

# DSER Guide To Services

## DSER SERVICES HOW YOU GET THEM

DSER establishes and enforces child support obligations, and when necessary, establishes paternity. There are no fees for DSER services. Whether or not you are receiving TANF makes no difference in the way your child support case is handled.

If you are receiving TANF, you will receive these services without asking for them (and you need to cooperate with DSER in order to receive your part of your TANF grant, unless you are granted good cause not to cooperate by your TANF worker).

If you have been receiving TANF, and your TANF ends, you will continue to receive these services until you tell DSER in writing that you don't want them.

If you are not receiving TANF and are not receiving these services, you can get them by using the DSER Voice Response System; by asking for them on the [DSER website](#); by telephoning DSER at (207) 624-4100, by faxing DSER at (207) 287-2334; by e-mailing DSER at: [Case.Review@maine.gov](mailto:Case.Review@maine.gov); or by writing DSER at: DSER, DHHS; 11 SHS; Augusta ME 04333 (Please include mailing address if e-mailing or writing.)

## WHAT YOU NEED TO PROVIDE TO COMPLETE AN APPLICATION FOR SERVICES

The application for services must be filled out. The highlighted portions of the application must be completed or the application will be returned to you.

Documents that must accompany an application:

- If your child was born in Maine we need a copy of the birth certificate.
- If your child was born **outside** of Maine we need a certified **copy** of the birth certificate.
- If you have a Maine court order we need a copy of the **complete order**.
- If you have an order from another state or jurisdiction we will need **3 certified copies**.
- If the parent absent from your home *owes a child support debt*, please complete the Child Support Payment Affidavit attached to your application package.

When your application is complete, DSER's Central Office will create a case.

**FEE FOR CHILD SUPPORT SERVICES:** The Deficit Reduction Act of 2005 requires DSER to collect a \$25.00 federal annual fee for each case in which the State has disbursed at least \$500.00 of child support for a person who has never received cash assistance from TANF/AFDC.

If you have never received public assistance, you may be charged this fee. For more information, visit our web site at: <http://www.maine.gov/dhhs/ofi/dser/announcements.html>

## WHAT HAPPENS WHEN A CHILD SUPPORT CASE IS OPENED OR REOPENED?

Before a new or reopened case can be sent to the field office where the actual support enforcement work is done, DSER's Central Office must create or amend the computer files for the case and obtain verifications of information that you provide. If an application is complete your case could be in a field office in days. If you have little or no information about the other parent, it could take longer (*The case cannot be sent to a field office until DSER can establish where the non-custodial parent lives or works.*)

When your case goes to a field office it is assigned to an agent who will manage the case.

### **PATERNITY (When a named father becomes a "legal" father)**

When a child is born out of wedlock (a child not born in a marriage), and the child's father does not agree that he is the father, paternity must be proved.

Until a man legally becomes the father of a child born out of wedlock, whether by agreement or by a court order, he is referred to as the "named father." Another term when a biological father is not legally the father is "putative father."

#### **If the Named Father is in Maine**

DSER starts a DHHS paternity proceeding. The named father may agree that he is the father after he is notified by DSER; or, he may ask for genetic testing which requires only a mouth swab, and if the test shows he is the father, he may then agree to sign papers that would make him legally the father (the papers are called an acknowledgment of paternity and would require the mother's signature as well). If the named father won't participate or doesn't agree that he is the father, the case will be filed in the Maine District Court.

- If the named father agrees he is the father before the proceeding is transferred to the District Court, getting an order will take anywhere from two to six months from the time the named father signs an acknowledgment of paternity.

#### **If the Named Father is in Another state**

When the named father is in another state, the process takes longer. DSER must request the child support enforcement agency of the state in which the named father is living to establish paternity. The time it takes varies from state to state. Compared to a paternity proceeding in Maine, it usually takes much longer.

## GETTING A SUPPORT ORDER

#### **If the Non-Custodial Parent (NCP) is in Maine**

When a father is also a "legal" father of a child (non-custodial parent), DSER starts a proceeding to obtain a support order that will create obligations for ongoing child support (current support), child support debt, health insurance, and child care costs. The range of time required to establish these obligations is 2-6 months following service of the initial notice on the NCP.

