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Dhhs augusta maine child support

The Maine Child Welfare Services Ombudsman is an impartial agency that specializes in assisting people with resolving concerns and complaints with the Maine Department of Child Protective Services of the Department of Health and Human Services. If you have a concern or complaint about how Child Protection Services, DHHS handles a child's case, you can contact the Ombudsman's office. Email us at: ombudsman@cwombudsman.org or call 1-866-621-0758 or 207-213-4773. The Ombudsman cannot respond to emergencies. If you are concerned about a child's safety, call the Child Abuse Hotline, 1-800-452-1999. This page explains how the Maine child support collection works. The law and procedure vary from state to state. Maine has several tools for collecting both current and delayed child nutrition. These are explained below. If you receive any announcements about DHHS collecting support from you, read them carefully. If you disagree with them, you can request a hearing within the deadlines set out in the notice. This information is for parents who are stalked by DHHS for paying child support. We also have pages on these related topics: These materials do not cover other areas of family law, such as divorce, visitation, or custody. They do not cover cases where the other parent is suing you for child support. This information is not a substitute for the legal counsel. If you need to learn more about this DHHS child support case or need legal advice on a related family law issue, check the list of resources below. Support Enforcement will direct you to the agent assigned to your case or someone who can answer your questions. Maine Attorney Referral Service 124 State St. Augusta, ME 04330 1-800-8601460 or 622-1460 (local) This service will refer you to a private attorney for a \$25 fee. The first half hour of advice is free. What does the law say about a parent's duty to support? State law requires all parents to support their children. It doesn't matter if the parents ever got married. If you don't live with your children, you'll probably be asked to send regular child support payments to the parent or other person taking care of your child. This task continues until your children are 18 years old or, if a child is still in high school, until they are 19. You may also be required to pay health care costs, including health insurance, and childcare costs. Why the Ministry of Health and Human Services (DHHS) children's nutrition? Federal and state law requires DHHS to collect child support for two groups of families: Families receiving temporary assistance for needy families (TANF) families who do not receive TANF, but request DHHS to help collect support. When DHHS collects support for TANF families, it provides part of the support to the family and retains the rest to TANF is paid to him. DHHS sends the current support collected for families not belonging to TANF to the family. DHHS may charge you \$2 per payment period fee for the collection service. In a case involving a person who has never gotten public assistance, DHHS can also charge a \$25 annual fee if it collects at least \$500 in support. Can DHHS get the money out of my paycheck before I get it? Yes. Whenever DHHS or the Court issues a support order, they usually order the automatic receipt of child support from your salaries. This is called an immediate withholding order. DHHS can start withholding immediately after ordering support. A direct income withholding order will not be issued. If the Court or DHHS Hearing Officer approves the parties' written agreement to create a different payment arrangement, or if the Court or Hearing Officer finds good reason why it should not be issued. Good purpose means that there is a written finding that immediate withholding would not be in the best interests of the child and that you have previously paid ordered support on time. If DHHS orders you to provide health insurance, you must provide proof to DHHS within 15 days that you have done so. If you do not, DHHS may issue a medical support notice. This notice requires your employer to add your children to their health insurance plan and deduct costs from your wages. If you are ordered to provide health insurance and cannot afford it, you can appeal against the decision. Also, contact a private attorney or Pine Tree Legal immediately. If you are more than 30 days behind on your child support payments and there is no enforceable direct income withholding order, DHHS may still be able to get your income. If you are back in court support, DHHS can send you a debt notice. The debt announcement will indicate the amount DHHS thinks you owe. You can request a hearing. Here are some good reasons for challenging the announcement: you disagree with the amount of debt, or the property DHHS is trying to take is exempt, or you get TANF or state supplemental SSI benefits, for your child, or you are disabled and get SSI for yourself. If DHHS decides to take your wages, it will send you and your employer a withholding income order. This tells your employer to withhold a certain amount of your wages each time you are paid and deliver them to DHHS. This is also called linking wages or garnish. DHHS can also garnish income from other sources. They can garnish disability social security benefits, but not SSI. Your employer cannot impose a fine or discipline on you because of the Withholding Income Order. If your employer violates this law, you could sue them and they could be fined. Your employer must report any recruitment