

POLICIES AND PROCEDURES OF THE DOMESTIC RELATIONS SECTION

Domestic Relations Section, 45 N George St, Suite 2100, York, PA 17401 PHONE 717-771-9605 FAX 717-771-9817

ENFORCEMENT OFFICER _____ PACSES CASE ID _____ DRS NO. _____

Procedural and case specific information is available at: www.childsupport.state.pa.us

The term "Defendant" means the person who pays support and the term "Plaintiff" means the person who receives support. **Please use the PACSES case number and the DRS number on all correspondence.**

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, A CLIENT WITH A DISABILITY CAN REQUEST ACCOMMODATIONS FOR ATTENDANCE AT REQUIRED DRS APPEARANCES BY CALLING (717) 771-9605.

RULES 1910.16-1 through 1910.16-7 of the PENNSYLVANIA RULES OF CIVIL PROCEDURE (Pa. RCP) govern the **establishment** of Pennsylvania orders of support. Multiple support obligations of a defendant **may** affect the support determination for each specific case as well as distribution of money to each plaintiff. A copy of the Pennsylvania support guidelines is available upon request in the DRS and at www.childsupport.state.pa.us. Realistic earning capacities will be assessed in cases of non or under employment of one or both of the parties.

I. Responsibilities of Parties/General Office Procedure

A. You have an enforcement officer assigned to your case by alphabet. You may make an appointment to see an enforcement officer by calling the receptionist. All clients are encouraged to register their inquiries in writing to ensure compliance with legal requirements and to protect their right to privacy and confidentiality.

B. It is the defendant's **and** plaintiff's responsibility to notify the DRS, the other party and DPW (if applicable) in writing or person within seven days of any material changes including those listed below or you may be held in contempt:

1. If a child graduates/quits high school or leaves the plaintiff's care.
2. A change of address.
3. Changes in employment or income, including salary/rate changes, unemployment, layoff, strike and being off work due to illness, injury or disability.
4. Changes in the cost, terms or availability of medical coverage for the dependants covered by the support order.

C. Any time a defendant is unemployed and/or unable to pay the order of support, he/she is directed to report to the DRS to **immediately** commence a job search, reporting employment efforts as directed. Continued reporting will be required until the defendant secures employment that is attachable to pay the obligation.

D. **MODIFICATION**-If your circumstance, ability to pay or custody/visitation arrangements change significantly, or if the mandated guidelines for support have changed significantly, you may, by law have the right to petition the Court for a modification of your support order. Pa C.S.A. Section 4352(e) prevents modification of a support order prior to the filing date of a modification petition unless such filing was precluded by a significant physical or mental disability, misrepresentation of another party or other compelling reason ***if the petitioner, when no longer precluded, promptly filed a petition.*** No modification of a support order will occur for normal fluctuations of income (such as short term plant shutdowns, strikes or brief absences from work due to illness/injury). Emancipation of a child may be an exception from this general rule. Pursuant to 23 Pa.C.S.A. 4352(a) both parties are entitled to request a review at least once every three (3) years from the date of the most recent order or modification upon the filing of a petition for modification.

1. **Filing**-if you wish to file a Petition for Amendment, you may request the form be mailed, access it on-line or visit the office and either mail or submit your petition for cases where York County, PA has the ability to modify the order (CEJ). **There is a \$20.00 filing fee which must be paid at the time the petition is filed to process the request.** Please be advised that pursuant to a petition, the trier of fact may modify or terminate the existing support order in any appropriate manner based upon the evidence presented.

2. **Agreements to Modify**-If parties agree on how to change the order and notify the DRS in writing or person of the agreed upon changes and effective date, the order may be changed without a conference.

3. **Visitation Information**-In accordance with the PA statewide guidelines, no adjustment will be made for normal and routine visitation. Credit will not be granted and the order will not be suspended during periods of normal visitation. If visitation is in excess of 40%, as determined by overnight visits, either party may file a petition of amendment of the support order at which time this factor MAY be considered for modification.

E. **MEDICAL ISSUES- The following rules and statues are applied in the manner described below:**

23 Pa C.S.A. Sections 4324 and 4326 and Pa R.C.P 1910.16 through 1910.16-7

1. **Ability to pay**-A defendant who is unable to pay the order due to a medical condition is required to report immediately to provide a Doctor's Certificate verifying the medical condition as well as the expected length of the disability. Continued reporting will be required throughout the duration of the disability.

2. **Coverage**-A party who is obligated to provide/maintain insurance coverage on a dependant via an order is responsible for providing proof and details of the coverage to the non-insuring parent, for cooperation in the processing of claims, and for forwarding explanation of benefit information as well as reimbursements received for the dependant's care to the provider or party who paid the expense prior to the insurance company's determination on reimbursement. Insurance companies must make information available directly to a custodial parent, even if the defendant is the individual providing insurance. A party providing insurance should forward a copy of any benefit explanation to the other party in an action within 14 days of its receipt. Reimbursement from an insurance company to a party should be forwarded to the appropriate entity within 14 days of its receipt. DRS and the party not providing health insurance should be advised of any changes in costs, terms, or lapses within seven (7) days of the change. Custodial parents directed to obtain insurance coverage through a CHIP provider may obtain forms at the DRS or at www.chipcoverspakids.com.

(SEE OVER)

3. **Unreimbursed Medicals**

a. Unreimbursed Medical Expenses-Unreimbursed medical expenses of all named dependants on an order as defined by the PA statewide guideline over \$250.00 per person per calendar year shall be allocated between the parties in proportion to their respective incomes. The proportionate amount shall be added to the basic support order when such amount can be reasonably predicted by the Court at the time the order is established or modified. For expenses in excess of \$250.00 which are unpredictable, non-recurring or unknown at the time the Court establishes or modifies an order, parties are to handle payment of their respective share directly between each other or the provider, unless default occurs, at which point enforcement action may be pursued in accordance with the procedures in place through the York Domestic Relations Section.

b. Excluded Unreimbursed Medical Expenses-Medical expenses incurred for cosmetic, psychiatric, psychological or chiropractic services may be addressed by the Court and apportioned between the parties ONLY if specifically directed in an order of court.

