



George E. Pataki
Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

Brian J. Wing
Commissioner

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL: 98 ADM-14

TO: Commissioners of
Social Services

DIVISION: Child Support
Enforcement

DATE: December 24, 1998

SUBJECT: Procedures for Cost of Living Adjustments (COLA) and One-Time
Review and Adjustments of Child Support Orders

SUGGESTED DISTRIBUTION:	Child Support Enforcement Coordinators Support Collection Unit Supervisors Accounting Supervisors Public Assistance Directors Medicaid Directors
CONTACT PERSON:	OCSE - County Representative (800) 343-8859 Legal - Eileen Stack (518) 473-1949
ATTACHMENTS:	SEE ATTACHMENTS (attachments not available online)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		347.26	SSL 111-b, h & n; FCA 413&413-a&440; DRL 240& 240-c; 42USC666(a) (10)		

I. PURPOSE

This directive provides social services districts with procedures and forms for conducting the review and adjustment of child support orders by applying a cost of living adjustment (COLA). The directive also discusses application of existing procedures for one-time review and adjustment of child support orders which were issued prior to September 15, 1989, the date of the enactment of the Child Support Standards Act (CSSA).

II. BACKGROUND

With the enactment of the CSSA in 1989, the State established a guideline for determining support amounts. As a rebuttable presumption, the guideline created equity for all parties in support proceedings. However, the use of the guidelines did not ensure that orders would remain equitable over time.

The review and adjustment legislation enacted by the State in 1994 and the procedures which followed attempted to address the equity over time issue by creating a process for periodically reviewing and adjusting orders. The procedure however, has proven to be cumbersome and has resulted in a small percentage of eligible cases actually being reviewed.

The complex nature of New York's review and adjustment process mirrored other states' processes and experience. As a result, The Personal Responsibility and Work Opportunity and Reconciliation Act of 1996 (PRWORA) amended federal law to allow for a simplified process for review and adjustment. The federal law (42 U.S.C. 666(a)(10)), as amended by PRWORA, provides states with options as to how and when to conduct review and adjustment, including applying a COLA. The corresponding State law changes contained in Chapter 398 of the Laws of 1997, amended and added laws (See legal references above) to provide the child support program with authority to apply a COLA to support orders. Also, the amendments provide for a one-time review and adjustment, in accordance with the CSSA, of support orders which predated the CSSA and have not yet been reviewed.

III. PROGRAM IMPLICATIONS

The authority to apply a COLA to support orders should provide a much more efficient and effective means for keeping support orders consistent with the CSSA and adjusted for inflation and should reduce the number of requests for modification hearings. This should also enable districts to make available more district and court time for paternity and support establishments.

IV. REQUIRED ACTION

A. Orders subject/not subject to review and adjustment by SCU by either COLA or one-time review.

1. Orders subject to review and adjustment.

- a. Except as otherwise noted, the COLA is applicable to all orders being enforced pursuant to Title 6-A of the Social Services Law on behalf of persons in receipt of public assistance (PA) which include family assistance and safety net assistance and which meet the eligibility criteria listed below. The COLA is applicable to all other orders receiving services under Title 6-A including orders for Title IV-E foster care and Medicaid-only cases and orders enforced on behalf of persons not in receipt of public assistance (NPA) under section 111-g of the Social Services Law, upon request. For purposes of Title IV-E Foster Care cases where there is an assignment of support rights, each social services district shall be deemed to have requested the COLA review unless the Department is notified otherwise. The additional criteria are:
 - i. the order is at least two (2) years old; and
 - ii. the sum of the average annual percentage change in the Consumer Price Index for Urban Consumers (CPI-U) annually reported by the U.S. Department of Labor is equal to or greater than ten (10) percent.
- b. Orders which pre-date the enactment of CSSA (i.e. September 15, 1989) are subject to one-time review and adjustment using existing procedures (review the March 31, 1995 Coordinator Letter) with minor amendments as noted in this directive. PA orders and Title IV-E Foster Care cases are being processed manually without COLA option for one-time review and adjustment. Districts were notified of this in the April 29, 1998 Coordinator Letter. NPA orders will be systematically processed and given the option to request COLA or one-time review and adjustment. However, if either NPA party requests review and adjustment the order will need to be manually processed for review and adjustment as explained in these procedures. As required by Section 111-b (17) of the Social Services Law, districts are required to review and adjust if appropriate all orders being enforced pursuant to Title 6-A of the Social Services Law which were entered prior to September 15, 1989 by no later than December 31, 2000.

2. Orders not subject to review and adjustment.

- a. Neither the COLA (for PA or NPA cases) nor the one-time review and adjustment (for NPA cases) is applicable if the noncustodial parent is in receipt of public assistance at the time of case selection for the year's review and adjustment cycle.
- b. Neither the COLA nor the one-time review and adjustment is applicable to orders issued by another state which are being enforced pursuant to Title 6-A of the Social Services Law in this state (e.g. the order has been registered in this State only for the purpose of enforcement).
- c. Neither the COLA nor the one-time review and adjustment is applicable to orders if: the order is a two state order in which New York is the initiating state or either party obtains a controlling order determination by a tribunal where the New York order has been determined not to be the controlling order by the tribunal.
- d. Orders covered by the Velasquez ruling are not subject to COLA or one-time review and adjustment.
- e. One-time review and adjustment is not applicable to orders which pre-date CSSA if the child is in receipt of public assistance and the district determines that the review is not in the best interest of the child or the custodial parent.
- f. Neither COLA nor one-time review and adjustment is applicable to orders which have been suspended by the court (current ledgers with Status 02 on CSMS) or administratively closed (current ledgers with Status 05 on CSMS).

B. Procedures.

1. CSMS identifies eligible cases. The Child Support Management System (CSMS) will identify cases with orders which meet the eligibility criteria set forth in A above.
2. CSMS calculates COLA adjustment to the order. CSMS will calculate a new order amount by multiplying the current obligation amount by the sum of the percentage changes of the annual CPI-U beginning with the later of 1994 or the year the most recent order was issued to the year of the review and then add that amount to the current obligation amount. Note: the CPI-U average annual percentage change will be calculated starting from 1994 for orders dated 1989-1993 as provided by law.

Example of COLA applied:

1994 support order current amount is \$166.66 per month
Sum of CPI-U's from 1994 (year of order) to 1997 = 10.7%
 $10.7\% \times 166.66 = \$17.80$
 $\$17.80 + 166.66 = \184.46 per month
Adjusted order is \$184 per month. Note: the adjusted order amount is rounded to the nearest dollar as required by law.

3. CSMS Sends Notices. Depending on the age of the order and case type, different notices must be used. The notices and orders of adjustment will be system generated and sent by first class mail to the parties last known address on CSMS (hierarchy for selection is if the indicator is verified, unverified, and then blank addresses on IVDJRA and then verified only employer addresses on IVDJRE). Note: if there is no address on CSMS for either party no notice/order will be issued. If there is no respondent address a location status will be opened on CSMS.

- a. COLA notice (NPA orders post 9/15/89).

NPA orders which meet the criteria in A.1.a. and which were issued after 9/15/89 are eligible upon request by either party for COLA. CSMS will send by first class mail, the "Notice of Your Right To Request a Cost of Living Adjustment to Your Child Support Order" (Attachment 1), the NPA mailer "Request for a Cost of Living Adjustment (COLA)" (Attachment 2), and a pre-addressed postage paid envelope to both parties. The "Notice of Your Right To Request a Cost of Living Adjustment to Your Child Support Order" provides information regarding:

- i. actions to take to request application of COLA and issuance of an adjusted order;
- ii. explanation of COLA;
- iii. the current support amount, sum of average annual CPI-U percent changes, calculation of new order amount;
- iv. rights to object and potential outcomes;
- v. directions to complete the mailer to request the SCU to apply COLA; and
- vi. the name, address, and phone number of the CSEU to contact for questions. Note: the CSEU address will be what is designated by the district on IVDADR CSEU Address #15 or default to CSEU Address #01 if #15 is not data filled.

b. COLA mailer (NPA orders post 9/15/89).

