

FREQUENTLY ASKED QUESTIONS:

WORKING WITH YOUR CHILD SUPPORT AGENCY

My caseworker never calls me. How do I get someone to work on my child support case?

Due to large caseloads, child support workers might not be able to contact you to update you about your case. If the worker does not call you, it does not mean the caseworker is not working on your case. Stay in touch with your caseworker, and report any new information about the other parent that might help with enforcement.

Weeks ago my caseworker said that the agency would take my case to court because the other parent is not paying. Why haven't they gone to court yet?

It takes time to set a court date. The court might not be able to schedule your case immediately.

The other parent recently moved. I had to tell my caseworker about it. Why doesn't my caseworker know this?

You might learn information about the other parent's address and job changes before the child support agency. You should inform your caseworker about these changes.

When can enforcement be requested, and how to I ask for enforcement?

If you have a case with the Child Support Agency, you may contact your child support agency and ask for enforcement of your child support order if the other parent does not make a payment for more than a month. If you do not have a case with the Child Support Agency, you can apply for services by filling out an application for services. The application form can be picked up at the Sheboygan County Child Support Agency at 615 North 6th Street, Sheboygan, WI 53081. It can also be found on the State's child support website at dcf.wisconsin.gov/bcs/.

Why does the agency keep sending letters? I want the other parent in jail.

Child support agencies have many tools to help them enforce child support orders. Some tools, such as charging interest on past-due support, are done automatically. For the most efficient and effective use of staff time, child support agencies use their experience to choose what tools (actions) they take and when. For instance, they might write warning letters before they take a more drastic action. Some enforcement tools and actions require due process or a court action. Jail is not always the best way to get money for your children.

Can child support agencies arrest the other parent?

No. Child support agencies cannot arrest anyone. After a hearing, the child support agency can send a warrant to the court for signature. If the court signs and files a warrant, the warrant is sent to the Sheriff's office. The warrant gives the Sheriff's office authority to arrest a person.

The last time we went to court I did not agree with what the court decided. What can I do?

When a court rules on a case, the child support agency cannot change the ruling. As with any court decision, you may appeal the decision to a higher court or hire an attorney to appeal. You may ask your caseworker if there are other options you or the agency can use.

Why do I have to come to the hearing?

Both parties to an action are notified of the date and time of the hearing. If the judge needs additional information to make a decision and neither party is present at the hearing, the parties do not have an opportunity to inform the Court of circumstances that would help the judge make an accurate assessment of what remedy is needed. By not attending the hearing, the parties give up their chance to present their information to the Court and have to abide by the resulting order.

I am not getting my support. Why?

Your case may be very difficult. Although the Wisconsin Child Support Program is a national leader in support collections, not all families receive child support in any given month. The most common difficulty is that the other parent's address and/or employer are not known. Wisconsin laws are always being updated to help enforce child support orders and to give agencies more tools to use to collect support.

Can I use a private collection agency?

Yes. You may employ a private attorney, a private investigator, and/or a private collection agency to establish and enforce your child support order. You should inform your child support agency if you do so. All payments must still go through the Wisconsin Support Collections Trust Fund. You, not the other parent, are responsible for all fees the collection agency charges. The federal Office of Child Support Enforcement reports that, "private collection agency fees rates generally range from 25% to 33%. Depending on the contract, a private collection agency may collect fees on any amounts received, even if the money was collected as a result of the work of the state child support program or if the private collection agency received the money as current, rather than past-due support."

What happens when my child turns 18?

Months before the youngest child's 18th birthday, a letter is system-generated and sent to both parents at the last address on record informing both parents that the child is turning 18 and contact must be made with the Child Support Agency to confirm the child's attendance in high school. If no contact is made from either parent, the order ends with the child's 18th birthday and payments received after that are applied to any unpaid past child support and unpaid court costs and fees. If the Child Support Agency receives a letter on the school's letterhead confirming that the child is enrolled at the high school, the order will continue until the child's 19th birthday. If the child's 19th birthday is later than the child's graduation date, a copy of the diploma or a letter from the school on the school's letterhead confirming that the child did graduate must be mailed or faxed to the Child Support Agency. This will stop the account from charging the monthly charge. However, payments will not be stopped until all unpaid past child support and unpaid court costs and fees are paid in full per Wisconsin statute.

What happens to the arrears amount when the current order stops charging?

Per Wisconsin statute, when the current support order ends, the full amount of the current support order will continue to be paid and applied to the arrears until the arrears and any associated unpaid court costs and fees are paid in full.

The order is for shared physical placement. Does that mean that no one has to pay any child support?

