




Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
600 Washington Street • Boston MA 02111

William F. Weld
Governor
Argeo Paul Cellucci
Lieutenant Governor

Field Operations Memo 95-30
October 1, 1995

Gerald Whitburn
Secretary
Joseph Gallant
Commissioner

To: Local Office Staff

From:  Joyce Sampson
Assistant Commissioner for Field and Eligibility Operations

Re: **Legally Obligated Child Support Payments as a Food Stamp Program Income Deduction**

Background

Section 13921 of the Mickey Leland Childhood Hunger Relief Act contained an amendment entitling food stamp households to a deduction for legally obligated child support paid by a household member to a nonhousehold member.

Allowance of child support payments as a deduction is meant to encourage noncustodial parents to comply fully with their child support obligation while, at the same time, recognizing the reduced income level and food purchasing ability of the otherwise eligible food stamp household.

This memo addresses several issues related to allowance of the child support deduction. These issues include: (1) definition of legal obligation to pay child support; (2) determining allowable amount of deduction; (3) verification process; (4) budgeting procedures; (5) reporting changes; (6) length of certification period; (7) collecting child support obligation information; and (8) PACES data entry and benefit determination.

Regulations transmitted by State Letter 1072 regarding the child support payment deduction are effective October 1, 1995.

Immediate implementation is required for all new applications dated on or after October 1, 1995. For ongoing households implementation is required at time of next recertification, at household request, or when the case is next reviewed, whichever occurs first.

**Definition
of Legal
Obligation**

Regulations require that to be eligible for the deduction, the household must be legally obligated to pay child support to or for an individual living outside the household. Although various child support arrangements may exist between unmarried, separated or divorced parents, the law specifies that the deduction is allowed only for persons with a legal obligation to pay. A legal obligation may include a court order that can be enforced by a judge in a court of law, an order issued through an administrative process, or a legally enforceable separation agreement.

**Determining
Allowable
Amount of
Deduction**

Determining the amount to be allowed as the child support deduction is based on the following factors:

- the child support amount *actually paid or expected to be paid, including arrearages*, during the certification period;
- child support amounts legally obligated but *not paid directly, including but not limited to, health insurance premium payments, vendor rental or mortgage payments etc*, during the certification period;
- excluding alimony or spousal support payments or property settlement payments.

**Verification
Process**

The food stamp household is the primary source of verification of the legal obligation to pay child support, the amount of the obligation, and the actual amount paid. If the household fails or refuses to submit required verification, the household will not be entitled to the deduction.

**Verification
of the Legal
Obligation**

Any document showing the obligation to pay child support such as a court order, administrative order, or legally enforceable separation agreement would verify the obligation and obligated amount.

**Verification
of Actual
Payments**

Acceptable verification of amounts paid would include canceled checks, wage withholding statements, verification of withholding from unemployment compensation, and statements from the custodial parent regarding direct or third party payments made or expected to be made by the noncustodial parent.

Note: Documents used to verify the household's *child support obligation* are not acceptable as verification of the household's *actual child support payments*.

**Budgeting
Procedures**

Budgeting of child support payments shall be prospective and depend on whether or not a payment history has been established.

For households with a payment history of three or more months of paid, legally obligated child support, the support deduction shall be the average of at least three months' payments (including arrearages) taking into account any anticipated changes in the legal obligation or other changes that would affect the payment. This average would establish a household's child support payment for the certification period. It would be adjusted during the certification period for any changes in the payment reported by the household or which otherwise become known to the Department. At recertification, updated information on which to base the average for the new certification period would be obtained.

For households without a payment history of at least three months of paid, legally obligated child support, the support deduction would be based on anticipated payments, excluding arrearages. (This includes households with a newly established legal obligation and households that have failed to meet an existing obligation.) The household would then be required to report changes greater than \$50 actually paid but excluding arrearages.

**Reporting
Changes**

Under current food stamp change reporting rules, households must report certain changes within ten days of the date the change becomes known. The reporting rules for the child support deduction are intended to provide a means of obtaining information about payments being made that is not overly burdensome on either Department staff or the household.

The household must report within ten days changes in the legal obligation, including but not limited to a child reaching an age at which child support is no longer legally obligated, or changes in the legally obligated amount.

**Length of
Certification
Period**

Consistent with current rules on length of certification, households with no history of child support payments or with extreme monthly variations in payments would be certified for a short period of time, no longer than three months. This allows for the development of a payment history before assignment of a longer certification period with a deduction based on averaged payments.

Households with a stable payment history may be certified for longer periods of six to twelve months depending on other household characteristics.

**Collecting
Child Support
Obligation
Information**

A new form entitled "Child Support Obligation and Payment Inquiry" (FSP/CS; 10/95) will be used to collect information regarding a food stamp household member's legal child support obligation and payment history. (See Attachment A.) This form must be completed for all food stamp cases, both PA and NPA, at application and eligibility review. Attach the completed Form FSP/CS to the application or eligibility review form. As Department application/eligibility review forms are revised, they will contain a data section for this deduction.

Note: Please make copies of Attachment A for use in your local office until an initial supply of Form FSP/CS is received from Printing and Distribution.

**PACES Data
Entry and
Benefit
Determination**

Once the monthly child support deduction has been determined, the amount must be entered on the PACES Worksheet.

- Use Block 10 of the FIW1 Section - Assets
- Enter the child support deduction as Type "D"
- Enter the monthly amount rounded down to the nearest whole dollar up to maximum of \$9999.00

Note: If a client has multiple child support obligations, combine the obligations. Only one entry can be made for each assigned client number.

The *Systems User's Guide*, Volume 1, Chapter IV: PACES Worksheet will be reissued at a later date.

PACES will use the child support payment deduction in the calculation of food stamp eligibility and benefit level. The child support payment amount will be listed as one of the "DEDUCTIONS ALLOWED" in the Food Stamp Explanation section of the PACES client notice.

Questions

Policy-related questions should be referred to the Policy Hotline at (617) 348-8478 by your Hotline designee.

Systems-related questions should be referred to the Systems Help Desk at (617) 348-5290.



Commonwealth of Massachusetts
Department of Transitional Assistance

Child Support Obligation and Payment Inquiry

Do you or does anyone in your food stamp household have a legal obligation to pay child support for someone outside your household? Yes No

If yes, are you or is anyone in your food stamp household actually making regular child support payments to meet this obligation? Yes No

If yes, complete the following information.

Name of Person With Legal Obligation and Making Regular Child Support Payments	How Much Paid	How Often Paid
	\$	
	\$	
	\$	

In order for this expense to be considered in the calculation of your food stamp benefits, you must provide:

1. the documents that established the legal obligation to pay this child support; and
2. verification of payments made for the past three months.

You may be able to receive more food stamps once you have provided us with the above information.

Signature

____/____/____
Date