The NPA mailer "Request for a Cost of Living Adjustment (COLA)" is a reply form which provides information to both parties regarding:

- i. purpose of mailer;
- ii. direction to sign, detach and return request in enclosed pre-addressed, postage paid envelope; and
- iii. notice that if the form is not returned by either party no action will be taken.

c. COLA notice and adjusted order of support (PA orders post 9/15/89).

PA orders which meet the criteria in A.1.a. and which were issued after 9/15/89 will have COLA applied. CSMS will send by first class mail, the "Notice of a Cost of Living Adjustment to Your Child Support Order" (Attachment 3.a.) and the "Adjusted Order of Support" (Attachment 4 Family Court and 5 Supreme Court) to both parties. Copies of the order will be sent by first class mail to the appropriate court including the "Cover Letter to Court" (Attachment 3.b.), and to the CSEU.

This notice will include the same language as provided in the NPA notice in 3.a. above (i.e., items (ii), (iii), (iv), and (vi) and will advise parties of the adjusted order of child support enclosed with the notice.

d. COLA or One-time Review notice (NPA orders pre 9/15/89).

NPA orders which meet the criteria in A.1.a. which were last issued prior to 9/15/89 are subject to either COLA or one-time review and adjustment upon request by either party. CSMS will send by first class mail, the "Notice of Your Right to Request A Cost of Living Adjustment to Your Child Support Order or A One-Time Review and Adjustment of Your Child Support Order" (Attachment 6) and the reply mailer "Request for a Cost of Living Adjustment (COLA) or One-Time Review and Adjustment" (Attachments 7.a. petitioners version and 7.b. respondents version) to both parties. As required by law, the custodial parent will be provided a pre-addressed, postage paid envelope. The noncustodial parent will be given instructions on the mailer as to where to send the request for review.

The "Notice of Your Right to Request A Cost of Living Adjustment to Your Child Support Order or A One-Time Review and Adjustment of Your Child Support Order" provides the same information as noted in 3.a. above regarding the COLA but also includes information which describes the one-time review and adjustment option and the consequences of requesting that option. The notice advises the parties that the mailer must be returned to the SCU by the date indicated on the mailer if the party wishes to request one-time review and adjustment. The notice also advises that if either party requests one-time review and adjustment by the return date indicated on the mailer the SCU will commence the one-time review and adjustment process even if the other party has requested COLA.

- e. COLA or One-time Review mailer (NPA orders pre 9/15/89).

The NPA mailer "Request for a Cost of Living Adjustment (COLA) or One-Time Review and Adjustment" (Attachments 7 a and b) is a reply form which provides information to both parties regarding:

- i. purpose of mailer;
 - ii. direction to sign, detach and return request in enclosed pre-addressed, postage paid envelope for custodial parents or, for noncustodial parents, direction to sign, detach and return request to the CSEU at the address provided;
 - iii. notice that one-time review and adjustment must be received by a specified date; and
 - iv. notice that if the form is not returned by either party no action will be taken.
- f. One-time Review and Adjustment notice (PA orders pre 9/15/89).

PA orders which meet the criteria in A.1.b. which were last issued prior to 9/15/89 are subject to a one-time review and adjustment process which is similar to the existing process for review and adjustment. As such, districts should open a "Pre 9/15/89 Review" on CSMS which initiates the review and adjustment process and then follow existing procedures.

Note: changes have been made to the existing review and adjustment documents available through CSMS Document Generation to reflect the change in law which amended the time frame for filing objections from 30 days to 35 days from the date of mailing of the proposed adjusted order and which amended the timeframe for the next review to be two years instead of three and a COLA review instead of review and adjustment.

4. CSMS generates COLA Adjusted Order of Support. When an "Adjusted Order of Support" is issued to the parties CSMS will also send the order by regular mail to the CSEU at the address noted in 3.a.(vi) above and to the family court address indicated on IVDADR CRT #01. If the order is a supreme court order, the district should data fill the supreme court indicator on IVDADJ with an "S". Then the order will be sent to the supreme court address indicated on IVDADR CRT #15. If the New York order, either family or supreme, is from other than a local court (i.e. the account was created based on a change of payee) the IVDADJ Supreme Court Indicator should be filled in with an "S" (for supreme court) or an "F" (for family court) and the Court County # should be filled for the county of the order's origin on IVDADJ. This will ensure that the appropriate court gets the order. The "Adjusted Order of Support" provides direction to the parties including:
 - a. the caption and date of the order subject to the review, and the court in which it was entered;
 - b. the identification, telephone number, and address of the support collection unit which conducted the review;
 - c. the COLA and the adjusted order amount as calculated during the review and a statement that such amount shall be due and owing on the date the first payment is due under the order occurring on or after the effective date of the adjusted order;
 - d. the definition of COLA;
 - e. a statement that the child support amount as increased by COLA has been rounded to the nearest dollar;
 - f. a statement that all other provisions of the order which was reviewed remain in full force and effect;
 - g. a statement that application of the COLA in no way limits, restricts, expands, or impairs the rights of any party to file for modification of an order;

- h. a statement about rights of parties to object, timeframes for objecting and provisions for notice to parties, court, and the SCU; and
- i. a statement that where any party fails to provide and update the SCU with a current address to which an adjusted order may be sent the support obligation amount in any adjusted order shall become due and owing on or after the effective date of the order regardless of whether or not the party has received a copy of the order.

5. Responding to requests.

- a. Request for COLA (NPA orders only post 9/15/89).

If a request mailer is returned by either or both parties central processing will cause the value of the COLA-REQ-IND on IVDADJ (See Attachment 8) to be changed from a "b", which is system set, to the appropriate value depending on who is requesting the review (See Attachment 9 Data Element Definitions). If both parties send in the mailer the value will be set based on the first request received. Such action will cause the system to generate an "Adjusted Order of Support". The adjusted order will be sent to the parties, the CSEU and to the court by first class mail to the addresses as discussed above.

- b. Request for COLA or One-time Review and Adjustment (NPA orders only prior to 9/15/89).

If a request mailer is returned by either or both the custodial and or noncustodial parent to central processing indicating that a COLA be applied central processing will take action as defined in 5.a. above. If either the custodial or noncustodial parent returns a mailer requesting one-time review and adjustment within the timeframe indicated on the mailer, regardless of whether the other party has requested COLA, central processing will change the value of the COLA-REQ-IND on CSMS IVDADJ screen from its present value to the appropriate value. Such action will cause the system to open the "J Status Group" and generate a "Notice of Intent to Review" to both parties, initiating the one-time review and adjustment process.

- c. One-time review and adjustment (PA orders prior to 9/15/89).

As discussed in A.1.b. above, PA orders which were last issued prior to 9/15/89 must be initiated by the local district. The district should change the value of the COLA-REQ-IND on the CSMS IVDADJ screen from a "6", which is system set, to a "7". Such action will cause the system to open a "J Status Group" and generate a "Notice of Intent to Review" to both parties, initiating the one-time review and adjustment process.