and rehiring of DHHS employees. Your employer may be fined for deliberately failing to withhold your income. Can I get money from my unemployment insurance? Yes. If you owe current support, DHHS will automatically get money from your unemployment check. In some cases, they can receive up to 65%. (More on protected income) Here are some more rules: When you apply for benefits, state law requires you to tell the unemployment office if you owe child support. You must then inform DHHS that you are qualified for benefits. Also, DHHS sends a list of all who have to pay child support to the unemployment office every two weeks. If you owe support, DHHS will receive money from your benefits. Contact DHHS immediately if you want to arrange to have received less than 50% of your cheque. You can make a deal with DHHS to get them less than the amount now received from your check. DHHS will not agree to receive less than the amount due for the current support. If you work out an agreement with DHHS, always have it in writing so that you can prove the terms of the agreement. If you are currently receiving TANF, or state SSI supplemental benefits, for your child, DHHS should not withhold anything from your unemployment check. If your child's maintenance has been ordered by the court and the court has issued an immediate withholding order, then DHHS can receive the current support (up to the same maximum) from your unemployment check. To get any money from your check for previous due support, DHHS must first serve you a debt notice. If you appeal the Debt Notice within 21 days, dhhs cannot collect money for overdue amounts while your administrative appeal is pending. If you got a debt notice in the past that you did not appeal, DHHS can still use it against you to receive overdue payments from your unemployment check. Is any of my income protected from child support collection? DHHS can't get these kinds of income from you: Public assistance like TANF, SSI, SNAP (Food Stamps) and General Money Help that you get as child support for other children in your household if you have TANF or SSI, you shouldn't be required to pay child support at all while you receive these benefits. If you owe back payments, DHHS should not collect these from you while you get these benefits. Exception: DHHS can receive a lump sum that you expect to get, such as a personal injury award, lottery winnings, or a legacy. Some of this money may be protected - such as settlement money intended for a particular expense so get legal advice if you have questions. If DHHS collects back support for a child who now lives with you and get any kind of low-income benefits for that child, DHHS should suspend collection. The other parent will be notified and may challenge this suspension. Otherwise, if you support a spouse or dependent child (except for the children for whom this support is requested), DHHS may receive up to 55% if you are 12 or more weeks late with your payments. If you don't support another dependent, then they can receive up to 60% of your available weekly income. This goes up to 65% if you are 12 or more weeks late. If you're not back to making payments, only the weekly support amount can be received. Examples Example 1: You live alone. You have a total monthly income of \$755 from Social Security and SSI benefits, including \$300 SSI and \$455 regular disability benefits. The SSI

doesn't count, so your gross monthly income is \$455. If you owe a child maintenance delay, DHHS can get up to \$250 each month (55% \$455) until the delay is paid. Note: Keep in mind that this is the highest amount DHHS could set. DHHS should also consider your ability to pay. In this situation it is very likely that DHHS gets more than you can afford, leaving you without enough money for basic needs. If this is the case, you should talk to your DHHS support worker, and if you can't negotiate a lower payment, ask for a hearing. Example 2: You have two children and you have custody of one. You have a monthly income of \$445, including \$345 TANF for the child living with you. As long as you receive TANF, you do not have to pay support for the other child. If you owe back support, DHHS should not collect it while you are taking TANF for this child. What happens to the support I owe if I file for bankruptcy? Children's maintenance is not exempt in bankruptcy. If you are required to pay child support and file for bankruptcy, DHHS can still collect prior support. And you'll still have to pay for the current support. You may have to repay your previous support debt as part of the bankruptcy plan. Should I talk to DHHS about setting a lower weekly amount that I can afford? If DHHS threatens to take a large portion of your income to pay a previous support debt, you may want to contact the DHHS support worker. Explain what your expenses are and what you think you are able to pay. If the employee believes that your plan is reasonable, they may agree to accept a lower payment amount. Note: DHHS cannot agree to accept a payment amount less than the amount of current support. Get this deal in writing. Can DHHS take any of my properties? DHHS can collect overdue child support by placing perks on your property in addition to basic needs. The privilege will prevent you from selling the property or using it as collateral for a loan until the privilege is removed by a court or DHHS. DHHS may also try to exclude privileges or seize property after a privilege has been filed. Part of your property is excluded from the collection. Which property is protected? These items are excluded from all collections