#### **If the NCP is in Another state**

If the child was conceived in Maine, or the parents and the child have lived together in Maine, DSER can still proceed as if the NCP were in Maine. However, when the NCP is in another state, the process takes longer.

When the NCP is in another state, the process takes longer. DSER must request the child support enforcement agency of the state in which the NCP is living to establish these obligations. While the time it takes varies from state to state, it usually takes much longer than a proceeding in Maine.

## **COLLECTION OF CHILD SUPPORT**

### **When the Non-custodial Parent (NCP) is in Maine**

**Current Support:** Almost all orders for child support now come with immediate wage withholding orders for current support (IIWO's). If DSER knows where the non-custodial parent (NCP) is employed, it will send it to the employer right away.

**Arrears (Past-Due Support):** In order to collect the debt as well as current support, DSER must serve an NCP with a notice of debt that states what is owed. If an NCP requests a hearing on the notice of debt, 3-4 months may pass after service of the notice of debt before DSER is in a position to collect arrears by these methods.

If the NCP does not challenge what we say is owed within 30 days, DSER can then attempt to collect the debt that is past due by:

- Filing liens against personal and real property,
- Collecting from bank accounts,
- Reporting debts of more than \$1,000 to credit bureaus,
- Taking state income tax refunds, and
- Attaching wages for current support and the debt.

DSER can also:

- Start a License Revocation Proceeding when no support has been paid for 60 days. Non-custodial parents must have a payment agreement with DSER to prevent DSER from asking the Secretary of State to revoke a license. Broken agreements result in License Revocation without further notice.

License Revocation can be stopped if:

- The NCP pays what is owed.
- Issue an Order to Appear and Disclose for debt collection only. The Order to Appear and Disclose is used to locate the NCP's assets and source of income by compelling the parent to appear and answer questions under oath. When the parent doesn't appear or refuses to answer, these proceedings can be filed in court for examination by the court. This action is used as a last resort for tough non-paying cases and takes time to resolve.

### **When the Non-custodial Parent is in Another State**

DSER can serve both Immediate Wage Withholding Orders and Orders to Withhold and Deliver across state lines when there is a Maine support order.

Also, DSER can take the NCP's federal income tax refund for arrears.

DSER can also request the child support enforcement agency of the state in which the NCP is living to collect the child support. The support enforcement agencies of all states are basically the same.

The process required under federal law for DSER to initiate this kind of interstate proceeding is such that it cannot be done quickly; but it is often the best remedy when a parent doesn't want to pay and chooses to avoid the responsibility.

## **MODIFYING/AMENDING A CHILD SUPPORT OBLIGATION**

### **GENERAL INFORMATION**

You can request an "Order Review" on the Voice Response System or by contacting DSER's Case Review Unit. (Please refer to IF YOU HAVE QUESTIONS OR INFORMATION FOR DSER ABOUT YOUR CASE, which follows this section of the Guide.)

If your order for support is at least three years old, or the last time you changed your order was 3 years ago or more, you can have your order reviewed without having to prove that your circumstances have changed.

#### **If the Non-Custodial Parent (NCP) is in Maine**

After you request Order Review, the field office that has your case sends you a request for financial information. You will usually receive this within two weeks. If you do not receive this paperwork within 30 days of your request for Order Review, write, e-mail, telephone or fax the Case Review Unit.

When DSER sends its information request to you, it sends one to the NCP also. DSER does the calculations whether or not the NCP participates. DSER will review the figures and tell you if a modification can be done. If calculations show that it is likely that an increase will be granted, then we will initiate a process to modify your order. How quickly DSER can respond to your case will depend on the number of other order-review cases already in process, and staff resources available for order review activity. If you desire great speed, then you should consider initiating a modification proceeding with an attorney or on your own. Depending on the demand for this service, it can take months for the order review process to reach completion. In addition, an increase in an order can only be made retroactive to the date the papers are filed in the Maine District Court. An increase in an obligation established by a DHHS administrative decision may not be made retroactive prior to the date DSER serves the NCP with its papers in its amendment proceeding.