6. Objections. As noted in the "Adjusted Order of Support", either party or the SCU has 35 days from the date of mailing of the adjusted order to file a written objection with the court and to serve a copy upon the other party and the SCU. If a party timely objects, the COLA will not take effect and a hearing at which the court will apply the CSSA will be scheduled by the court.
 - a. **IMPORTANT:** an objection will cause the court to conduct a CSSA hearing on the order without the requirement for proof or showing of a change in circumstances. It is, therefore, equivalent to an original petition for current support. As such, when districts receive the "Adjusted Order of Support" in PA and Title IV-E foster care cases for which support rights have been assigned, districts should review CSMS and other documentation and assess whether or not the COLA order would bring the current support amount to a CSSA level. If it does not, the district should complete and file an objection and affidavit of service (Attachment 10). This document must be generated from CSMS IVDDMM.
 - b. The district must take the following action upon filing an objection or receiving an objection or notice of the objection from the court within the allowable time permitted for filing an objection:
 - i. Update the ADJ-ORD-OBJ-DT field on IVDADJ screen with the date of the objection (Note: this is critical because it stops CSMS from making the ledger adjustments on the account);
 - ii. Conduct financial investigation as would otherwise be undertaken in a case to establish an original order and provide the court with such financial information as is available on CSMS;
 - iii. Appear in court on behalf of the SCU record;

- iv. Take other appropriate child support actions, e.g., file a violation petition if delinquency exists on the case and if support payments are not being paid by income execution:
 - v. The court upon hearing the objections may issue an order which increases or decreases the order or is an order of no adjustment based on the CSSA. Such order will be effective the earlier of the date of the adjusted order or the date the court makes the determination on the objection. The district must enter the COURT-ORD-DT on the appropriate ledger(s). The COURT-ORD-DT is the earlier of the date of the court determination or the ADJ-ORD-EFF-DT on IVDADJ (i.e., 60 days from the date the adjusted order was mailed); and
 - vi. If appropriate, prepare an "Order (Determination of Objections to Adjusted Order-COLA Attachment 11a Family Court; 11b Supreme Court). This document must be generated from CSMS IVDDMM.
7. No objections to adjusted order of support. If no objection is timely submitted to the court, the adjusted order will become final without any further review by the court. CSMS will automatically adjust account ledgers 60 days from the date the adjusted order is issued and take such other action as is necessary on the case as a result of changing the current order amount such as issuing an amended income execution.
8. Undeliverable mail.
- a. If notices/orders for custodial parents are returned to central processing and a new address has been provided by the U.S. Postal Service, the document will be remailed to the new address. The CSMS account number will be noted on the returned envelope and the envelope will be mailed to the SCU. If no new address has been provided by the U.S. Postal Service, the document and envelope will be mailed to the SCU.

- b. If notices/orders for non-custodial parents are returned to central processing and a new address has been provided by the U.S. Postal Service the document will be remailed to the new address. The new address will be provided to CSMS on a weekly file. The address will be added to CSMS as a verified mailing address unless there is another verified mailing address which has been updated subsequent to the COLA-NOTICE-DATE. If the new address is stored on CSMS any previously stored verified mailing address will be systematically unverified. If no new address is provided by the U.S. Postal Service the document and envelope will be returned to the SCU. By way of the weekly file from central processing, any verified mailing address on CSMS will be systematically unverified unless it was updated subsequent to the COLA-NOTICE-DATE. Location status will be opened on CSMS, if appropriate.

9. Withdrawal of notice of right to request review and withdrawal of adjusted orders.

- a. Withdrawal of notice of right to request review.

If, after notices of right to request COLA or one-time review and adjustment in 3. above have been issued, the SCU discovers that the notice is not based on the most recent court order or that the order being reviewed is not correctly presented on CSMS based on incontrovertible evidence or upon a stipulation by the parties, a "Notice Regarding Right to Request Review and Adjustment of Your Support Order" (Attachment 12) must be sent to both parties.

If specific changes are made to the account on CSMS after the notice of right to request COLA or one-time review and adjustment has been issued, the system will set the COLA-REQ-IND on IVDADJ to a "W" (COLA Notice Withdrawn). The COLA-REQ-IND may also be set to a "W" manually by typing over the existing value and transmitting. This value will cause CSMS to generate the notice to both parties. The notice will inform the parties that if and when the current order is eligible for a COLA or a one-time review and adjustment a new notice will be sent to the parties. CSMS will then change the value to an "N" (Notice Requested) which will cause a new appropriate notice to be sent to the parties when the case becomes eligible for COLA or one time review.

- i. The changes which will cause the COLA-REQ-IND to be systematically set to "W" are:

24 RVAJ Updating the REV/ADJ-IND to an "R" (Other State's Order Registered for Enforcement Only) or "D" (Respondent Deceased);

- 06 LDTP Updating an active ledger from an eligible ledger type (21A_, 21BC, 21BE, 21BF, 21BK, 21BP, 21BR, 21BT, 24CZ, and 11B_, except 11BM), to an ineligible ledger type or an ineligible ledger type to an eligible ledger type;
- 14 EDCO Updating the court order date on an active review eligible ledger; or
- 20 FIPS Updating the FIPS Code from 136 own county code to some other value (i.e. indicating that the district does not have jurisdiction over the order).

b. Withdrawal of adjusted order of support.

If an adjusted order of support has been issued and the SCU discovers that the adjusted order is not based on the most recent court order or that the order reviewed was not correctly represented on CSMS based on incontrovertible evidence or upon a stipulation by the parties the "Notice to Withdraw Adjusted Order of Support" (Attachment 13) must be issued to the parties, the court, and CSEU to vacate the order.

- i. If one of the changes listed above in 9.a. is made to the account on CSMS after the adjusted order has been issued but before the order is effective and no objection has been filed, the COLA-REQ-IND on IVDADJ will be systematically updated to an "R" (Rescind Adjusted Order) and the notice will be system generated. The COLA-REQ-IND may also be set to an "R" manually by typing over the previous value and transmitting. This value will cause CSMS to send the notice to both parties, the court, and the SCU.
- ii. If an objection has been filed prior to the discovery that the adjusted order should be withdrawn the district should notify the court at the hearing as to the nature of the inaccuracy and of the intention to withdraw the order.
- iii. If, after the adjusted order has become effective, it is discovered that the adjusted order was not based on the most recently issued order or that the order which was reviewed was not correctly represented on CSMS the district should make the appropriate changes to the account on CSMS and generate the "Notice to Withdraw Adjusted Order of Support" from CSMS IVDDMM. Detailed instructions regarding document generation of this notice will be issued under separate cover.

10. Applications/motions/orders of child support.

- a. As required by law, districts must ensure that all applications (petitions) or motions by the SCU or by persons seeking child support enforcement services through the SCU for the establishment, modification, enforcement, violation or adjustment include the statement (Attachment 14) advising the parties of the COLA to any order. The petitions available on CSMS IVDDMM include the statement.
- b. Districts must also ensure that all court orders of support payable through the SCU include the statement (Attachment 15) advising parties of the COLA to any order. The orders available on CSMS IVDDMM include the statement.

C. Timeframes.

The following timeframes are provided as to when eligible orders will be processed for COLA and/or one-time review and adjustment. No orders will be processed in the month of January each year as the CPI-U average annual percentage change is not available until February of each year.

1. For NPA orders post 9/15/89. Commencing in February 1999, eligible NPA orders post 9/15/89 statewide will be processed between the months of February - July 1999 (one sixth per month) and each year during these months thereafter.
2. For PA orders post 9/15/89. Commencing December 1998, eligible PA orders post 9/15/89 statewide will be processed between the months of February and December (one-twelfth per month with two twelfths in February of each year) and each year during these months thereafter.
3. For NPA orders pre 9/15/89. Same as C.1.
4. For PA orders pre 9/15/98. As noted in A.1.b.

Note: for 1 and 2 above some districts may not have any eligible orders during certain months.

D. Interstate procedures. Because of the flexibility in federal law regarding review and adjustment state laws and procedures will vary as to how and when review and adjustment will be applied.

