

**Establishment of a Child Support Order**  
**Suffolk County Family Court**

*The Petition Has Been Filed – What Happens Next?*

A Guide for the Custodial Parent

**Suffolk County Child Support Enforcement Bureau**  
3455 Veterans Memorial Highway  
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Hours: Monday, Tuesday, Thursday, and Friday, 8am-3pm

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## **I. OVERVIEW**

**This booklet was prepared by the Suffolk County Child Support Enforcement Bureau (CSEB) to walk you through the court process which takes place after a petition is filed so you know what to expect and what to do.**

Getting a court order for support payable through the CSEB begins with the filing of a petition. Your CSEB worker will help make sure the correct petition is filed. In New York State the following people are legally responsible for the financial support of a minor:

- The **parents** of a child under the age of 21
- The **legally determined father** of a child born outside of a legal marriage
- The **court can hold step-parents financially responsible** for a child who is:  
1) receiving public assistance, 2) likely to become in need of public assistance or 3) a patient in a mental health institution.

If legal paternity needs to be established for your child, a petition will be filed for paternity and child support. If legal paternity is not an issue, a petition will be filed for support only.

If you and your child **are not** receiving public assistance, the CSEB worker will prepare a petition for your signature and will file it at the Suffolk County Family Court.

If you or your child **are** receiving public assistance, the petition will be prepared by the CSEB worker, signed by the designee of the Commissioner of the Department of Social Services (DSS) and will be filed on your behalf at the Suffolk County Family Court.

## **II. BEFORE THE HEARING**

### **A. Notice to Appear**

After the petition has been filed, you will receive notice of the hearing by letter from the Suffolk County Family Court. The letter will tell you the time and place to appear. It will tell you what courtroom your case will be heard in. The “calendar” is the list of cases scheduled for a given day. The court may refer to you as the “**petitioner**” because you filed the petition. The non-custodial parent may be called the “**respondent**” in court because he/she is responding to the petition. The court will assign a docket number to your case and this number will be on the letter. This is how the court identifies your case. A copy of the petition will also be attached to the notice. You will also receive a financial disclosure form to fill out and be directed to bring certain documents with you when you come to court.

The respondent will get a similar notice. The notice may arrive by mail, by personal service from a process server or by a member of the Suffolk County Sheriff’s Office.

### **B. Court Locations**

The main Suffolk County Family Court buildings are located at:

Suffolk County Family Court  
John P. Cohalan, Jr. Court Complex  
400 Carleton Avenue  
Central Islip, New York 11722  
General Clerks Phone Number – (631) 853-4289  
Fax Number – (631) 853-7568

There is also an annex of the court in Riverhead:

Suffolk County Family Court  
Arthur M. Cromarty Court Complex  
210 Center Drive, 2<sup>nd</sup> Floor  
Riverhead, New York 11901  
General Clerks Phone Number – (631) 852-3905  
Fax Number – (631) 852-2877

Be sure to check your notice so you appear at the correct place.

**IMPORTANT:** It is your responsibility to appear for each and every court hearing until your case is completed. If you move before the case is completed, you must advise the court in writing of your new address so you will receive notices. You should also advise your CSEB worker any time you change your address.

**If you are receiving public assistance and you fail to appear at a court hearing, your eligibility to receive assistance will be in jeopardy and you could be sanctioned off of your public assistance case. This will result in a reduction of your benefits.**

If you are not receiving public assistance and you fail to appear at a court hearing on a petition you have filed or has been filed on your behalf, your case can be dismissed and you will have to start all over again.

**If you know in advance** you cannot appear for a scheduled court date, you must notify the court **by letter or by fax** advising them why you cannot appear and requesting a new date. You **must** send a copy of the letter or fax to the respondent and you must say in your letter to the court that you have done so. The court may or may not grant your request. If you do not get notice of the new date in writing, you cannot assume your request has been granted. **The court will not accept requests by phone.**

The respondent also has the right to make a request for a new date and has to follow the same procedure as you.

The person requesting the change is obligated to let the other party know so they have advance notice. If the other side does not get the notice, the court may not grant the request.