related to child support and enforcement measures by DHHS, including seize and sell and perks: \$47,500 of justice (value) in your home; your own funds in an engine up to \$5,000; your fairness in household items such as furniture, clothing, appliances, books, animals and musical instruments worth up to \$200 for any item; up to \$5,000 in value in tools, materials and equipment required for your trade or business; all furnaces or stoves used for heating, a cooking stove and heat fuel, up to certain quantities; 6 months food supply, and seeds and gardening equipment needed to grow food for your household; agricultural equipment necessary for commercial exploitation; a commercial fishing vessel not exceeding 5 tonnes; and prescription health aids Note: Enforcing children's nutrition is a special case. The list of exempted assets in most other debt collection cases is different from this list. If you have questions about actions or collections related to non-support, see our information about irs debt collections or collections. Which property is protected? These items are exempt from all child-related collections and enforcement measures by DHHS, including confiscate and sell and perks: \$47,500 of justice in your home; your own funds in a motor vehicle, up to \$5,000 your fairness in household items such as furniture, clothes, appliances, books, animals and musical instruments worth up to \$200 for any item; up to \$5,000 in value in tools, materials and equipment required for your trade or business; all furnaces or stoves used for heating, a cooking stove and heat fuel, up to certain quantities; 6 months food supply, and seeds and gardening equipment needed to grow food for your household; agricultural equipment necessary for commercial exploitation; a commercial fishing vessel not exceeding 5 tonnes; and prescription health aids. Note: The imposition of child nutrition is a special case. The list of exempt assets in most other debt collection cases is somewhat different from this list. If you have questions about actions or collections related to non-support, see our information about irs debt collections or collections. Can DHHS take money from my bank account? Yes, in some cases. Your bank is obliged to provide information about your DHHS account if requested. This is done through a computer mapping process. DHHS may request the details of the from each bank four times a year. The bank can't tell you when this DHHS report is happening. Once DHHS has your account details, you may seize the money from your account if you owe more than \$500 it has been owed for at least 60 days. To do this, DHHS must be able to prove that you had prior debt notice and an opportunity to challenge the debt. You have the right to an administrative hearing. What if a sheriff's deputy serves me with a DHHS Seize and Sell Order? Try to get legal advice immediately. You have the right to a DHHS hearing. You must request the hearing in writing and DHHS must receive your request within 10 days of the Can DHHS receive the income tax refund? Federal refund If: the other parent gets TANF; and you've been left three months behind in your child's diet; and you owe more than \$150 DHHS can ask the federal government to withhold your income tax refund and allow it to be credited to support your child. This is called displacement. If the other parent doesn't get TANF, you must owe more than \$500 to the previous support for this to happen. DHHS will send you a notice that it will ask the federal government to withhold all or some of your federal tax refund. Refund in case: you owe more than \$25; and is at least 30 days behind DHHS will inform the state tax assessor to offset your state's tax refund. DHHS should send you a notification that you will receive your tax refund. Review Hearing If you believe that DHHS should not be able to receive your federal or state tax refund, you can request a review hearing. The notifications you receive about the tax refund compensation will tell you how to request a hearing. Your spouse's share of tax refunds A spouse who submits a joint tax refund who is not required to pay child support should be able to get some of the tax refund. The spouse should receive separate notification from DHHS about this. Can dhhs make me tell them about my income and assets? Yes. DHHS may ask you to come forward and disclose information about your income and assets. This can be done in court (for the execution of court orders) or at a dhhs hearing (for the execution of judicial or DHHS orders). DHHS can order you to show up at a DHHS office only if it is within 100 miles of your home. DHHS may order you to appear in the District Court where you live or in the court that issued the support order. DHHS can order you to appear only if: do you owe \$500 or more in overdue support? you owe it for 60 days or more; and you don't make reasonable, regular payments to reduce debt What happens if I don't go to the hearing? DHHS may ask the court to issue a civil arrest order. You can also be fined up to \$1,000 for failing to show up unless you can show good cause. Dhhs may also ask the Minister to suspend your driving licence. What's going to happen at the hearing? DHHS will try to get information about your total income and assets. You can fine of up to \$1,000 for lying, or for not providing the documents DHHS has requested (unless you have good reason). Learn more about how to prepare for your hearing with our article: Maine DHHS Support Hearings: What Should I Expect? What happens after the hearing? DHHS may submit a record of the hearing to