1. Initiating state actions. As noted in A.2.b. and c. above, orders issued outside of New York are not subject to review and adjustment by a New York SCU unless they become a New York order. For such cases, districts may process interstate requests for reviews on behalf of PA cases and, upon request, in NPA cases to the appropriate state. Districts may do the following:

- a. Respond to requests from other states with regard to inquiries about review and adjustment. If the other state is inquiring about whether or not review and adjustment is requested to be undertaken by that state, promptly respond in PA cases and forward such inquiries to NPA clients and coordinate responses in NPA cases back to the responding state.
 - b. Where the district determines it appropriate to request another state to conduct review and adjustment, complete and send to the state which has continuing, exclusive jurisdiction Interstate Action Transmittal #1. Under Section 1, Action Requested, check the box for item 10 and in the blank write "review and adjustment of responding tribunal order". For such orders in which the FIPS Code is equal to 1 not 36 and the REV/ADJ/IND is not equal to "J", districts may enter the appropriate value in the COLA-REQUEST-IND field on IVDADJ screen. This will automatically open a "J" Group on CSMS and a completed transmittal will be systematically generated and sent.
 - c. In situations where the district determines there are multiple orders where more than one state may claim continuing, exclusive jurisdiction the district first needs to take steps necessary to determine which, if any, order is the controlling order. Please refer to the Interstate Information and Procedures Manual for procedures as to obtaining/determining controlling orders.
2. Responding state actions. As noted in A.1. above, orders issued by a New York court are subject to COLA and one-time review and adjustment as discussed in these procedures. Inquiries from other states should be responded to in a timely manner.

E. Modifications.

Actions taken for COLA or one-time review and adjustment do not limit, restrict, expand or impair the rights of any party to file a modification of a child support order as otherwise provided by law. As such, districts may identify circumstances which require that an order be modified. For example, the district may determine that an order which is being processed for a COLA does not have a provision for health care coverage for the child subject of the order and it has been determined that such coverage is available through a new employer. The district would seek to modify the order to add such a provision.

F. Records.


Each SCU must keep a record through CSMS of activities taken with respect to the COLA process and the one-time review and adjustment process. A bi-weekly fiche record of all variable data used on the various system generated documents will be mailed to each district.

V. SYSTEMS IMPLICATIONS

- A. A new screen IVDADJ has been added to CSMS to store the values with respect to the COLA and one-time review and adjustment procedures. Note: the values on IVDENF pertaining to review and adjustment have been moved to IVDADJ (See Attachment 8 for screen and Attachment 9 for Data Element Definitions).
- B. A new page 4 of the IVDINC screen on CSMS is the COLA Adjustment Table which provides annual percentage change in the CPI-U across years (See Attachment 16).
- C. All systems changes not otherwise identified in this ADM will be published under separate cover.

VI. EFFECTIVE DATE

This ADM is effective December 18, 1998.



Robert Doar
Director
Office of Child Support Enforcement

LIST OF ATTACHMENTS COLA ADM

ATTACHMENTS:

1. "Notice of Your Right To Request a Cost of Living Adjustment to Your Child Support Order" (for NPA orders post 9/15/89 both parties)
2. "Request for a Cost of Living Adjustment (COLA)" (mailer for NPA orders both parties)
- 3a. "Notice of a Cost of Living Adjustment to Your Child Support Order" (for PA orders post 9/15/89 to both parties)
- 3b. "Cover letter to Court" (for PA orders post 9/15/89 to family or supreme court)
4. "Adjusted Order of Support" (Family Court version to both parties, court, and SCU)
5. "Adjusted Order of Support" (Supreme Court version to both parties, court, and SCU)
6. "Notice of Your Right To Request a Cost of Living Adjustment to Your Child Support Order or A One-Time Review and Adjustment of Your Child Support Order" (for NPA orders pre 9/15/89 to both parties)
- 7a. "Request for a Cost of Living Adjustment (COLA) or One-Time Review and Adjustment" (mailer for NPA orders pre 9/15/89 petitioner's version which will include self addressed prepaid envelope)
- 7b. "Request for a Cost of Living Adjustment (COLA) or One-Time Review and Adjustment" (mailer for NPA orders pre 9/15/89 respondent's version does not include self addressed prepaid envelope)
8. CSMS IVDADJ R&A Adjustment Screen
9. Data Elements for IVDADJ
10. "Objection to an Adjusted Order issued by the Support Collection Unit" (for PA and NPA adjusted orders to both parties and court)
- 11a. "Order (Determination of Objections to Adjusted Order-COLA)" (for PA and NPA orders to both parties and court)
- 11b. "Order (Determination of Objections to Adjusted Order-COLA)" (for PA and NPA orders to both parties and court)

12. "Important Notice Regarding Right to Request Review and Adjustment of Your Support Order" (for NPA orders to both parties)
13. "Notice to Withdraw Adjusted Order of Support" (for PA or NPA orders to both parties, the court and SCU)
14. Language to be included on applications or motions for child support.
15. Language to be included on orders regarding COLA.
16. IVDINC CSMS screen

NYS Office of Child Support Enforcement
P.O. Box 15364
Albany, NY 12212-5364

COLA1

<p>Non-Custodial Parent Name: CSMS Case #: Custodial Parent Name: Local District Name: Date:</p>

**Notice of Your Right to Request a Cost Of Living Adjustment
to Your Child Support Order**

New York State law requires that this notice be sent to both parties to your support order.

This notice is to inform you that upon the request of either party to your child support order, the Support Collection Unit (SCU) will issue an adjusted order of child support with a new order amount which adds a cost of living adjustment (COLA) to your current child support order.

The relevant provisions of New York law governing this process are Family Court Act sections 413 and 413-a; Domestic Relations Law sections 240 and 240-c; and Social Services Law sections 111-h and 111-n.

The adjusted order of child support issued by the SCU will have the same force and effect as an order issued by the court. Except for the obligation amount, **all other provisions of your current child support order remain unchanged**, including but not limited to the persons for whom support is payable, and any amounts payable for child care expenses, health insurance, health care expenses not covered by health insurance, educational expenses for the child, and spousal support. (Please note: the issuance of an adjusted order does not affect the amount, if any, of existing arrears/past due support.)

****The SCU will take no action to adjust your child support order without a request from one of the parties to the order.****

The COLA is based on accumulated changes from year to year in the annual average consumer price index for all urban consumers (CPI-U), as published each year by the United States Department of Labor. The CPI-U is a measure of the average change in prices over time for food, clothing, shelter, fuel, transportation, medical services, and other items which people buy for day-to-day living.

Your case is eligible for a COLA because your child support order is at least two years old, and the sum of the percent changes in the CPI-U annual average since the year of your last court order is at least 10%.

- Your current child support order amount is
- The sum of the average annual CPI-U percent changes for child support orders issued during the year your order was issued (or 1994, whichever is later) is
- The COLA is _____ of _____, or _____
- **The new order amount under the adjusted order issued by the SCU would be _____ which would be the child support obligation amount, as increased by the COLA, rounded to the nearest dollar.**
- The amounts, if any, ordered for child care, health insurance, health care expenses not covered by health insurance, educational expenses for the child and spousal support will not be changed by the adjusted order.

You can expect to receive the adjusted order within approximately forty-five (45) days from the date the SCU receives a written request for the application of a COLA. You and the other party to your support order each have the right to object to the adjusted order. Directions and timeframes for filing objections will be provided with the adjusted order. Where objections are filed, the COLA will not be applied. Instead, a hearing which you and the other party will be required to attend will be held in the court which issued the order being adjusted. You and the other party will be required to provide full financial disclosure.

As a result of this hearing, the court will determine the new amount of your child support order based on the Child Support Standards Act (CSSA) and the actual income and resources of both parties. Under the CSSA, the person who pays child support is generally expected to pay the following percent of gross income: one child, 17%; two children, 25%; three children, 29%; four children, 31%; five or more children, no less than 35%. The CSSA and other New York law provide for the enrollment of the children in a parent's health insurance plan, and the award of future reasonable health care expenses of the children not covered by insurance, and, where appropriate, for the award of child care and educational expenses for the child.

