

# Office of Child Support **POLICY SHEET**

## SUBJECT

**Establishing Appropriate Child Support Obligations**

**PS# 09-13A**

## POLICY

Vermont OCS believes child support financial accounts must be analyzed with a start-to-finish, holistic approach. It is of the utmost importance to gain appropriate obligations and prevent debt from unnecessarily accruing. That is why the managing child support debt policy focuses on prevention and early intervention.

- Obligations must demonstrate actual resources as if the family were intact (family-income model)
- Obligations are more likely paid if obtainable and appropriate based on income
- Expectations are fulfilled with appropriate obligations
- Excessive OCS resources may be consumed in attempting to get payments for unreasonable obligations
- Overall performance improves with appropriate obligations

### **1. Prevention:**

Vermont OCS policy is to receive the most appropriate child support obligation based on the family income and circumstances. OCS will not utilize the following, except in unusual or well documented circumstances:

- Retroactive Orders
- Imputed Income Orders (Incarceration is not considered voluntary unemployment)
- Minimum Orders
- Unrealistic Orders
- Unrealistic Arrears Judgments
- Presumptive Income (Must be based on evidence and can be reopened by either party)

As a rule, child support orders should be based on income (or other financial source). If there is no income, no work history, long-term incarceration, etc., a \$0 obligation is appropriate unless unusual circumstances are involved where the court decides to order a support amount.

## 2. Early Intervention:

OCS policy is to intervene early if full payments are not being received. Early intervention is crucial, and it is believed that even when arrearages are low, early intervention can prevent arrearages from becoming so high that the obligor stops trying. As arrearages accrue, so does surcharge, which can make repayment impossible if let go too long.

Prevention does take OCS staff time, however, repeatedly enforcing cases through the years takes much more staff time in the long run. Communication with both parties can generate valuable information about the current situation and/or uncover barriers that need to be addressed.

The key to early intervention is:

- Analyze the issue
- Contact the Non-Custodial Parent (NCP)
  - Data has shown NCPs that receive contact are more likely to make their child support payments
- Work with NCP on resolution:
  - Perhaps a modification downward is needed
  - Consider referral to the Work4Kids program
  - Consider using the independent modification process
  - Agreements may be made with the parties; such as if NCP pays 6 months in a row, \$X arrears will be forgiven (consult with Custodial Parent (CP) if this is NPA or PA-SSF case)
- Monitor for agreements and follow through

## RATIONALE

Final Rule

Policy Interpretation Questions (PIQ) re: State IV-D Program Flexibility with Respect to Low Income Obligors -- Imputing Income; Setting Child Support Orders and Retroactive Support; Compromising Arrearages; Referral to Work-Related Programs and Other Non-traditional Approaches to Securing Support: <https://www.acf.hhs.gov/css/policy-guidance/state-iv-d-program-flexibility-respect-low-income-obligors>

Dear Colleague Letters (DCL) re: Arrears Management Practical Resource Guide - May 2008

Date	Action	Description
11/09/2009	Created	
11/28/2017	Revised	Clarified use of imputed and presumed income based on Final Federal Rule
09/27/2023	Revised	Updated Policy title to be more reflective of the Policy