**PLEASE REMEMBER,** if you don't have official notice that the case has been adjourned, it **has not** been adjourned.

### **C. Prior to the Court Day**

- **Make sure you have completed your Financial Disclosure Affidavit (make sure your signature is notarized).**
- Make sure all of your other documents to bring to court are in order (e.g. representative pay stub(s), federal and state tax returns, W-2 forms etc.)

#### **D. On the Court Day**

- **Please make sure you bring all appropriate documents with you (e.g. completed/notarized Financial Disclosure Affidavit, representative pay stub(s), federal and state tax returns, W-2 forms, etc.)**
- **Please be prompt. Your notice will tell you the time to appear – you should aim for 15 minutes before the scheduled time.**
- **Please bring the notice with you when you come to court.**
- **Please bring identification. Photo ID is preferable.**
- When you arrive at court you will go through a security desk and a metal detector. Have a seat in the waiting room and a uniformed court officer will check you in by calling your name or calendar part. **The calendar part number will be on your notice.**
- Cases are not necessarily called before the support magistrate or judge in the order they appear on the calendar or in the order in which you check in.
- Unless the court specifically requests you to bring your child with you, it is advisable not to bring young children to court with you. If you must bring your child, there is a nursery at the Family Court located in the Cohalan Court Complex in Central Islip that can provide for children over one year old and walking on their own. There is no nursery at the Riverhead location of the Family Court.
- Plan ahead. It is suggested that you make arrangements for your children who are in school so they have somewhere to go or someone to pick them up after school in the event you are delayed at court. Even though you may have to report to court in the morning, there are many factors that may require you to stay in court for a longer period of time than you expect.
- The Family Court Building in Central Islip does **not** have a lunch room for the public and you will not be allowed to bring food or drink into the court. There is a cafeteria which also has vending machines in the other court buildings (District Court and Federal Court) and there is a food truck on premises all day. In Riverhead, there is no cafeteria or lunch room, vending machines or food truck.

- If any issues arise in the waiting room or you are afraid, you can ask the uniformed court officers for assistance.

### **E. Rules of the Court**

- You cannot chew gum or wear a hat
- You need to speak clearly and loudly so everyone in the room can hear you
- You should not interrupt when other people are talking
- You should not swear or curse
- You should direct all comments or questions to the Support Magistrate, no one else
- If you have any questions, please wait until the Support Magistrate indicates that you may speak.

### **F. Legal Representation**

If you receive public assistance, an Assistant County Attorney (ACA) will be present at the hearing to represent the interest of DSS/CSEB. As you recall, an application for or receipt of public assistance constitutes an assignment of support rights to DSS. However, the ACA will be attempting to obtain the best support order for your child even though the ACA doesn't officially represent you.

If you do not receive public assistance, you can represent yourself without an attorney, you can retain the services of a private attorney or you can apply for legal services through CSEB. You should discuss this with your CSEB worker when you sign the petition. The decision is yours to make.

### **G. Adjournments**

An adjournment is a continuance of the court case at a later time/date.

Adjournments can be granted by the court for a variety of reasons. How long it takes from the first hearing to the issuance of an order may cause stress but you must try to be patient and not give up. It is important that you appear at all hearings where you have been directed to do so. If your case has been adjourned and you didn't get a notice, you should check with the court clerk to make sure they have your correct address on file.

### **III. DURING THE HEARING**

#### **A. The Paternity Hearing**

At the **paternity hearing**, a **support magistrate** will explain the putative father's rights and give him the chance to admit paternity. If he admits he is the child's father, an **order of filiation** will be issued. The court may then determine support. An order of filiation is the legal document which states he is the child's father. The support order will require that he pay a specific amount for child support. If the putative father does not admit paternity or is not sure, the support magistrate will advise him of his right to be represented by an attorney and to request genetic marker tests to help determine paternity. Either party can request **genetic marker tests**. If granted, they will help to determine paternity. If either the mother or the putative father is unsure of the child's paternity, these tests will help eliminate doubt. If not requested, the parties may be referred to a judge.

#### **B. Genetic Marker Tests**

Genetic marker tests involve three parties: the mother, the child, and the putative father. Genetic marker tests identify the genetic characteristics of the parties. They can tell which characteristics the child shares with the mother. They can also tell which characteristics, if any, the child shares with the putative father since any genetic characteristics the child didn't get from the mother, must come from the father. These tests can determine the likelihood the man is the child's father. If he is not the father, the test results may prove it.