**AS A RESULT OF AN OBJECTION TO THE COLA, THE ORDER ISSUED BY
THE COURT COULD BE:**

**HIGHER THAN YOUR CURRENT ORDER, OR
LOWER THAN YOUR CURRENT ORDER, OR
THE SAME AS YOUR CURRENT ORDER.**

*****PLEASE NOTE*****

- THE COLA WILL BE APPLIED TO YOUR CURRENT CHILD SUPPORT ORDER ONLY IF A PARTY TO THE ORDER REQUESTS IT. YOU MUST USE THE MAILER PROVIDED TO INFORM THE SCU IF YOU WANT TO REQUEST A COLA. IF YOU DO NOT RETURN THIS MAILER WITH THE COLA CHOICE SELECTED, NO COLA WILL BE APPLIED, UNLESS A COLA IS REQUESTED BY THE OTHER PARTY.
- You may request the application of the COLA any time provided that your child support order is at least two years old, and the sum of the percent changes in the CPI-U annual average since the year of your last court order is at least 10%.
- A CPI-U is issued for each calendar year. If another CPI-U has been issued by the time you or the other party to the order request a COLA, it will be used in calculating the amount of the COLA. The use of an additional CPI-U will increase the amount of the COLA.
- This notice is being sent to both parties to your order. The SCU will apply the COLA upon the request of either party, even if the other party makes no request.
- If you have any questions or wish to correct any information contained in this notice, contact the SCU at

Enc. Request for a Cost of Living Adjustment return mailer

COLA2

Non-Custodial Parent Name:
CSMS Case #:
Custodial Parent Name:
Local District Name:
Date:

Request for a Cost Of Living Adjustment (COLA)

Upon the request of either party, as explained in the "Notice of Your Right to Request a Cost Of Living Adjustment to Your Child Support Order", the Support Collection Unit (SCU) will issue an adjusted order of child support with a new order amount which adds a Cost Of Living Adjustment (COLA) to your current child support order. Please indicate by checking the box below if you want the SCU to add the COLA and issue an adjusted order. This notice is being sent to both parties to your order. **The SCU will take no action to adjust your child support order without a request from one of the parties to the order.**

MARK BOX BELOW TO REQUEST A COLA

I request that the Support Collection Unit add a COLA to my current child support order and issue an adjusted order.

If this form is not returned, the SCU will take no action unless a request is received from the other party to this order.

(Please Sign Below, Detach, and Return in pre-addressed, postage paid envelope.)

(Signature)

(Date)

Non-Custodial Parent Name: CSMS Case #: Custodial Parent Name: Local District Name: Date:
--

Notice of a Cost Of Living Adjustment to Your Child Support Order
New York State law requires that this notice be sent to both parties to your support order.

This notice is to inform you that the Support Collection Unit (SCU) has issued an adjusted order of child support with a new order amount which adds a cost of living adjustment (COLA) to your current child support order. The law requires that adjusted orders be issued in all cases where the children subject to the order are in receipt of public assistance.

The relevant provisions of New York law governing this process are Family Court Act sections 413 and 413-a; Domestic Relations Law sections 240 and 240-c; and Social Services Law sections 111-h and 111-n.

The adjusted order of child support issued by the SCU will have the same force and effect as an order issued by the court. Except for the obligation amount, **all other provisions of your current child support order remain unchanged**, including but not limited to the persons for whom support is payable, and any amounts payable for child care expenses, health insurance, health care expenses not covered by health insurance, educational expenses for the child, and spousal support. (Please note: the issuance of an adjusted order does not affect the amount, if any, of existing arrears/past due support.)

Your adjusted order of child support is enclosed with this notice.

The COLA is based on accumulated changes from year to year in the annual average consumer price index for all urban consumers (CPI-U), as published each year by the United States Department of Labor. The CPI-U is a measure of the average change in prices over time for food, clothing, shelter, fuel, transportation, medical services, and other items which people buy for day-to-day living.

Your case is eligible for a COLA because your child support order is at least two years old and the sum of the percent changes in the CPI-U annual average since the year of your last court order is at least 10%.

- Your current child support order amount is \$ ____ per ____.
- The sum of the average annual CPI-U percent changes for child support orders issued during the year your order was issued (or 1994, whichever is later) is ____%.
- The COLA is ____% of \$ ____, or \$ ____.
- **The new order amount under the adjusted order issued by the SCU is \$ ____ per ____ which is the support obligation amount, as increased by the COLA, rounded to the nearest dollar.**
- The amounts, if any, ordered for child care, health insurance, health care expenses not covered by health insurance, educational expenses for the child and spousal support will not be changed by the adjusted order.

You, the other party to your support order, and the SCU all have the right to object to the adjusted order. Directions and timeframes for filing objections are provided with the adjusted order. Where objections are filed, the COLA will not be applied. Instead, a hearing which you and the other party will be required to attend will be held in family court. You and the other party will be required to provide full financial disclosure.

As a result of this hearing, the court will determine the new amount of your child support order based on the Child Support Standards Act (CSSA) and the actual income and resources of both parties. Under the CSSA, the person who pays child support is generally expected to pay the following percent of gross income: one child, 17%; two children, 25%; three children, 29%; four children, 31%; five or more children, no less than 35%. The CSSA and other New York law provide for the enrollment of the children in a parent's health insurance plan, and the award of future reasonable health care expenses of the children not covered by insurance, and, where appropriate, for the award of child care and educational expenses for the child.

**AS A RESULT OF AN OBJECTION TO THE COLA, THE ORDER ISSUED BY
THE COURT COULD BE:**

**HIGHER THAN YOUR CURRENT ORDER, OR
LOWER THAN YOUR CURRENT ORDER, OR
THE SAME AS YOUR CURRENT ORDER.**

*****PLEASE NOTE*****

- Because our records indicate that the children subject to your child support order receive benefits under a public assistance program, the COLA has been applied to your current child support order **without any action on your part.**
- **Carefully review the enclosed adjusted order of child support.**
- If you have any questions or wish to correct any information contained in this notice, contact the SCU at

COLA3b

<p>Non-Custodial Parent Name: CSMS Case #: Custodial Parent Name: Local District Code:</p>
--

RE: Cost of Living Adjustment Process

Dear Sir/Madam:

Enclosed is a copy of a "Cost of Living Adjustment Order" issued by the Support Collection Unit noted below. Please append your records with this document.

Order of

In the matter of an Adjustment of an Order of Support under Section 111-n of the Social Services Law

Docket No.

Adjusted Order of Support

Petitioner

Petitioner's Soc. Sec. No.

-against-

Respondent

Respondent's Soc. Sec. No.

CSMS Case Number:

- **The new obligation amount under this adjusted order is**
- The cost of living adjustment or COLA (the amount added to your current obligation amount) is
- The effective date of this adjusted order is
- The first payment of the new child support obligation amount is due and owing after the effective date under the terms of the order which was adjusted.
- Objections to this order must be submitted in writing to the court by which is 35 days from the date this order was mailed.
- **All other provisions of your current child support order remain unchanged**, including but not limited to the persons for whom support is payable, and any amounts payable for child care expenses, health insurance, health care expenses not covered by health insurance, educational expenses for the child, and spousal support. Continue to pay these amounts.

NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY RESULT IN INCARCERATION FOR CRIMINAL NON-SUPPORT OR CONTEMPT; YOUR FAILURE TO OBEY THIS ORDER MAY ALSO RESULT IN SUSPENSION OF YOUR DRIVER LICENSE, STATE-ISSUED PROFESSIONAL, TRADE, BUSINESS AND OCCUPATIONAL LICENSES, AND RECREATIONAL AND SPORTING LICENSES AND PERMITS, IMPOSITION OF REAL OR PERSONAL PROPERTY LIENS, AND ENFORCEMENT IN ANY MANNER PROVIDED BY LAW.