the District Court. They can ask the court to order any of these things: that you make regular payments for current support, plus prior support due, up to 50-65% of your net fee (after taxes). If the court finds that you were voluntarily underemployed, it may order you to pay more. that you are handing over non-exempt property to DHHS for to pay the debt. that a privilege to put on your property that your employer or any other person who pays you money is required to pay up to 50-65% of your net fee directly to the DHHS who ordered you to seek work for 6 months, and report to the court weekly. This will not be ordered if you are already doing this, or you are not able to, and/or that the licenses you have revoked DHHS must mail you a copy of the court motion. Read the court documents carefully. If a hearing date is set, proceed to the hearing. If the notice says to submit a written response within a certain period of time, note your objections and submit them to the court before the deadline. If you do not answer or go to the hearing, you have defaulted. The court may order any of the above remedies against you. Can DHHS report me to a Consumer Credit Reporting Agency? DHHS may report information on delayed feeding of children to consumer credit reporting agencies. You can dispute this if you do not think the report is accurate. DHHS can report you to a consumer credit bureau if you owe more than \$1,000. They can also tell you if you are at least 90 days behind and refuse to sign a repayment agreement. Contact the Maine Office of Consumer Credit Regulation (phone: 1-800-332-8529 or 624-8527) to learn more about how to challenge a credit report. Can DHHS take my lottery or gambling profits? Yes. If you are back on your payments, DHHS will claim your lottery or gambling profits to pay past your children's due maintenance. For lottery winnings, the Office of Lottery Operations must offset your winnings. The Bureau must inform you of its intention to compensate. The notification gives you 15 days to request the DHHS hearing. The issues you can raise at a hearing are limited to: if the debt has been determined by a court or a DHHS order, and if anything has happened to reduce your liability (for example, you have paid off the debt, or part of it, since the order was introduced) If you do not request a hearing, DHHS must notify the office within 90 days. The Bureau will then offset your debt from your profits and pay you any remaining amount. If DHHS does nothing within 90 days, the Bureau must pay you all your winnings. For gaming profits DHHS will create an electronic file for you if it is deemed to be child support payments. Every time you go to collect gambling profits, your name will run through the DHHS database. If it turns out that you owe money, and if your winnings are over a certain amount, part of the payment will be withheld and used to pay for your child's maintenance. This also includes casinos that undermine your winnings in slot machines and card games. In all cases, profits under a certain amount will not be withheld. The amount depends on two things: the game played and the amount won compared to the amount played. As with lottery winnings, when you withheld, you have 15 days to ask the DHHS hearing if you believe the withholding was incorrect or for the wrong amount. Can DHHS receive the employee compensation award as a one-off? DHHS sends a monthly list of people who owe child support to the Workers' Compensation Board. The Governing Council is obliged to check the list before paying a flat-rate settlement. If you are on the list, the Board of Directors must inform DHHS before they pay you. Then, DHHS will try to use your settlement to pay the child maintenance debt. When can DHHS obtain its driving licence, business licence or leisure licence? DHHS may revoke your driver's licence, business licence or recreational license if: you are more than 60 days late on your child's maintenance payments. you do not have, or do not keep up with, a payment arrangement to pay towards the refund of support; and DHHS may also revoke your license if you do not provide health insurance for your child after your order to Note: DHHS should not revoke your license if you receive TANF or SSI for yourself or state additional SSI benefits for your child. What to do if DHHS is trying to obtain your permission Step One: DHHS's announcement of DHHS intent will send you an announcement of intent to give your name to the Secretary of State's office as someone who is not in compliance with a support order. If you receive this notification, contact DHHS immediately. If you can't agree, you can ask for a hearing. You have 20 days to request the hearing as soon as you receive the written notice. Step two: Negotiating a deal with DHHS DHHS should agree not to revoke your license if: pay your current support, make a written payment agreement with them to pay a certain amount toward back support, and if health insurance is an issue and insurance is reasonably available through your employment, provide health insurance before making a deal with you to pay for previous support. DHHS may ask you to fully disclose your assets, income and liabilities in a DHHS form. If an agreement is reached with dhhs, be sure to get from them writing a statement about any payment arrangement you have made and a statement that you are in compliance with your support order. This should protect you from a random withdrawal of your license while you make payments towards the back debt. Step Three: Request a hearing If you request a hearing in writing within 20 days, DHHS