#### **If the NCP is in another state**

If the support order originates in a Maine court or a DHHS order, the procedure is the same as it is for the NCP who lives in Maine.

If the order is from another state, DSER must request the support enforcement agency of the state the NCP is living in to conduct the order review process. Because of limited resources available for modification/amendment activity in the other state's agency, the process may be very slow.

## IF YOU HAVE QUESTIONS OR INFORMATION FOR DSER ABOUT YOUR CASE

As you can see from [VOICE RESPONSE FEATURES](#) and [HOW TO USE VOICE RESPONSE](#), which follow this section of the Guide, the DSER Voice Response System can now receive many of the specific questions custodial parents have about their cases; it can receive just about all information that custodial parents have about non-custodial parents, as well as address changes for themselves; and it can receive custodial parents' requests for financial records. Questions and information about your case that cannot be answered by the Voice Response System can be directed to DSER staff Monday - Friday between 10A M and 3PM. You can reach CRU by e-mail at: [Case.Review@maine.gov](mailto:Case.Review@maine.gov); by U.S. Mail to: CRU, DSER, DHHS; 11 SHS; Augusta ME 04333; via the [DSER website](#); by telephoning DSER at (800) 371-3101 (or [207] 624-7829 from out-of state); and by fax at (207) 287-2334.

DSER staff resources are concentrated in the areas of child support collection/enforcement, the establishment of child support obligations, and the establishment of paternity. For this reason, while information you send to CRU, whether through the Voice Response System or by any of the other methods we have noted, is forwarded to the enforcement agent in charge of your case as it is received, it may be a while before you have a response to your questions about your case. Questions about how DSER has distributed child support it has received must be answered first, because DSER must make sure that you have gotten all the money you are entitled to. Questions about what is happening in a case that cannot be taken care of on the CRU 800 telephone line are then responded to as quickly as staff resources permit.

## VOICE RESPONSE FEATURES

### Recording Caller Information

1. **Address Change** - allows caller to provide an address change
2. **Payor Information** - allows caller to provide significant information regarding the payor's income, assets or whereabouts.
3. **Order Review** - allows caller to request an order review
4. **Pay Records** - allows caller to request financial records
5. **Lost Check** - allows caller to report a missing/lost/stolen/destroyed check
6. **No recent Collections** - allows caller to leave a message bringing to DSER's attention that payments have been received for a couple/few weeks - in cases where collections were coming in on a regular basis.
7. **Dispute Distribution of Collections** - allows caller to leave a message questioning/disputing disbursement of collections.
8. **Request for services** - allows caller to leave a message requesting application for child support services.
9. **Direct Deposit** - allows caller to request, change or stop direct deposit of child support disbursements.

## **Informational Responses**

1. **Financial Data** - provides caller with collection and disbursement information.

2. **Distribution of Child Support Collections**

- Currently TANF
- Assignment of rights
- Previously TANF
- Never TANF

3. **TANF and Supplemental TANF Payments**

- TANF explanation
- Pass-through
- Gap
- Client excess
- Client arrears

4. **Division Services** - provides caller with information regarding what is and is not covered by the Division's services.

5. **Medical Reimbursement** - provides caller with procedure for seeking Recoupment of medical expenses

6. **Notice of Support Collections** - provides caller with procedural information regarding how to submit questions or complaints about information contained within the notice.

## **HOW TO USE THE VOICE RESPONSE SYSTEM**

Dial the VOICE RESPONSE SYSTEM at 1-800-371-7179 (in Maine) or 1-207-624-7830 (outside Maine)

Enter your social security number

Enter your personal identification number (PIN)

- If you have forgotten your PIN or want to change it, wait 3-4 seconds and the system will take you to the PIN Management Menu.

**THE VRS WILL THEN GUIDE YOU TO WHERE YOU WANT TO GO.**