

FAQ for Racine County Office of Child Support Services (CSS)

Q: How do I apply for services?

A: You must complete an application for services (see Apply for Services icon on the Home page). After completing the application, you will need to bring it in or send it to CSS. There is no fee to apply for services.

Q: How do I change my child support order?

A: To change an existing order, a new court order must be entered. There are a few ways of doing this.

- 1) If you are able to demonstrate that there has been a substantial change in circumstances, you can request that CSS review your case and pursue an adjustment.
- 2) You can file your own motion with the court to modify your court order.
- 3) If parties are in agreement, you can file a stipulation and order to modify your court order, or for expedited review and processing of your stipulation, you can visit the STIP CLINIC (see notice on the Home page for more information). For forms, see the Forms for Changing Your Order box on the Home page.

Q: My husband and I are separated but we are not sure if we want to get divorced. I had to go to Human Services to apply for a medical card because my husbands' employer does not offer medical insurance. My husband gives me money every week and I don't want Child Support involved. Why must I appear for an appointment?

A: Because you are receiving medical assistance from the State of Wisconsin, you must cooperate with CSS. Even though you do not want us to establish an order for child support, Wisconsin law requires that as long as the non-custodial parent does not reside with you, an order must be entered. Failure to cooperate will result with any benefits you are receiving from the state being stopped.

Q: My girlfriend/ex-wife is no longer receiving public assistance. Why is CSS still enforcing the order?

A: If there is an order in effect, it does not matter whether the custodial parent is receiving public assistance or not; the child support order continues unless and until it is modified by the court. In general, CSS continues to enforce the child support order even after the public assistance ends, unless we receive a termination of child support services from the custodial parent.

Q: My order allows me time with my kids but the custodial parent is not letting me see them. Can I stop paying support?

A: No. Wisconsin law draws a very definite line between the issues of physical placement and child support. No parent can withhold court ordered support because they are denied court ordered periods of visitation. Likewise, no parent can deny court ordered visitations because the other parent is not paying court-ordered support. If you are being denied visitation rights, you may need to file a motion with Family Court. It is important to remember that CSS has no authority to create, change, or enforce custody and placement provisions.

Q: The kids are living with me now. Why am I still paying support to the mother?

A: You will have to continue to pay support until you obtain an order from the court stating that placement has changed and that your obligation to support the children has been terminated. You may file a motion with the court to modify the order (see Forms for Changing Your Order box on the Home page).

Q: The custodial parent doesn't spend the support money on our kids. What can be done?

A: The money the custodial parent spends on housing, utilities and food is spending that is shared with the children. If you believe your children are not being adequately fed, clothed and housed then you may contact the county human services agency where your child lives. The state does not have jurisdiction over how the custodial parent spends child support payments.

Q: I'm not working now. Why do I still have to pay the same amount of child support?

A: Your child support order is based on the DCF 150 Child Support Standard, and it is based off your gross income. If you believe your current support order no longer reflects the appropriate amount based on the Child Support Standard, you can request that CSS review your order for a possible modification, or you may file a motion (see Forms for Changing Your Order box on the Home page).

Q: How do I know if a payment was received? Has the NCP made a child support payment yet?

A: Participants inquiring about payments received by WISCTF and subsequently disbursed by WISCTF are to be referred to call the IVR line (1-800-991-5530). You may also sign up for child support services on-line at <https://csos.wisconsin.gov/login>.

Q: Why do I still have a commitment against me when I'm now making payments?

A: If you have a commitment against you, the commitment will not be vacated automatically even if you start making payments. Only the court can vacate a commitment. If you are in this situation, you should contact CSS immediately.

Q: My son is 22 years old. Why are you still taking child support?

A: There may be arrears owed. Even after a child is emancipated, payment of arrears balances may still be enforced until paid in full.

Q: How do I find out if my name is on the lien docket?

A: If your name is placed on the lien docket you will be sent a document called Notice of Lien Docket and Credit Bureau Reporting. The notice will tell you the amount of the lien on the date that it was placed on the docket. This notice also describes your rights and procedures for disputing the lien amount.

Q: How long will the WSCTF (Trust Fund) take to process my payments?

A: The WSCTF will process the support payments the same day they are received Monday through Friday. KIDS will issue payment to be mailed on the next working day. Due to the vast amount of data that must be processed at the end of the month the KIDS system requires at least 24 hours of processing time at months' end.

Q: The non-custodial parent of my children does not want a Notice of Income Withholding to go to his/her employer. He/she prefers to pay me directly. Is this all right?

A: Income withholding is mandatory in Wisconsin because it is convenient to both parents and greatly reduces the possibility of late payments or arrearages. Generally, only self-employed paying parents do not participate in immediate income withholding, although they may be required to arrange for periodic payments of support from a bank account.

Q: Besides paying my current support I am making payment on the child support arrears and birth expenses. You are still charging me interest on the arrears, and I just received notice that my taxes are going to be intercepted. Can you do this? What can I do?

A: Wisconsin law requires that interest be charged at 0.5% per month on the unpaid amount even if you are making payments on the arrears. Under federal law, federal tax refunds are intercepted in any case where arrears total \$150 or more when the custodial parent received certain forms of public assistance; and where arrears are \$500 or more on non-public assistance cases. State tax refunds may be intercepted if arrears are \$150 or more on all court cases combined.

Q: I am not getting any child support. I want the non-custodial parent in jail, but CSS just sends him/her a letter. I want him/her arrested. What can I do?

A: There are many steps to enforcement. We first send a warning letter out. If there's no response from the payer we may refer the case to court. Before any payer can be arrested he/she must first be either found in contempt of court or unable to be located to be served. Due process must be followed.

Q: The non-custodial parent recently moved. I had to tell my caseworker about it. How come I had to tell the caseworker? Shouldn't CSS know?

A: The custodial parent will often learn information about the non-custodial parent before CSS finds out. The locate tools used by CSS sometimes take a while to report new information. The custodial parent usually finds out from the non-custodial parent directly, or from mutual friends/family. Non-custodial parents are court ordered to report changes in employers and addresses within 10 days. The custodial parent needs to report information to us to be sure the information is received and processed.

Q: My daughter turned 18 in February but doesn't graduate until June. When will my child support obligation stop?

A: In Wisconsin, child support ends at 18 years old unless pursuing a high school diploma but not later than 19 years old. The KIDS system will automatically end child support at 18 unless you provide us with a letter from the high school indicating the date of graduation, and then it will generally stop at the end of the month of graduation, but in no event beyond 19.

Q: I am the alleged father and I want genetic tests to be sure this is my child. How much will this cost me and do I need to bring the money with me at the time of testing?

A: You will be charged \$35.00 ONLY if you are found to be the father. There's no need to bring any money with you when you appear for DNA testing. The costs are added to your order along with a payment plan if needed.

Q: The non-custodial parent is (re)married. The new spouse makes a lot of money. Can child support be based on the spouses' income also?

A: No. The responsibility for supporting a child rests with the parents of the child. Under Wisconsin law a stepparent has no legal responsibility to support the children of his/her new spouse.

Q: I have a court order for child support in Racine County, but when I called CSS, they told me I do not have a case with them. Why not?

A: Your case is a Non-IV-D case. You either had a private attorney or represented yourself to obtain a court order. You also did not receive public assistance for the child(ren) of this case. The Trust Fund receipts and disburses payments, but CSS will not enforce your order unless you apply for services (see Apply for Services icon on the Home page). There is no fee to apply for services.