Although the possibility of no child support payments is present with an order that placement is shared, shared placement does not always result in no child support payments. The calculation that is made is based on the exact number of over-nights that the child spends with each parent and the monthly income of each parent. The calculation can be found on the website for the Department of Children and Families. (dcf.wisconsin.gov)

If we work something out, does there have to be a child support order?

For those cases where the Child Support Agency is not a part of the case, parties need the approval of the judge on any agreement that they make with regard to their child support order. However, if the Child Support Agency is involved in the case, any agreement made between the parties requires the approval of the judge AND the approval of the Child Support Agency as it is represented by the Child Support Attorney. The Child Support Attorney represents the interests of the State of Wisconsin which is concerned about the welfare of the child. When the State of Wisconsin is providing benefits and support for the financial and medical benefit of the child, a child support order has to include terms that are for the child's best interest as the Child Support Attorney determines.

Where can I get a job search form?

A payer who is not sending in regular child support payments should be documenting efforts to find employment. Job search forms can be sent to you at your request. Call the Child Support Agency at 920-459-3041 and make sure to provide the address at which you reside so these forms can be mailed to you. If these forms are lost or misplaced, they will not be mailed out again so you can stop in to pick them up. Failure to turn in job search forms with a minimum of 5 job contacts per week will result in additional enforcement measures.

What is the difference between SSD and SSI and why can child support be taken from one and not the other?

The Social Security Administration has a website which is: www.ssa.gov. On that website is a description of the Social Security Disability Insurance Program or SSDI and who is eligible to receive those benefits. Supplemental Security Income or SSI is designed to help those people who have little or no income and provides cash to meet basic needs for food, clothing, and shelter. It is funded by general tax revenues and is considered a supplement to income based on need. Congress made the determination that child support could not be collected from SSI payments. (42 USC 7 (407)).

Since Social Security Disability is an old-age and disability insurance benefit that is funded by Social Security taxes and is considered a substitute for income, Congress made the determination that Social Security Disability benefits could be garnished for child support. (42 USC 7 (659)).

CUSTODY AND VISITATION

Please keep in mind that matters of legal custody and visitation (physical placement) are separate from the financial support of children. Wisconsin's Child Support Program has no authority to

create or enforce custody or visitation orders, and child support agencies do not handle these matters.

When my children are with the other parent, they are neglected. What should I do?

If you are concerned about safety issues or the environment at the other parent's home, you should contact the Sheboygan County Department of Health and Human Services. This agency is responsible for investigating suspected child abuse or neglect cases reported to them. The phone number for the Sheboygan County Department of Health and Human Services is 920-459-6400.

I want to change the physical placement order. What do I do?

Wisconsin's Child Support Program has no authority to create or enforce custody or visitation orders. Either party can seek the services of private counsel to assist in this issue. In Sheboygan County, the Sheboygan County Clerk of Courts office has motion packets available for a fee that have the instructions and documents that you need to modify your placement order by bringing the issue before the Court. If both parties agree to the change, the Sheboygan County Clerk of Courts office has pro se stipulation forms available at no charge. You can review the information that is available on their webpage at www.co.sheboygan.wi.us. Click on "Departments" on the left side of the screen, and then click on "Clerk of Circuit Courts" to view the information that is there. You can also call their office at 920-459-3068 for more information.

PATERNITY QUESTIONS

Can I get a DNA test?

A DNA test can be done by your physician. If it is to be performed by the Child Support Agency, a court order is required before the test will be administered.

MAKING PAYMENTS

How can I make my payments?

Payments can be mailed to the Wisconsin Support Collections Trust Fund (WI SCTF), Box 74200, Milwaukee, WI 53274-0200. Payments should be accompanied by a payment coupon which can be found on the State Child Support website: dcf.wisconsin.gov/bcs/. Click on the tab "Family Resources" and, on the box on the left side of the screen, click on "Payments." A coupon can also be printed from your personal access to the State website after you apply for it at childsupport.wisconsin.gov. You can also use the "Pay-by-Phone" service. Information and instructions on how to use this service can be found on the State Child Support website.

Can I make payments at the Child Support Agency office?

Yes.

How can I check to find out if a payment was made?

You can register for your personal access to the information on your case by going to childsupport.wisconsin.gov. You give yourself a log-in ID and the State will send you your own secure password at the address that is current in the KIDS system. Once you get your password, you can access your payment information at any time. You can also call the Wisconsin Support Collections Trust Fund (WI SCTF) at 800-991-5530.

I want a print-out of the accounts on my case. Where can I get it?

You can call the Wisconsin Support Collections Trust Fund (WI SCTF) at 800-991-5530 and request a participant account history. It will be mailed to you at the address that is current in the KIDS system at no charge. Or you can register for your own access to your case at childsupport.wisconsin.gov and print out this information at any time after you get your secure password from the State.