This order adjusts the child support obligation amount contained in the order, dated _____, issued by the _____.

The _____, having reviewed the order referenced above, has made a cost of living adjustment (COLA)¹ which increases the support obligation amount of that order.

¹Cost of Living Adjustment shall mean the amount by which the support obligation is changed as the result of a review, and shall be determined based upon annual average changes to the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics, for the years preceding the year of the review, as follows:

- (a) Identify the CPI-U "percent change from the previous annual average" for each year preceding the year of the review, beginning with and including the later of the year in which the most recent order was issued or nineteen hundred ninety-four, and calculate the sum of the percentage changes for those years.
- (b) Where the sum as calculated pursuant to subparagraph one of this paragraph equals or exceeds ten percent, multiply the support obligation in the order under review by such percentage. The product is the cost of living adjustment.

NOW , therefore, it is hereby

ORDERED that the new child support obligation amount that the above-named Respondent is required to pay under this adjusted order is ² which is the result of adding a % COLA in the amount of to the current child support obligation amount of

ORDERED that the aforesaid amount is payable to the following address in the same manner required by the Support Collection Unit for the order being adjusted:

ORDERED that the effective date of this adjusted order shall be sixty days from the date of this order or twenty-four months after the date of the order which was reviewed and adjusted, whichever is later. The effective date has been provided above.

ORDERED that the child support obligation amount under this adjusted order is due and owing on the date the first payment is due under the terms of the order of support which was reviewed and adjusted, occurring on or after the effective date of the adjusted order.

² The child support obligation amount, as increased by the COLA, has been rounded to the nearest dollar.

BE ADVISED THAT

(1) ALL OTHER PROVISIONS OF THE ORDER OF SUPPORT WHICH WAS REVIEWED AND ADJUSTED REMAIN IN FULL FORCE AND EFFECT, including but not limited to the provision that this order shall be enforceable pursuant to Section 5241 or 5242 of the Civil Practice Law and Rules, or in any other manner provided by law;

(2) Where either party objects to the cost of living adjustment, the party has the right to be heard by the court which issued the order being adjusted, and to present evidence to the court which the court will consider in adjusting the child support order in compliance with Section 413 of the Family Court Act or Section 240 of the Domestic Relations Law, known as the Child Support Standards Act; provided, however, that written objections are filed with the court within thirty-five days from the date the adjusted order was mailed by the Support Collection Unit, and a copy of the objection is provided by the objecting party to the other party and to the Support Collection Unit at the address provided at the end of this order. The date by which objections to this adjusted order must be filed and the court which issued the order being adjusted have been provided above. When filing objections, the objecting party should attach a copy of the adjusted order, if available.

(3) Pursuant to Section 240-b of the Domestic Relations Law and Section 443 of the Family Court Act, each party is required to provide, and update upon any change, the following information to the Support Collection Unit: social security number, residential and mailing addresses, telephone number, driver's license number; and name, address and telephone number of the parties' employers.

(4) Where any party fails to provide, and update upon any change, the Support Collection Unit with a current address to which an adjusted order can be

sent, the support obligation amount contained therein shall become due and owing on the date the first payment is due under the order of support which was reviewed and adjusted occurring on or after the effective date of the adjusted order, regardless of whether or not the party has received a copy of the adjusted order.

(5) The application of a COLA in no way limits, restricts, expands, or impairs the rights of any party to file for a modification of a child support order as otherwise provided by law.

NOTE: (1) THIS ORDER OF CHILD SUPPORT SHALL BE ADJUSTED BY THE APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER THIS ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED, UPON THE REQUEST OF ANY PARTY TO THE ORDER OR PURSUANT TO PARAGRAPH (2) BELOW. UPON APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT, AN ADJUSTED ORDER SHALL BE SENT TO THE PARTIES WHO, IF THEY OBJECT TO THE COST OF LIVING ADJUSTMENT, SHALL HAVE THIRTY-FIVE (35) DAYS FROM THE DATE OF MAILING TO SUBMIT A WRITTEN OBJECTION TO THE COURT INDICATED ON SUCH ADJUSTED ORDER. UPON RECEIPT OF SUCH WRITTEN OBJECTION, THE COURT SHALL SCHEDULE A HEARING AT WHICH THE PARTIES MAY BE PRESENT TO OFFER EVIDENCE WHICH THE COURT WILL CONSIDER IN ADJUSTING THE CHILD SUPPORT ORDER IN ACCORDANCE WITH THE CHILD SUPPORT STANDARDS ACT.

(2) A RECIPIENT OF FAMILY ASSISTANCE SHALL HAVE THE CHILD SUPPORT ORDER REVIEWED AND ADJUSTED AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER SUCH ORDER IS ISSUED, LAST MODIFIED

OR LAST ADJUSTED WITHOUT FURTHER APPLICATION OF ANY PARTY. ALL PARTIES WILL RECEIVE NOTICE OF ADJUSTMENT FINDINGS.

(3) WHERE ANY PARTY FAILS TO PROVIDE, AND UPDATE UPON ANY CHANGE, THE SUPPORT COLLECTION UNIT WITH A CURRENT ADDRESS, AS REQUIRED BY SECTION FOUR HUNDRED FORTY-THREE OF THE FAMILY COURT ACT, TO WHICH AN ADJUSTED ORDER CAN BE SENT, THE SUPPORT OBLIGATION AMOUNT CONTAINED THEREIN SHALL BECOME DUE AND OWING ON THE DATE THE FIRST PAYMENT IS DUE UNDER THE TERMS OF THE ORDER OF SUPPORT WHICH WAS REVIEWED AND ADJUSTED OCCURRING ON OR AFTER THE EFFECTIVE DATE OF THE ORDER, REGARDLESS OF WHETHER OR NOT THE PARTY HAS RECEIVED A COPY OF THE ADJUSTED ORDER.

Ordered by

Dated: _____

Address

Phone

Order of

In the matter of an Adjustment of an Order of Support under Section 111-n of the Social Services Law

Index No.

Adjusted Order of Support

Petitioner

Petitioner's Soc. Sec. No.

-against-

Respondent

Resp. Soc. Sec. No.

CSMS Case Number:

- **The new obligation amount under this adjusted order is**
- The cost of living adjustment or COLA (the amount added to your current obligation amount) is
- The effective date of this adjusted order is
- The first payment of the new child support obligation amount is due and owing after the effective date under the terms of the order which was adjusted.
- Objections to this order must be submitted in writing to the court by _____ which is 35 days from the date this order was mailed.
- **All other provisions of your current child support order remain unchanged**, including but not limited to the persons for whom support is payable, and any amounts payable for child care expenses, health insurance, health care expenses not covered by health insurance, educational expenses for the child, and spousal support. Continue to pay these amounts.

NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY RESULT IN INCARCERATION FOR CRIMINAL NON-SUPPORT OR CONTEMPT; YOUR FAILURE TO OBEY THIS ORDER MAY ALSO RESULT IN SUSPENSION OF YOUR DRIVER LICENSE, STATE-ISSUED PROFESSIONAL, TRADE, BUSINESS AND OCCUPATIONAL LICENSES, AND RECREATIONAL AND SPORTING LICENSES AND PERMITS, IMPOSITION OF REAL OR PERSONAL PROPERTY LIENS, AND ENFORCEMENT IN ANY MANNER PROVIDED BY LAW.

This order adjusts the child support obligation amount contained in the judgment, dated _____, issued by the _____.

