



# FAMILY INDEPENDENCE ADMINISTRATION

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## POLICY BULLETIN #08-146-ELI (This Policy Bulletin Replaces PB #08-138-ELI)

### INCREASE IN THE CHILD SUPPORT PASS-THROUGH ALLOWANCE

<b>Date:</b> December 2, 2008	<b>Subtopic(s):</b> Child Support
<p> This procedure can now be accessed on the FIAweb.</p>	<p><b>Revisions to the Original Policy Bulletin:</b></p> <p>This policy bulletin has been revised to:</p> <ul style="list-style-type: none"> <li>clarify how the increase in the child support pass-through allowance will affect income source codes <b>14</b> (Court Ordered alimony/Child Support Payment) and <b>61</b> (Alimony Spousal/Child Support Assigned to the Agency), and to add Income Source Code <b>87</b> (Child Support Bonus Payment [System Generated]).</li> <li>state that Cash Assistance (CA) applicants with child support related questions should also be given copies of the Important Notice Regarding Child Support to Persons Applying for or Receiving Temporary Assistance or Foster Care Maintenance Payments Under Title IV-E form (<b>LDSS-3908</b>).</li> </ul> <p><b>Purpose:</b></p> <p>The purpose of this policy bulletin is to inform Job Center staff that the child support pass-through maximum allowance is increasing to \$100 monthly, or up to the current support obligation, whichever is less.</p> <p>In the past, CA participants were entitled to receive up to the first \$50 of current child support paid to the Office of Child Support Enforcement (OCSE). Starting in November 2008, for current support collected in October 2008, CA participants are entitled to receive up to the first \$100 paid.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?  
Call 718-557-1313 then press 3 at the prompt followed by 1 or  
send an e-mail to *FIA Call Center*

Income Source Codes  
**14, 61, and 87**

As a result of this change, WMS budgeting logic for Income Source Codes **14, 61, and 87** will change as follows:

New Information

- For income source code **14**, WMS will disregard the first \$100 of income from the determination of CA eligibility and from the calculation of the CA benefit. The entire amount received by the household is treated as unearned income in calculating the FS benefit amount.
- For income source code **61**, WMS will disregard the first \$100 of income from the determination of the 185% Gross Income Test. If the household passes the Gross Income Test, the entire amount assigned continues to be disregarded in the calculation of CA benefits. This income is exempt from the FS calculation.
- For income source code **87**, WMS will modify edits to allow the higher pass-through amount up to \$100. Income Source **87** is a System Generated code; the income is exempted as income from CA and counted as unearned income for Food Stamps.

The child support pass-through (or bonus payment) amount is not counted as income when determining eligibility for CA and Medicaid, but must be counted as unearned income for Food Stamps (FS). The increase in child support pass-through amounts will be processed by WMS via a monthly Mass Rebudgeting (MRB) process and participants will be notified through the Client Notices System (CNS).

Revised

Applicants/participants visiting Job Centers with questions about the change in the child support pass-through (or child support in general) may be given copies of the **LDSS-3908** form.

A sample of the form is attached.


*Effective Immediately*

**Reference:**

[GIS 08 TA/DC023](#)

**Attachments:**

- LDSS-3908** Important Notice Regarding Child Support to Persons Applying for or Receiving Temporary Assistance or Foster Care Maintenance Payments Under Title IV-E (Rev. 10/08)
- LDSS-3908 SP** Important Notice Regarding Child Support to Persons Applying for or Receiving Temporary Assistance or Foster Care Maintenance Payments Under Title IV-E (Spanish) (Rev. 10/08)

 Please use Print on Demand to obtain copies of forms.

**IMPORTANT NOTICE REGARDING CHILD SUPPORT  
TO PERSONS APPLYING FOR OR RECEIVING TEMPORARY ASSISTANCE OR FOSTER  
CARE MAINTENANCE PAYMENTS UNDER TITLE IV-E**

**Assignment and Cooperation with Child Support**

As an applicant for or recipient of “temporary assistance” (officially known as “family assistance” and “safety net assistance”) or, where appropriate, certain foster care maintenance payments, you are required to assign your support rights to the Department and, unless you claim good cause or domestic violence for not doing so, cooperate with the Child Support Enforcement Unit (CSEU) to:

- Establish paternity of each child born out-of-wedlock for whom you are applying for, or receiving, temporary assistance;
- Locate noncustodial parents, including biological parents, stepparents, or adoptive parents;
- Establish or modify child support obligations from the noncustodial parent of each child; and
- Collect and enforce support obligations through the Support Collection Unit from noncustodial parents for the support of each child.

**Rights and Obligations Which May Result From Establishing Paternity**

- If paternity establishment is necessary, the court order establishing paternity (called an “order of filiation”) will name the father of the child.
- The noncustodial parent will be financially responsible for the child until the child is twenty-one (21) years of age. As a recipient of temporary assistance, you will receive up to the first \$100 of current support collected each month or up to the current support obligation amount, whichever is less, reducing your assistance grant or affecting your eligibility for assistance. This is referred to as the “pass-through” payment. Effective January 1, 2010, the \$100 pass-through payment level will continue for temporary assistance families with one child but will also increase to up to the first \$200 each month of current support collected or up to the current support obligation amount, whichever is less, for temporary assistance families with two or more children.
- Your child gains right to inheritance from his or her parents. Parents also may have rights of inheritance from their child.
- Your child may be entitled to receive death or disability benefits if either parent dies or becomes permanently disabled.
- The noncustodial parent has the right to ask the court for visitation with and/or custody of your child.
- The noncustodial parent will also have the right to be consulted before any adoption or foster care placement proceedings may occur for your child and may oppose any such adoption or foster care placement.

