

**GIVING
HOPE A
SUPPORT TO
CHILDREN
IN THE
VIRGIN ISLANDS**



**Handbook
On Child Support
Enforcement**

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INTRODUCTION

Are you a parent – divorced, separated or never married –with children to support?

Are you a non-custodial parent with questions about your rights and responsibilities?

Do you need to locate a parent? ...establish paternity? ...get a child support order?

Do you need help to collect child support?

Are you pregnant, or the parent of a child, and thinking about marriage?

In this Handbook, you will find basic steps to follow to establish paternity, obtain a support order, and to collect the support due, whether you are working with your local child support office or your own private attorney. There is information about providing financial and emotional support to your children, about keeping in touch with them, and keeping support orders fair. While the function of the Paternity and Child Support Division of the Virgin Islands' Department of Justice is to collect and distribute child support payments, throughout this Handbook we hope to give the message that children fare best when both parents play an active supportive role in their lives.

What does PCSD need to know?

No matter where you start in the process, -- establishing paternity, locating a parent, establishing a support order,-- the child support office has to have enough information to work on your on your case effectively. The more details you provide, the easier it will be to process your case and to collect child support payments for your children.

The following will help you during your request for child support.

Information on the non-custodial parent

- ❖ Full name of noncustodial parent (including other names or nicknames)

Why is this important? *In the Virgin Islands people are often more familiar with aliases or nicknames than formal names. It is important for our Investigators and Process Servers to have this information when they are canvassing areas and questioning people about the whereabouts of these persons.*

- ❖ Telephone number and complete address

Why is this important? *Telephone numbers allow for contact with the non-custodial parent, and while most parties are initially angered by the process, once the process is explained, they are generally cooperative. Telephone numbers also allow access*

to address information, provided that the party is the owner of the account.

A complete address, last known address, and information regarding current and/or former employers are all critical pieces of information, for successful location and service of process. Employers may have additional address/location information in their records that you may not have access to.

❖ **Social security number**

Why is this important? *The most important information that you can provide to the child support office is the non-custodial parent's social security number (SSN). Your SSN is your unique identifier. Your employer uses it to report on your wages and pay your social security benefits, it is used when you file federal and/or state taxes, and is required for credit applications/loans/bank accounts etc... The child support office has access to federal and state databases that track activity by use of SSN.*

❖ **Date and place of birth**

Why is this important? *Date of birth is also critical to the extent that a combination of d/o/b and address might provide access to a valid SSN. In fact any combination of Name, SSN, Date of Birth, Place of Birth, Employer and Address (the more information the better) will yield quicker results in location. Place of birth will give insight into where we might need to look/investigate to get information on a party, determine whether the party is an immigrant*

or naturalized citizen, and who might have accessible records on that party.

❖ **Physical description and/or Photograph**

Why is this important? *We strongly encourage applicants to provide a photograph if available. Remember, our workers, namely the Investigators and Process Servers, may not know the non-custodial parent. They might be speaking directly to him/her in attempt to effectuate service and without a photograph, could easily be turned away by not having a physical description.*

❖ **Information about salary earnings or assets of the noncustodial parent, such as pay slips, bank statements, property, or Form 1099**

Why is this important? *The Virgin Islands Child Support Guidelines, which is used in the determination of a child support order, is a percentage of income model. The more evidence provided, the more accurate and consistent the award. Gathering as much of this information prior to a hearing is also critical to argue against and/or confirm any assertions/testimony regarding income during the proceeding.*

❖ **Divorce papers or separation agreement**

Why is this important? *Your Divorce Decree and/or Separation agreement may already address critical issues regarding child support, medical support, and visitation. Producing these documents early in the process will determine what services are required and how PCSD can begin enforcement. It will also indicate whether or not a transfer of jurisdiction is*

necessary in order for PCSD to modify or otherwise address your support concerns.

Additional information may be needed for each of the child support enforcement steps. Make sure to review the list in each section titled Gathering Information.

<p style="text-align: center;">THE CHILD SUPPORT ENFORCEMENT PROGRAM</p>
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There is help in getting and enforcing child support
There is also help in establishing parentage and getting
visitation.

This guide has information about the Child Support
Enforcement (CSE) program and services that are
available to both non-custodial and custodial parents.

The CSE Program is a government program designed to
help make parents support their children when they do
not live together. Federal, state, and local agencies work
together to try to collect child support payments for you.

<p style="text-align: center;">COMMONLY USED CHILD SUPPORT ENFORCEMENT TERMS</p>

Custodial

A parent, relative, or guardian who lives with the child or children.

Noncustodial

A parent who does not live with a child or children.

Paternity

Determining who is the natural father of a child.

Caseworker

The person in the child support enforcement office who will help you with your case.

