Child Support

One in every four children in South Carolina is touched by the child support system. **Here's what it looks like.**



Child Support The SC guide

- All DSS cases must be paid through the Clerk of Court.
- Payment method in private cases is determined by the Family
- All wage withholding DSS or private goes through the Clerk of Court.
- A 5% fee is added to ANY payment paid through the Clerk of Court.

Where do the 5% fees go?



56% county

According to Family Court Rule 24, a Clerk of Court must issue a Rule to Show Cause when a payment is 5 days late. This is not DSS policy. No other state has this requirement. SC does not guarantee a right to an attorney for Child Support contempt hearings.

Private Case

Court Order establishes Child Support set by guidelines.

Payments through clerk

of court with 5% fee. Wage

withholding used.

Missed payment.

Five days late

DSS

Rule 24

Rule to show cause automatically issued

A custodial parent may file for Child Support directly through Family Court or with DSS. DSS initiates Child Support when a custodial parent applies for TANF. DSS initiates an action through an administrative process. All agreements are approved by a Family Court judge. If an agreement is not reached through administrative process, the case goes to Family Court.

DSS Intervention

Intervention may occur before or after a payment is missed.

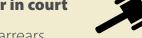
- Referral to employment/parenting program
- Wage withholding established often through new hire reporting

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- Intercept state and federal tax refund and unemployment benefits
- License revocation
- Administrative remedies

Appear in court

- → Pay arrears
- → Get up to a year in jail
- \rightarrow Pay fine of up to \$1,500
- → Pay court fees



Clerk files

to NCP

What's involved in issuing the Rule?

noncustodial parents (NCPs) in arrears

 Papers are presented to Sheriff's office Sheriff's Deputy attempts to serve rule

• Sheriff returns paperwork to clerk

Docketing Clerk schedules hearing

Family Court Clerk reviews each;

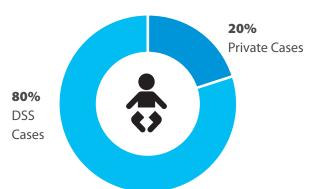
verifies arrears; signs and has

· Computer generates names of

times and dates

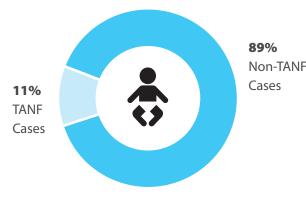
→ Any combination of the above

All Child Support Cases



Approximately 250,000 cases per year

All DSS Cases



Approximately 200,000 cases per year

Child support paid.

Noncustodial parent released.



Unable to pay? Go to Jail.

Child Support remains unpaid.



Each year about \$41 million is spent on incarceration of

noncustodial parents for failure to pay Child Support and \$0 is collected in child support from inmates.

Unable to pay? Alternative to incarceration (ATI) implemented.

Services offered to increase ability to pay.



Key to Consistent, Cost-Effective Child Support Collections

Employment



Wage Witholding

Referrals to proven employment assistance opportunities for unemployed or underemployed noncustodial parents (NCPs).

Collaborative initiative between DSS and Clerks of Court to initiate wage withholding quickly. As a result, Child Support collections have steadily increased over last 3 years.



Intervention

DSS can initiate stronger enforcement remedies, to include court actions against NCPs who are able to pay but unwilling.

Two ways to get Child Support paid.

Is there a more cost-effective way to get the job done than to go through a contempt action in court?

Contempt Action:

- Automated rules
- Cost to serve rules through Sheriff's office
- Cost of DSS staff to attend court
- Lost time and possible wages of NCP and lost productivity for NCP employer
- · Cost of judges and court personnel
- Diversion of dollars from Child Support to pay court fines/fees (These payments do not go to help the child)
- Incarceration



Parent Accountability:

South Carolina's policies and practices favoring less expensive, and equally or more effective, interventions.

- Referral to employment/parenting program
- Wage withholding established often through new hire reporting
- Intercept state and federal tax refund and unemployment benefits
- License revocation
- Administrative remedies

Court should be an option, but a last resort.