will not be revoked with your license pending the outcome of the hearing. Even if you think you can reach an agreement with DHHS, you need to request a hearing within the 20-day deadline. This will protect your rights and prevent your license from being revoked immediately. If an agreement is reached, you can always withdraw the request for a hearing. If DHHS doesn't get your written hearing request within 20 days, your license will probably be revoked. The Communication should provide an address that indicates where to send the request for a hearing. Keep a copy of the hearing request and note when you put it in the mail or deliver it to DHHS. Step four: Going to the hearing To avoid losing your license, at the hearing you need to prove that you are in compliance with the order of your support. Try to get a lawyer for the hearing. Bring documents and witnesses. You must show this: You have paid the current support in the last 60 days. You have paid overdue child support, based on a written agreement with DHHS, within the last 60 days; and you have complied with any health insurance mandate if you are receiving TANF, or SSI, inform the hearing officer. DHHS should not be trying to revoke your license. If a child you owe support for now lives with you, explain it to the hearing officer and show documents to prove receipt of child assistance. Ask your hearing officer to find that DHHS cannot collect from you or revoke your licenses while receiving low-income benefits for this child. Step five: What happens if I miss the DHHS hearing? If you lose your hearing, you have 30 days to appeal to the Supreme Court. If you don't already have a lawyer, seek legal advice. Note: DHHS may also go to court on behalf of the child's parent for custody of the child in a Motion to enforce an existing court order. Here, dhhs can ask for a number of things, including revoking your licenses. In order to do this, the Court must first find that you have the possibility to pay all or part of the support decision. The Court's decision should also say what to do to avoid losing your license, or get it back if revoked. What if I can't pay? If you can't afford to pay the support you owe and you can't reach the deal with DHHS, try to get legal help. Don't wait until after your hearing to find a lawyer. A lawyer may be able to help you get a court order that your license should not be revoked if DHHS does not offer you a payment agreement that you could afford. What if I sign a deal? If your financial situation changes so that you can't keep up with the deal, contact DHHS to try to get the deal changed. If you do not pay or cannot come to a new agreement with them, DHHS may go to the Court of Justice on a proposal for enforcement and ask the Court to order the withdrawal of the Your. You will be served with a copy of the judicial proposal and given the opportunity to oppose the proposal. But, if the Court judges against you, it may suspend your licenses, and impose other collection remedies. Can I take temporary leave after parole? If your licence has already been suspended for non-payment of support, you can ask DHHS to send a written statement to the Minister of Foreign Affairs allowing the Minister to issue you a temporary leave for 120 days. To get this statement you need: show a substantial need for permission, and convince convince that you intend to comply with your support order or get the order modified Can DHHS publish my name in a newspaper? DHHS may have printed your name in the newspapers if you owe previous child support. The publication may include your place of residence and the amount of unpaid child support. Some newspapers may refuse to publish the names, but you can't count on it. Can I change my child support order? Yes! If your circumstances have changed substantially since the most recent support order, you should try to change your order as soon as possible. For example, if you have lost your job, had a reduction in pay, or if the other parent has had an increase in income, you can probably get your child support amount reduced. The change will not affect any previous debt. It will only change your payments from the date you apply to modify your support. If you are paying support based on a court order, you must go to court to have it changed. Ask the court clerk for an Amendment Move form package. You may want to find a lawyer to help you. Read more about Move to Modify. If you are paying dhhs support, you can request an Amendment Review hearing to change the command. Find more information. If the previous support order did not include a profit withholding order, your modified order will add an immediate income withholding order. If you can show good cause because no withholding should be required, you can avoid automatic withholding order. If your original order did not require you to get medical insurance for your children, this issue will also be reviewed. If a group or employee insurance plan is available to you at a reasonable cost, you will be asked to provide insurance for your children. Note: If one or all of the children you are paying support for come to live with you, submit a proposal to immediately modify your child benefit. An informal agreement with the other parent about changing your child's diet will do you no good. The order remains in effect until it is changed. If all your children owe back support for now living with you and you are getting low-income benefits for any of them, DHHS should stop all child support collections. August 2017 PTLA #384D 384D

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