The _____, having reviewed the judgment referenced above, has made a cost of living adjustment (COLA)¹ which increases the support obligation amount of that order.

¹Cost of Living Adjustment shall mean the amount by which the support obligation is changed as the result of a review, and shall be determined based upon annual average changes to the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics, for the years preceding the year of the review, as follows:

(a) Identify the CPI-U "percent change from the previous annual average" for each year preceding the year of the review, beginning with and including the later of the year in which the most recent order was issued or nineteen hundred ninety-four, and calculate the sum of the percentage changes for those years.

(b) Where the sum as calculated pursuant to subparagraph one of this paragraph equals or exceeds ten percent, multiply the support obligation in the order under review by such percentage. The product is the cost of living adjustment.

NOW, therefore, it is hereby

ORDERED that the new child support obligation amount that the above-named Respondent is required to pay under this adjusted order is _____² which is the result of adding a _____ % COLA in the amount of _____ to the current child support obligation amount of _____

ORDERED that the aforesaid amount is payable to the following address in the same manner required by the Support Collection Unit for the judgment being adjusted:

ORDERED that the effective date of this adjusted order shall be sixty days from the date of this order or twenty-four months after the date of the judgment which was reviewed and adjusted, whichever is later. The effective date has been provided above.

ORDERED that the child support obligation amount under this adjusted order is due and owing on the date the first payment is due under the terms of the order of support which was reviewed and adjusted, occurring on or after the effective date of the adjusted order.

²The child support obligation amount, as increased by the COLA, has been rounded to the nearest dollar.

BE ADVISED THAT

(1) ALL OTHER PROVISIONS OF THE JUDGMENT WHICH WAS REVIEWED AND ADJUSTED REMAIN IN FULL FORCE AND EFFECT, including but not limited to the provision that this judgment shall be enforceable pursuant to Section 5241 or 5242 of the Civil Practice Law and Rules, or in any other manner provided by law;

(2) Where either party objects to the cost of living adjustment, the party has the right to be heard by the court which issued the order being adjusted, and to present evidence to the court which the court will consider in adjusting the child support order in compliance with Section 413 of the Family Court Act or Section 240 of the Domestic Relations Law, known as the Child Support Standards Act; provided, however, that written objections are filed with the court within thirty-five days from the date the adjusted order was mailed by the Support Collection Unit and a copy of the objection is provided by the objecting party to the other party and to the Support Collection Unit at the address provided at the end of this order. The date by which objections to this adjusted order must be filed and the court which issued the order being adjusted have been provided above. When filing objections, the objecting party should attach a copy of the adjusted order, if available.

(3) Pursuant to Section 240-b of the Domestic Relations Law and Section 443 of the Family Court Act, each party is required to provide, and update upon any change, the following information to the Support Collection Unit: social security number, residential and mailing addresses, telephone number, driver's license number; and name, address and telephone number of the parties' employers.

(4) Where any party fails to provide, and update upon any change, the Support Collection Unit with a current address to which an adjusted order can be sent, the support obligation amount contained therein shall become due and owing on the date the first payment is due under the order of support which was reviewed and adjusted occurring on

or after the effective date of the adjusted order, regardless of whether or not the party has received a copy of the adjusted order.

(5) The application of a COLA in no way limits, restricts, expands, or impairs the rights of any party to file for a modification of a child support order as otherwise provided by law.

NOTE: (1) THIS ORDER OF CHILD SUPPORT SHALL BE ADJUSTED BY THE APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER THIS ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED, UPON THE REQUEST OF ANY PARTY TO THE ORDER OR PURSUANT TO PARAGRAPH (2) BELOW. UPON APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT, AN ADJUSTED ORDER SHALL BE SENT TO THE PARTIES WHO, IF THEY OBJECT TO THE COST OF LIVING ADJUSTMENT, SHALL HAVE THIRTY-FIVE (35) DAYS FROM THE DATE OF MAILING TO SUBMIT A WRITTEN OBJECTION TO THE COURT INDICATED ON SUCH ADJUSTED ORDER. UPON RECEIPT OF SUCH WRITTEN OBJECTION, THE COURT SHALL SCHEDULE A HEARING AT WHICH THE PARTIES MAY BE PRESENT TO OFFER EVIDENCE WHICH THE COURT WILL CONSIDER IN ADJUSTING THE CHILD SUPPORT ORDER IN ACCORDANCE WITH THE CHILD SUPPORT STANDARDS ACT.

(2) A RECIPIENT OF FAMILY ASSISTANCE SHALL HAVE THE CHILD SUPPORT ORDER REVIEWED AND ADJUSTED AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER SUCH ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED WITHOUT

FURTHER APPLICATION OF ANY PARTY. ALL PARTIES WILL RECEIVE NOTICE OF ADJUSTMENT FINDINGS.

(3) WHERE ANY PARTY FAILS TO PROVIDE, AND UPDATE UPON ANY CHANGE, THE SUPPORT COLLECTION UNIT WITH A CURRENT ADDRESS, AS REQUIRED BY SECTION TWO HUNDRED AND FORTY-B OF THE DOMESTIC RELATIONS LAW, TO WHICH AN ADJUSTED ORDER CAN BE SENT, THE SUPPORT OBLIGATION AMOUNT CONTAINED THEREIN SHALL BECOME DUE AND OWING ON THE DATE THE FIRST PAYMENT IS DUE UNDER THE TERMS OF THE ORDER OF SUPPORT WHICH WAS REVIEWED AND ADJUSTED OCCURRING ON OR AFTER THE EFFECTIVE DATE OF THE ORDER, REGARDLESS OF WHETHER OR NOT THE PARTY HAS RECEIVED A COPY OF THE ADJUSTED ORDER.

Ordered by

Dated: _____

Address

Phone

Non-Custodial Parent Name:
CSMS Case #:
Custodial Parent Name:
Local District Name:
Date:

**Notice of Your Right to Request
A Cost of Living Adjustment to Your Child Support Order or
A One-Time Review and Adjustment of Your Child Support Order**

New York State law requires that we send you this notice.

The relevant provisions of New York law governing this process are Family Court Act sections 413 and 413-a; Domestic Relations Law sections 240 and 240-c, and Social Services Law sections 111-h and 111-n.

This notice is to inform you of your right to request that the Support Collection Unit (SCU) take one of the following actions concerning your child support order:

• **OPTION 1**

You can request that the SCU issue an adjusted order of child support with a new obligation amount which adds a cost of living adjustment (COLA) to your current order. (An explanation of the COLA is found under Option 1.)

OR

• **OPTION 2**

You can request that the SCU review and adjust, if appropriate, your child support order in accordance with the Child Support Standards Act (CSSA) and other New York law

(a) to be consistent with the current income and resources of both parties and/or,

(b) to provide for the health care needs of the children through health insurance or otherwise.

(An explanation of review and adjustment is found under Option 2.)

****The SCU will take no action to adjust your child support order without a request from one of the parties to the order.****

*****ABOUT THE COLA*****

(Option 1)

The COLA is based on accumulated changes from year to year in the annual average consumer price index for all urban consumers (CPI-U), as published each year by the United States Department of Labor. The CPI-U is a measure of the average change in prices over time for food, clothing, shelter, fuel, transportation, medical services, and other items which people buy for day-to-day living.

Your case is eligible for a COLA because your child support order is at least two years old, and the sum of the percent changes in the CPI-U annual average since the year of your last court order is at least 10%.

- Your current child support order amount is
- The sum of the average annual CPI-U percent changes for child support orders issued during the year your order was issued (or 1994, whichever is later) is
- The COLA is _____ of _____, or
- **The new order amount under the adjusted order issued by the SCU would be _____ which would be the child support obligation amount, as increased by the COLA, rounded to the nearest dollar.**
- The amounts, if any, ordered for child care, health insurance, health care expenses not covered by health insurance, educational expenses for the child and spousal support will not be changed by the adjusted order.

