

## Administrative Enforcement Actions

The child support program can legally collect child support arrears<sup>i</sup> and obtain health insurance coverage through a variety of "administrative procedures" or enforcement actions. These actions may take effect without any party having to go to court.

The following table summarizes the actions that may be taken when child support arrears exceed certain dollar amounts or when the account is more than two or four months past due.

If your annual income falls below the Self-Support Reserve<sup>ii</sup> or you are receiving temporary assistance or Supplemental Security Income (SSI) benefits, contact your local district.

Amount past due		Time past due	Other condition	Enforcement action
≥ \$50				New York State tax refund intercept
			Prize ≥ \$600	Lottery prize intercept
≥ \$150				Federal tax refund offset
≥ \$300		2 months	No income withholding order or no payment in 45 days OR the sum of the reported asset balances equals or exceeds \$3,000	Freezing financial assets*
≥ \$1000	OR	2 months	Either the amount or the time may start this action	Report to credit bureaus
		4 months	No income withholding order payment in 45 days	Driver license suspension*
		4 months	Past due > 500 No income withholding order payment in 45 days	New York State Dept. of Taxation and Finance referrals*
		4 months		Liens*
		4 months		Professional and other license suspension*
≥ \$2500			Submitted for federal tax refund intercept	Passport denial

### Lottery prize intercept

New York State lottery winnings may be intercepted to pay overdue child support when the past-due support is more than \$50 and the amount won is more than \$600.

You must request a review of your case within 30 days. You can call or write to request the review.

## **Tax refund intercept: New York State and federal**

New York State tax refunds may be intercepted when your account is more than \$50 past due. Federal tax refunds may be intercepted when your account is more than \$150 past due. You will be notified in early September if your tax refund can be intercepted.

To avoid having your tax refund intercepted, you must either pay the full amount past due or file a challenge by the date in the notice. Use the *Request for Administrative Review...* form to challenge a tax refund intercept. If your challenge is upheld in full, your case will not be submitted for tax refund offset.

## **Freezing financial assets**

Your bank account(s) may be frozen when your child support account is more than two months past due, you owe more than \$300, there is no income withholding order, and no payments have been received in 45 days—**or** when the sum of the reported asset balances equals or exceeds \$3,000.

If your bank account(s) have been frozen, you must either pay the amount shown in the notice or file a claim (mistake of fact or exempt funds) within 15 days.

## **Report to credit bureaus**

Your name may be submitted to the major consumer credit reporting agencies (credit bureaus) when your account is more than two months past due **or** when the amount past due is more than \$1000. You may have difficulty obtaining a loan or other forms of credit until the overdue child support is paid.

You must reduce the past-due amount to less than \$1,000 or less than the amount to be paid for two months or claim mistake of fact within 10 days.

## **Driver license suspension**

Your driver license may be suspended when your account is more than four months past due. You will receive a notice in the mail about the suspension: *Important Notice Regarding Your Driving Privileges and Your Failure to Pay Child Support*.

To avoid suspension of your driver license, you must make full payment within 45 days, enter a Satisfactory Payment Arrangement, or have a challenge upheld. You can challenge the suspension by completing a *Driver License Suspension Request...or Challenge* and an *Affidavit of Net Worth*. Return these forms to the Support Collection Unit (SCU) where your child support account is located. If your challenge is upheld, your license will not be suspended.

## **Department of Taxation and Finance referrals**

You may be referred to the New York State Department of Taxation and Finance (DTF) when your account is more than four months past due and the amount owed is more than \$500. DTF can then apply specific tax collection remedies to collect the overdue child support.

You must make full payment within 45 days or submit a written challenge within 45 days.

## **Liens**

You may be subject to liens against your real or personal property (e.g., personal injury claim or award) when your account is more than four months past due.

You must make full payment or claim mistake of fact within 35 days.

## **Professional and other license suspension**

After a court hearing, your state-issued professional, occupational, business, or recreational licenses, permits, or registrations may be suspended when your account is more than four months past due.

You must immediately make full payment or file a claim form within 15 days.

## **Passport denial**

Your application or renewal for a passport may be denied if you owe more than \$2500 in past due support (arrears) and you are also submitted for the federal tax refund offset process. If a passport applicant is identified as having child support arrearages meeting the threshold, federal law requires that the individual's passport be denied, revoked, restricted, or limited. [42 USC §652 (k)(1)].

You must pay arrears in full or, if you qualify, request an emergency release of your passport. Once the arrears are paid in full, the passport denial will be released.

Information about passport denial is included with annual notices about tax refund offsets.

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<sup>i</sup> "Arrears" may include what are called "support arrears," or a current support obligation that is overdue, and "past due support," an additional amount intended to be applied to support arrears.

<sup>ii</sup> New York's Self-Support Reserve income level is approximately 135% of the federal poverty guideline for a single person. Find the federal poverty guidelines for the current year at <https://aspe.hhs.gov/poverty-guidelines>.

\*Retroactive support may not be counted as arrears for these actions.