#### **C. The Fact-Finding Hearing**

When the genetic test results are completed, the parties are called in front of the support magistrate. If the putative father still denies paternity, the case may be referred to a judge. A hearing will be conducted in which the results of the genetic marker tests and other evidence will be considered along with the testimony of the parties before a decision is made.



#### **D. Outcome of the Paternity Hearing**

If the court says the putative father is the child's father, an **order of filiation** is issued. Then, support will be addressed, which may not result in an order at this time. Sometimes, if the income information isn't available, another hearing is scheduled to examine both parents' financial resources. A new support order may be issued after that hearing. The support order requires the child's father to start making child support payments to the **Support Collection Unit (SCU)**.

If an order of filiation is issued, the father has the right to pursue custody or visitation with the child. However, custody and visitation are different from child support and require a separate petition. The support magistrate cannot determine the issues of custody or visitation. Custody and visitation petitions are heard by a judge or referee.

If the court says the putative father is not the child's father, the case against him is dismissed. You should contact your CSEB worker if this happens to discuss next steps going forward.

#### **E. The Support Petition**

If legal paternity is not an issue, the CSEB worker will have prepared and filed a **support petition** with the Family Court. The support petition asks the court to make a decision regarding support for your child(ren). The petition requests that the court apply the child support guidelines provided in New York State law to determine how much the non-custodial parent will have to pay. It also requests medical support, if it is available to the non-custodial parent. Medical support can be medical, dental, optical, or prescription drug services or a medical insurance plan for the child. These benefits may be available through the non-custodial parent's employer. The court will order the non-custodial parent to enroll the child(ren) in the plan of medical benefits for your child(ren).

## F. How Much Support?

When you go to court for a support hearing, the support magistrate or judge will use guidelines in New York State law to determine how much child support the non-custodial parent should pay. The law is called the Child Support Standards Act (CSSA).

The NYS CSSA, passed in 1989, emphasizes the important role that full financial support plays in a child's opportunity to prosper in our society. It also recognizes that a support amount should be enough to support the child while being fair to both parents.

## G. Basic Support

The CSSA requires the non-custodial parent to pay a basic support amount. This amount is based on a percentage of the parent's adjusted gross income, plus an additional amount for:

- Child care expenses
- Future health care expenses not covered by insurance
- A court-determined amount for present and future educational expenses.

Child Care and Health Care expenses are shared (pro-rated) between the parents according to how much each earns. Educational expenses may also be included by court but they are discretionary.

The court will make the final decision on how much the non-custodial parent is to pay in total child support. This amount becomes the non-custodial parent's **support obligation**. This is a minimum amount. The court may order more support.

The basic support amount for:

One child is:	17% of adjusted gross income
Two children is:	25% of adjusted gross income
Three children is:	29% of adjusted gross income
Four children is:	31% of adjusted gross income
Five or more children is:	at least 35% of adjusted gross income

You can access the CSSA Chart online at: [www.childdsupport.ny.gov](http://www.childdsupport.ny.gov).

## **H. Medical Support**

The court must also require the non-custodial parent to provide health care coverage for your child if it is available through his/her employer or organization.

## **I. The Support Hearing**

At the support hearing, a **support magistrate** or judge will review the petition and explain the non-custodial parent's rights.

If both parties are not prepared with all of their financial information, the court must issue an order of temporary support and reschedule the **hearing**.

When the case is heard, both the custodial and non-custodial parents will testify regarding their own finances and the availability of health care coverage for the child(ren). Tax returns, pay stubs, bills for child care, medical, and educational expenses are examined by the court. Typically, the support magistrate will reach a decision and issue a child support order calculated according to the CSSA and based on the testimony and documentation provided.

Sometimes the court is not satisfied with the financial information presented at the hearing. In that case the court may:

- issue an order of temporary support and schedule another hearing
- issue a **default order**, based on whatever was requested in the petition. A default order is just like a regular support order. It is issued when the non-custodial parent doesn't come to the hearing after having received legally required notice.

If you are receiving child support services or if you or your child(ren) receive public assistance, when the court issues your **support order** it will require the **non-custodial parent** to make support payments to the Support Collection Unit (SCU). The SCU is a separate part of the Child Support Enforcement Program whose purpose is to collect, monitor, and disburse support payments.