**Rights to Information Regarding Legal Proceedings**

You have the right to be kept informed of the time, date and place of any court proceedings involving you. You will be provided with a copy of any order establishing, modifying, adjusting or enforcing a child support obligation or, in the case of modification or adjustment, a determination that no change is warranted.

**Legal Representation**

An attorney will be assigned to your case for any actions that require a court proceeding. The attorney assigned to your case is the legal representative of the Commissioner of the Department of Social Services, and does not represent you personally. The attorney’s representation in this matter is limited to the establishment of paternity and the establishment, modification, adjustment, and enforcement of support obligations. Matters of custody, visitation, or other issues not related to support will not be handled by the Department’s attorney.

Any information, written or oral, which you provide to the Department’s attorney or staff **may not** remain confidential, including information indicating welfare fraud, which must be reported to appropriate officials.

If you have any questions concerning other legal issues, or you wish to have your own legal representation, you should contact a legal services or legal aid organization for assistance, or obtain the services of a private attorney of your own choosing at your own expense.

## AVISO IMPORTANTE EN RELACIÓN CON EL SUSTENTO DE MENORES PARA SOLICITANTES O BENEFICIARIOS DE ASISTENCIA TEMPORAL O DE PAGOS DE MANTENIMIENTO DE CUIDADO DE CRIANZA SEGÚN EL TÍTULO IV-E.

### Asignación y cooperación con el sistema de sustento de menores

En su calidad de solicitante o beneficiario de «Asistencia Temporal» (oficialmente denominada «Asistencia para Familias» y «Asistencia Red de Seguridad») o, de ser pertinente, de ciertos pagos de mantenimiento de cuidado de crianza, se le exige asignar sus derechos de sustento al departamento y, a menos que usted aduzca causa justa o violencia doméstica como motivo para no hacerlo, que coopere con la Unidad de Ejecución de Pagos de Sustento de Menores (*Child Support Enforcement Unit, CSEU*), a fin de:

- determinar la paternidad de cada niño nacido fuera del matrimonio para quien usted solicite o reciba asistencia temporal;
- localizar los padres no custodios, incluyendo los padres biológicos, la madrastra / el padrastro o los padres adoptivos;
- establecer o modificar obligaciones de sustento de menores a cumplir para cada niño por parte de los padres no custodios; y
- cobrar y ejecutar obligaciones de sustento por medio de los servicios de la Unidad de Cobros de Sustento de los padres no custodios a favor de cada niño.

### Derechos y obligaciones que surgen al establecer paternidad

- Si es necesario determinar paternidad, la orden judicial por la cual se la determine (llamada «orden de filiación») identificará al padre de su hijo.
- Los padres no custodios deberán pagar, por orden judicial, sustento de menores hasta que el niño en cuestión cumpla los veintiún (21) años de edad. Como beneficiario de Asistencia Temporal, usted recibirá una suma de hasta los primeros \$100 del sustento actual de menores para cada niño o menor de edad que cumpla el monto obligatorio de sustento actual, lo que sea menos, sin reducir su ingreso de asistencia si usted ofrece su filiación para recibir asistencia. Esto se denomina «pago traspasado». A partir del 1 de octubre de 2011, el pago traspasado por el monto de \$100 continuará siendo efectuado a las familias con un niño beneficiario de Asistencia Temporal, pero también se incrementará a una suma de hasta los primeros \$200 del sustento actual cobrado cada mes o una suma de hasta el monto obligatorio de sustento actual, lo que sea menos, para familias con dos o más niños beneficiarios de Asistencia Temporal.
- Su hijo adquiere derechos de herencia de los padres de él / ella. Los padres también pueden tener derechos de herencia de sus hijos.
- Su hijo puede tener el derecho de recibir beneficios por fallecimiento o incapacidad de los padres si uno de ellos muere o queda permanentemente incapacitado.
- Cualquiera de los padres no custodios tiene el derecho de pedir a la corte que se le permita pasar tiempo con su hijo y/o que se le otorgue la custodia del niño.
- Los padres no custodios también tendrán el derecho de que se les consulte antes de llevarse a cabo cualquier proceso de adopción o colocación en una familia de crianza que involucre a su hijo, y puede oponerse a tal adopción o colocación en una familia de crianza.

### Derechos a información relativa a procedimientos legales

Usted tiene el derecho de que se le informe la hora, la fecha y el lugar de todo procedimiento legal que lo/la involucre. Se le proporcionará una copia de toda orden que establezca, modifique, adapte o ejecute una obligación de sustento de menores o, en el caso de una modificación o adaptación, de la determinación donde se establezca que no se justifica cambio alguno.

### Representación legal

Se asignará un abogado a su caso para toda acción que requiera un proceso legal. El abogado asignado a su caso es el representante legal del Comisionado del Departamento de Servicios Sociales y no es su representante personal. La representación del abogado en esta materia está limitada a la determinación de paternidad y al establecimiento, la modificación, la adaptación y la ejecución de las obligaciones de sustento. Los casos de custodia, derechos de visita y otros temas no relacionados con el sustento no serán tratados por el abogado del departamento.

Toda información, escrita u oral, que usted le proporcione al abogado o al personal del departamento **no se mantendrá, necesariamente, de manera confidencial**, inclusive datos pertinentes a fraude en prestaciones sociales, de lo que deberá darse parte a las autoridades pertinentes.

Si usted tiene alguna pregunta en relación con otros temas legales o si desea su propia representación legal, debe ponerse en contacto con una organización de servicios legales o de ayuda legal para recibir asistencia, o debe obtener los servicios de un abogado privado, de su elección y por su cuenta.