WHO CAN USE THE CSE PROGRAM

Any father or mother who is the custodial parent or other adult who has custody of a minor and needs help with:

- ❖ Locating where the noncustodial parent lives.
- ❖ Establishing who the natural father is and how to prove it.
- ❖ Establishing the child support order or how much child support payment will be received.
- ❖ Enforcing the order or making sure child support payments are made.

The CSE Program is also for:

- ❖ A father who needs help to establish paternity in order to have a legal relationship with a child.
- ❖ A noncustodial parent who wants to establish a child support order, or to pay child support through the CSE program.

HOW MUCH DO CSE SERVICES COST

If you are now receiving financial assistance through the following programs, you qualify to receive free services from the CSE Program:

- ❖ Temporary Assistance for Needy Families (TANF),
- ❖ Federally-assisted Foster Care Program.

If you are not receiving financial assistance from any of these programs, you must pay a fee of \$20.00 to open a case with PCSD. All or part of the fee can be waived by the Director on the basis financial hardship. If you subsequently close your case, and chose to re-open, you will have to pay \$25 to do so.

If PCSD establishes an order for support, and collects and distributes \$500 in your case, you will also be charged \$25 per year, for every year that that collection threshold is met, as a case maintenance fee. This fee will be deducted from the first \$25 received after collections totaling \$500 have been disbursed to the custodial parent.

If you can afford to, you may want to hire an attorney instead of using the services from the child support enforcement offices to collect support payments. Additionally, If you do not hire a private attorney, and are utilizing the services of PCSD, you must be informed that the parent nor the non-custodial Parent. There is no attorney/client relationship. PCSD attorneys represent only the government's interest in ensuring that the best interests of the child(ren) are served.

<p style="text-align: center;">WHERE TO FILE A CHILD SUPPORT ACTION</p>
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PCSD has two office locations, one in each district:

- 1) Paternity and Child Support Division
8000 Nisky Center Suite 500 2nd fl.
St. Thomas, V.I. 00802

- 2) Paternity and Child Support Division
#3018 Orange Grove, Suite 4
Christiansted, St. Croix VI 00821

You can visit either office, and request an application for services. Once you have completed and returned you application, a caseworker will be assigned to you, and you will receive an appointment notice via mail.

If the non-custodial parent lives in another state, through a new law called the Uniform Interstate Family Support Act (UIFSA), you will be asked to complete an interstate petition, or UIFSA petition, which will then be filed with the other state. Agencies in different states work together to establish and enforce child support orders.

Contacting the Noncustodial Parent

Once the noncustodial parent is found (located), he or she will be notified by the child support enforcement office that you want child support. The caseworker will ask the noncustodial to come for an interview to determine whether or not support can be established via consent of both parties, or whether the office will have to take legal action to get a child support order.

Important Things to Know

Visitation rights (the right to visit the child)
Emotional support is as important as financial support. That is why Congress provided funds for the states to develop programs to encourage noncustodial parents to visit their children. Mediation services are made available to child support case participants, and an order for Mediation is entered only if both parties agree. Similarly, visitation provisions may be incorporated into a support order only if the parties are in agreement.

Leaving the country

Many states have agreements with foreign countries that recognize child support orders. For more information about how to get child support if a parent lives in another country talk to your caseworker.

HOW TO ESTABLISH PATERNITY

It is important for each and every one of us to understand where we come from...

Establishing paternity is determining who the natural father is. Child support cannot be ordered without first establishing paternity. It is important for children because they can obtain:

- ❖ A part of any Social Security retirement or disability benefits their father receives.
- ❖ Life insurance and inheritance their father might provide
- ❖ Information about any health problems in their father's family.

Establishing paternity is important for women because this means it establishes who the father is, especially if she is not married to him. It is also important for fathers because they have the right to know and love their children and provide the necessary financial support.

When To Establish Paternity

The best time is right after the child's birth, but it can be established at any time before the child turns 18.

The father can sign an affidavit of parentage or a consent order saying that he is the father. If he will not do so, they can arrange to have the man take a blood or saliva test to determine if he is the father. The mother and the child will also have to be tested. These tests are called "genetic test," or DNA.

Important Information

Following is a list of information and documents (papers) to help you establish paternity. The more information you give, the easier it is to find the noncustodial parent.

- ❖ Letters or notes that might help prove who is the father.
- ❖ Pictures of the father with the children or the family
- ❖ Proof of any money that the father has given to you or the children.

- ❖ Birth certificate(s) signed by the father or some proof from the hospital that the father admitted paternity (he was the father).

- ❖ Any birthday cards or Mother's Day cards that the father might have given to you or your children.