## **J. Collection of Support Payments**

When CSEB receives a copy of your support order from the court, a computerized account will be set up for you in the SCU. The SCU will send regular bills for child support to the non-custodial parent and receive the payments.

## **K. Annual Service Fee**

If the custodial parent is receiving child support services and has never received assistance through the Temporary Assistance for Needy Families (TANF) program, in New York State or any other state and child support is being paid to the family, an annual service fee of \$25.00 will be imposed if more than \$500.00 of support is collected during the federal fiscal year (October 1 – September 30). When \$500.00 of support has been collected, the Support Collection Unit will automatically withhold the next \$25 received during the federal fiscal year to pay the fee. If the custodial parent has accounts with more than one non-custodial parent and both non-custodial parents have paid in excess of \$500, separate \$25 fees will be imposed for each account. Applicants/recipients do not have to pay the \$25 fee for child support services received in regard to Medicaid or Safety Net Assistance, or for services provided for children placed in foster care, where child support is not paid to the family.

## **L. Income Withholding**

Income withholding is the process by which the non-custodial parent's employer is required to deduct the support payments from the non-custodial parent's paycheck and send them to the SCU. Almost all court orders issued after November 1, 1990 are paid by immediate income withholding. Although some non-custodial parents make their own payments by mail, most of the child support collected by the SCU is collected by **income withholding**. For the custodial parent, immediate income withholding can mean more reliable support payments. The payments are deducted from the non-custodial parent's paycheck like any other payroll deduction.

Collection of your support payments by the SCU is one of the many advantages to receiving child support services from the CSEB program. For the **custodial parent** it means not having to worry about keeping track of payments or making sure they are made in full and on time. It can help make paying support a routine part of the non-custodial parent's life, just like paying any other bill.

## **IV. AFTER THE HEARING**

### **A. After Court Interview**

After the court enters your support order, you will be asked to remain at court for a few minutes to speak with a DSS/CSEB court liaison worker. The worker will make sure you understand what happened in court and will tell you how to contact the CSEB/SCU, if necessary.

### **B. Monitoring Support Payments**

The CSEB enforcement worker will monitor the computerized account record of the payments made to your account. If the non-custodial parent stops paying, misses payments, or pays late, the computer will automatically identify your case for enforcement. This worker will take appropriate action.

### **C. NYS Child Support HelpLine**

Individuals can get up-to-date information on support payments collected on their account by calling the NYS Child Support HelpLine @ 1-888-208-4485.

You will need your PIN # to be able to access information about your case.

### **D. Website Addresses**

You may also obtain child support information online at the following websites:  
NYS Child Support: [www.childsupport.ny.gov](http://www.childsupport.ny.gov). You will need your PIN # to access information on your case.

Suffolk County DSS/CSEB:

[www.suffolkcountyny.gov/Departments/SocialServices/ChildSupportEnforcementBureau.aspx](http://www.suffolkcountyny.gov/Departments/SocialServices/ChildSupportEnforcementBureau.aspx)

### **E. Disbursement of Child Support Payments**

The payments made to the Support Collection Unit (SCU) are meant to support your child(ren). If you are not receiving public assistance, the SCU will send the payments to you as promptly as they are received. If you receive public assistance, the support collected from the non-custodial parent goes to reimburse DSS for the cost of public assistance. However, when you are able to close your public assistance case, the SCU will be automatically notified and the support paid will then be sent to you by the SCU.

**F. How to Contact the Enforcement Section**

Once the court has entered an order of support payable through the Suffolk SCU, your case will be assigned to the Enforcement Section of CSEB. If you have a question on your case, you must call the NYS Child Support HelpLine @ 1-888-208-4485. Follow the instructions and if your question cannot be answered by one of the automated messages, you will be able to reach a worker in the HelpLine Unit. You can get through to a Child Support HelpLine worker between the hours of 8:00AM – 7:00PM, Monday through Friday.

Local office interviews are held between 8:00AM and 3:00PM, Monday, Tuesday, Thursday and Friday.

## ACRONYMS

ACA – Assistant County Attorney

CSEB – Child Support Enforcement Bureau

CSSA – Child Support Standards Act

DSS – Department of Social Services

NYS – New York State

SCU – Support Collection Unit

TANF – Temporary Assistance for Needy Families