4. **Enforcement of Payment of Unreimbursed Medical Expenses**-In most cases, unreimbursed medical expenses will be added to the support order or parties will handle medical provisions between themselves; however, enforcement of medical provisions through the DRS may be pursued in the event of non-compliance with an order. Enforcement action by the DRS will be limited to two (2) requests per calendar year absent extraordinary circumstances. The party requesting enforcement will be required to file a medical support enforcement form (available at the DRS upon request) with all substantiating bills (with date of service, diagnosis and medical procedures included) and insurance determinations included to initiate enforcement. A certificate of service of those documents on the non-moving party must also be provided to the DRS. The person alleged to be in default will have fourteen (14) calendar days to refute the charge. On or shortly after 15 calendar days from the date of request for enforcement, DRS will enforce the default amount by issuing an order adding or subtracting the amount deemed appropriate (**considering that the first \$250.00 per dependant is the plaintiff's responsibility**) to the support account balance and will adjust the wage attachment accordingly. It is required that documentation of an outstanding medical bill be submitted to the other party no later than March 31 of the year following the calendar year in which the final bill was received.

A PETITION TO MODIFY MUST BE FILED FOR CHANGES IN ANY OF THE MEDICAL PROVISIONS MANDATED BY EXISTING COURT ORDER. WILLFUL NONCOMPLIANCE WITH ANY MEDICAL TERMS OF A SUPPORT ORDER MAY CONSTITUTE GROUNDS FOR A CONTEMPT CITATION OR OTHER ENFORCEMENT ACTION.

II **PAYMENTS/CHARGES**

- A. Effective 12/8/09 Act 49-2009 signed into law 10/9/2009 mandates the collection of a filing fee in the amount of \$23.50 at the time a complaint is filed. This fee is to be reduced to \$12.25 effective 1/8/2012.
- B. All orders are charged on the first day of the month.
- C. In Pennsylvania, support payments are received and processed at a central location for the state. Please put **DEFENDANT'S NAME AND PACSES MEMBER ID #** **(DEFENDANT'S SOCIAL SECURITY NUMBER MAY ALSO BE USED) ON ALL CHECKS TO INSURE THAT YOUR CASE IS PROCESSED EFFICIENTLY AND WITHOUT ERROR. PAYMENTS MUST BE MADE TO PA SCDU, P O BOX 69110, HARRISBURG PA 17106-9110.**
- D. Payments are disbursed to the plaintiff as they are received. This disbursement shall be by either EPPICARD or direct deposit. Payment information/options can be found at www.childsupport.state.pa.us, PA SCDU Automatic Voice Response (AVR) (1-877-727-7238) or the IVR system at the DRS (717-771-9605).
- E. EPPICard inquiries may be made at www.eppicard.com and 1-800-304-1669 and the child support web site (there may be a fee assessed for calling multiple times within one month, however, there is no fee for utilizing the eppicard or child support web sites). The eppicard may not be used to purchase liquor or alcohol.
- F. All money or gifts given to plaintiff and or child/ren directly are considered gifts and cannot be used as part of the support payment through this office.
- G. There is a \$26.00 annual service charge on support orders which must be paid by the defendant.

III **ENFORCEMENT**

A. **INCOME ATTACHMENT PROCEDURE** - 23 PA C.S.A. SECTION 4348 (b) requires mandatory income attachment on ALL cases unless the obligor is not thirty days in arrears **and** good cause is determined by the court or a written agreement is executed by the parties not to attach, this second option applying to non-welfare cases only. **ANY TIME SUPPORT IS NOT DEDUCTED BY WAGE ATTACHMENT, THE DEFENDANT MUST MAKE THE REQUIRED PAYMENT ON HIS/HER OWN TO PA SCDU.**

B. Pa C.S.A Section 4307 permits **intercept of a defendant's tax refund**. All cases where non welfare arrears exceed \$500.00 and welfare arrears exceed \$150.00 will be submitted for Federal tax refund intercept. Some restrictions do apply. Inquiries may be directed to the attention of the IRS Intercept Coordinator within the DRS. State tax refunds are eligible for interception as well.

C. Pursuant to Pa C.S.A Sections 4303, 4305, 4308, 4308.1, 4309, 4352 and 4355 in accordance with Pa R.C.P. 1910.20 through 1925-6 the following actions may occur through the DRS to enforce a support obligation when there are overdue arrears:

1. Denial or suspension of License-if overdue support exists in the amount exceeding three months the DRS can pursue revoking/denying renewal/suspending licenses including: drivers, hunting/fishing and professional licenses.
2. Interception of Lottery winnings.
3. Reporting delinquent payors to consumer credit bureaus.
4. Matching and seizing funds/assets from financial institutions (FIDM) and insurance/settlement proceeds.
5. Imposing liens on real property. Lien information is available on the child support web site. Certification must still be done by Domestic Relations.
6. Reducing and executing a judgment against the obligor.
7. Denying passport renewal when arrears exceed \$2,500.00.
8. Initiating contempt proceedings which may include sanctions of probation, fines or jail.

THE PRECEDING POLICIES AND PROCEDURES HAVE BEEN DESIGNED FOR YOUR BENEFIT AND PROTECTION. QUESTIONS OR CONCERNS SHOULD BE DIRECTED TO THIS OFFICE

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