or country's order by:

- ◆ Taking direct enforcement actions as described below (see **FAILURE TO PAY CHILD SUPPORT** section) and as sanctioned by the Uniform Interstate Family Support Act (UIFSA); or
- ◆ Registering the other state or country's order in New Hampshire, this action allows BCSS to employ the full range of enforcement remedies available under ***New Hampshire's*** child support laws and the Department's child support policy and administrative rules.

DURATION OF CHILD SUPPORT

Unless otherwise stated in your order, child support obligations continue to be in effect until all dependent children covered by the order terminate their high school education or reach the age of 18, whichever is later, or become married, or become a member of the armed services. If an order covers a disabled child, the Court must specify the duration of the order, which may be beyond the time when the child reaches the age of 18, but will not continue after the child reaches the age of 21.

FEES

Pursuant to federal requirements, if your child(ren) have never received AFDC or TANF assistance, BCSS will charge the Obligea a \$35.00 fee for the services it provides. The fee will be charged annually, and will be withheld from the child support payments BCSS collects. The fee will not be withheld, however, until more than \$550.00 has been collected during each current Federal Fiscal Year. The Federal Fiscal Year starts October 1 and runs through September 30. You will be credited for the entire amount of the collected support payment from which the payment is withheld. If in the future your child(ren) in this case receive TANF, the Obligea will not be charged the \$35.00 fee.

LEGAL SERVICES FOR PARENTS IN CHILD SUPPORT CASES

The Department's attorney or BCSS worker assigned to your case represents the Department of Health and Human Services in the process of establishing paternity, establishing, enforcing, and modifying support orders, and does not represent you, the Obligea, or your child(ren). If you are dissatisfied with the actions BCSS chooses to take on your case, you always have the right to obtain your own attorney or to represent yourself. Payment for a private attorney is your responsibility.

REVIEW AND ADJUSTMENT (MODIFICATION) OF SUPPORT ORDERS

Non-Public Assistance (TANF) or Medicaid Cases: BCSS will review your support order for possible modification when your order lacks a provision for medical support. BCSS will also review your support order if either party requests a review IN WRITING when: (1) it has been at least three years since your order was established, modified, or reviewed; or (2) you believe a substantial change in circumstances has occurred since the court issued or reviewed your most recent order. In addition, when an Obligor is incarcerated for more than 180 days, BCSS will initiate a review automatically. *NOTE: BCSS does not have the authority to settle disagreements about parental rights and responsibilities (see PARENTAL RIGHTS AND RESPONSIBILITIES section).*

Public Assistance (TANF) and Medicaid Cases: Federal law mandates BCSS review your case automatically when: (1) it has been at least three years since the order was established, modified, or reviewed; or (2) the order lacks a provision for medical support; or (3) the Obligor is incarcerated for more than 180 days. For these circumstances, you will not need to request a review. If you believe a substantial change in circumstance has occurred since the court issued or reviewed your most recent order, you must request a review IN WRITING.

FAILURE TO PAY CHILD SUPPORT

Whenever you owe past-due support, BCSS can use any lawful collection remedy to collect any outstanding balance due for child support. Actions BCSS can take to enforce support orders include:

- ◆ Federal income tax refund intercept and/or other IRS collection action
- ◆ Imposition of a lien against your real and/or personal property, including bank/financial accounts
- ◆ Reporting the amount of past-due support you owe to a credit bureau
- ◆ Revoking or denying your driver's, occupational, or sporting license
- ◆ Passport denial

Failure to comply with your legal order for any reason, or failure to pay on any past-due amount owed, may result in legal enforcement action against you including, but not limited to, a court ordered show cause proceeding. Please be advised that your ability to comply with your court order will be the critical question of any show cause proceeding. BCSS may also prosecute you for criminal non-support based on your failure to comply with your legal order. These actions can result in your going to jail.