In the Virgin Islands, the cost of DNA testing is assessed based on the test results. If the test determines that the non-custodial parent is the father of the child(ren), the cost is assessed against him. The test determines that he is not the father of the child(ren), then cost is assessed against the custodial parent. PCSD will collect these costs from the mother pays if she is not receiving Temporary Assistance for Needy Families (TANF), Foster Care or Medicaid. Ask your caseworker for more information.

Important Things to Know

Living in another state

Even if the father does not reside in the Virgin Islands, paternity can still be established.

Your caseworker can also help file for a hearing to establish paternity if the father threatens to leave the Territory. If the father has been told of the hearing date according to VI law, but does not appear, paternity can be established by default. A default judgment means that the law decides who the father is.

Father does not work

It is important to establish paternity even if the father is not working. Collecting child support begins when the noncustodial parent starts working.

Your child's safety

If you are concerned about the safety of your child, talk to your caseworker about how you can show that there is good cause for not giving the father's name. For example, the father has been violent with you or your child.

HOW TO ESTABLISH A CHILD SUPPORT ORDER

Financial support is important for your family's well being...

Benefits that may be included in the child support order:

- ❖ Amount of child support that must be paid
- ❖ Medical insurance plan.
- ❖ Additional medical cost not covered by insurance.
- ❖ Financial support for an extended period of time for children with disabilities.
- ❖ Visitation schedule agreed to by the parties.

Payment

The Virgin Islands has guidelines for determining child support payments. As with many other state guidelines, allowances may be made to consider special needs, such as day care or special medical needs, and the amount of time a child spends with each parent. The burden of establishing the need falls on either party or both, and the final determination is made by the Administrative Hearing Officer.

Important Things to Know

Change In Income

Any parent can ask for a review of the child support order every three years, or if there is an increase or decrease of income, or change in a child's needs. This review is not mandatory, and is only conducted on the request of either parent. PCSD is only required to automatically review TANF/public assistance cases every three years. However, PCSD will notify parties when their case qualifies for a three year review. It is up to the parties to request the review.

Two Families

In the Virgin Islands, your support order is affected if the non-custodial parent has another family. When there are two orders for support and the non-custodial parent's income is not high enough to pay both, PCSD will pro-rate the collection and apply the available money to both orders.

Military

If the noncustodial parent is in the military, your child should be included in their medical coverage. If the parent is in the military and had not provided medical coverage, you can call the following numbers for information:

(800)538-9552

HOW TO ENFORCE THE ORDER

You are not alone in the fight for your family's well being...

When a parent is not helping to provide for his/her children, enforcement of the order becomes necessary. To enforce the child support order you will need proof of the order.

Collecting Child Support Payments

There are a number of ways to enforce child support orders.

- ❖ If the parent has a regular job, money can be withheld from his paycheck (wage withholding) whether or not he works in the Virgin Islands, and provided he is not in foreign country.
- ❖ If the parent does not have a regular job, is not making regular payments, and resides within the Territory, PCSD can file a motion for Civil Contempt in the Superior Court to enforce the order. *At present there is no law in the Virgin Islands which makes non-payment of child support a criminal offense.*

- ❖ PCSD can take state and federal income tax refunds to repay past due support and can get liens on property and assets, including bank accounts.
- ❖ PCSD will also submit the case for passport revocation if the amount owed exceeds \$2500, and report all amounts owed to the credit bureaus.

Important Things To Know

Jail

If the noncustodial parent is in jail it is possible that he will not be able to pay child support. But if he is working from the jail and is earning money you might be able to collect part of it. Once the noncustodial parent is released, he can start payments as soon as he starts working again.

Military

If the noncustodial parent is in the military, the parent still needs to comply with wage withholding orders. If there is a problem with the payments, ask your caseworker for help.

Living in another state

It is a federal crime if the noncustodial parent lives in another state and does not pay child support. If

the parent owes more than \$5,000 or has not paid for more than one year, ask your caseworker if the case can be forwarded to the U.S. Attorney's Office in your state.

Ask your caseworker for more information if:

- ❖ The noncustodial parent has his/her own business
- ❖ The noncustodial parent employer pays in cash
- ❖ The noncustodial parent does not pay on time.
- ❖ The noncustodial parent tries to avoid paying by putting income or assets under a different name.
- ❖ Gifts in cash are given instead of payment.
- ❖ The non-custodial parent declares bankruptcy.

**Virgin Islands Child Support Enforcement
Offices**

Virgin Islands

Paternity and Child Support Division
Department of Justice
8000 Nisky Center Suite 500 2nd Floor
St. Thomas, VI 00802
(340)775-3070
FAX: (340)775-3808
No toll-free number

Paternity and Child Support Division
Department of Justice
#3018 Orange Grove, Suite 4
Christiansted, St. Croix VI 00821
(340)778-5958
FAX: (340)779-3800
No toll-free number