The adjusted order of child support issued by the SCU will have the same force and effect as an order issued by the court.

You can expect to receive the adjusted order within approximately forty-five (45) days from the date the SCU receives a written request for the application of a COLA. You and the other party to your support order each have the right to object to the adjusted order. Directions and timeframes for filing objections will be provided with the adjusted order. Where objections are filed, the COLA will not be applied. Instead, a hearing which you and the other party will be required to attend will be held in the court which issued the order being adjusted. You and the other party will be required to provide full financial disclosure. As a result of this hearing, the court will determine the new amount of your child support order based on the Child Support Standards Act and the actual income and resources of both parties.

AS A RESULT OF AN OBJECTION TO THIS COLA, THE ORDER ISSUED BY THE COURT COULD BE:

HIGHER THAN YOUR CURRENT ORDER, OR
LOWER THAN YOUR CURRENT ORDER, OR
THE SAME AS YOUR CURRENT ORDER.

*****ABOUT THE ONE-TIME REVIEW AND ADJUSTMENT***
(Option 2)**

Because your child support order was last issued or modified before New York State enacted the Child Support Standards Act (CSSA), the order amount may not reflect the "percent of gross income" standard in use since September 15, 1989. Under the CSSA, the person who pays child support is generally expected to pay the following percent of gross income: one child, 17%; two children, 25%; three children, 29%; four children, 31%; five or more children, no less than 35%. The CSSA and other New York law provide for the enrollment of the children in a parent's health insurance plan, and the award of future reasonable health care expenses of the children not covered by insurance, and, where appropriate, for the award of child care and educational expenses for the child.

Any party to a child support order issued prior to September 15, 1989 may request that the Support Collection Unit (SCU) review, and if appropriate, adjust the order in accordance with the CSSA. Both parties to an order being reviewed must provide financial information to the SCU, including current paycheck stubs, the most recent federal and State income tax returns including W-2's, a sworn statement of net worth, and information concerning the availability of health insurance for the children.

If you request a review:

The SCU, after reviewing the financial information regarding both parties to the child support order, will determine if applying the CSSA to current income will result in:

- an order which is **10% or more higher** than the current order;
- an order which is **10% or more lower** than the current order; or,
- **no change** to the amount of the current order; and/or
- an order to provide for the health care needs of the child (regardless of whether or not the current order amount changes.)

If the SCU determines the order will increase 10% or more:

The SCU will issue a proposed adjusted order to both parties, and will notify the court. Both parties will have thirty-five days from the date of the adjustment finding and proposed adjusted order, if any, to submit written objections to the court. If objections are submitted on time, the court will schedule a hearing which the parties will be required to attend and at which evidence must be presented to support the objection. The court will review the evidence submitted and decide whether the order should be issued as proposed, issued in a different amount, or not issued at all. If neither party objects, the order becomes effective in thirty-five days.

If the SCU determines the order will decrease 10% or more:

The SCU will not issue a proposed adjusted order, but will notify both parties. Either party can then ask the court for a downward adjustment based on the findings of the SCU.

If the SCU determines the order will neither increase nor decrease 10% or more:

The SCU will not issue a proposed adjusted order, but will notify both parties.

*****PLEASE NOTE*****

- THE SCU WILL APPLY A COLA TO YOUR CURRENT CHILD SUPPORT ORDER AND ISSUE AN ADJUSTED ORDER OR CONDUCT ONE-TIME REVIEW AND ADJUSTMENT OF YOUR CURRENT CHILD SUPPORT ORDER ONLY IF YOU OR THE OTHER PARTY REQUEST IT.
- YOU MUST USE THE MAILER PROVIDED TO INFORM THE SCU IF YOU WISH TO SELECT EITHER OF THESE OPTIONS. If you elect to have the SCU review and adjust your child support order, THE MAILER MUST BE RETURNED TO THE SCU BY THE DATE INDICATED ON THE MAILER. If you do not request review and adjustment by the date indicated, only the COLA option will be available to you.
- IF YOU DO NOT RETURN THE MAILER WITH YOUR OPTION SELECTED, NO FURTHER ACTION WILL BE TAKEN BY THE SCU, UNLESS A REVIEW IS REQUESTED BY THE OTHER PARTY.
- TELEPHONE REQUESTS FOR EITHER COLA OR ONE-TIME REVIEW AND ADJUSTMENT WILL NOT BE ACCEPTED.
- You may request the application of the COLA any time provided that your child support order is at least two years old, and the sum of the percent changes in the CPI-U annual average since the year of your last court order is at least 10%.
- A CPI-U is issued for each calendar year. If another CPI-U has been issued by the time you or the other party to the order request a COLA, it will be used in calculating the amount of the COLA. The use of an additional CPI-U will increase the amount of the COLA.
- This notice is being sent to both parties to your order. Since you and the other party to this order may select different options, the following describes what the SCU will do if that happens:
 - Do not request a one-time review and adjustment unless you are prepared to submit the required financial information.
 - Where either party requests the one-time review and adjustment of your child support order in the SCU will do so, even if the other party requests the COLA.
 - If neither party requests one-time review and adjustment, but one or both of the parties requests the application of the COLA, the SCU will apply the COLA.
- If you have any questions or wish to correct any information contained in this notice, contact the SCU at

COLA7a

Non-Custodial Parent Name:
CSMS Case #:
Custodial Parent Name:
Local District Name:
Date:

**Request for a Cost Of Living Adjustment (COLA)
or One-Time Review and Adjustment**

Upon the request of either party, as explained in the "Notice of Your Right to Request A Cost Of Living Adjustment to Your Child Support Order or A One-Time Review and Adjustment of Your Child Support Order", the Support Collection Unit (SCU) will

- ① issue an adjusted order of child support with a new order amount which adds a Cost Of Living Adjustment (COLA) to your current child support order, or
- ② review and, if appropriate, adjust your child support order in accordance with the Child Support Standards Act.

Please indicate by checking the appropriate box below whether you want the SCU to add the COLA or conduct the one-time review. This notice is being sent to both parties to your order. **The SCU will take no action regarding your child support order without a request from one of the parties to the order.**

MARK ONLY ONE BOX BELOW

- I request that the SCU **apply a COLA** to my current child support order and issue an adjusted order.
- I request that the SCU conduct a **one-time review and, if appropriate, adjustment** of my current child support order in accordance with the Child Support Standards Act. **This one-time review and adjustment request must be received by _____, or it will not be honored.**

Note: If this form is not returned by either party, the SCU will TAKE NO ACTION.

(Please **Sign Below**, **Detach**, and **Return** in pre-addressed, postage paid envelope.)

(Signature)

(Date)

COLA7b

Non-Custodial Parent Name: CSMS Case #: Custodial Parent Name: Local District Name: Date:

**Request for a Cost Of Living Adjustment (COLA)
or One-Time Review and Adjustment**

Upon the request of either party, as explained in the "Notice of Your Right to Request A Cost Of Living Adjustment to Your Child Support Order or A One-Time Review and Adjustment of Your Child Support Order", the Support Collection Unit (SCU) will

- ① issue an adjusted order of child support with a new order amount which adds a Cost Of Living Adjustment (COLA) to your current child support order, or
- ② review and, if appropriate, adjust your child support order in accordance with the Child Support Standards Act.

Please indicate by checking the appropriate box below whether you want the SCU to add the COLA or conduct the one-time review. This notice is being sent to both parties to your order. **The SCU will take no action regarding your child support order without a request from one of the parties to the order.**

MARK ONLY ONE BOX BELOW

- I request that the SCU **apply a COLA** to my current child support order and issue an adjusted order.
- I request that the SCU conduct a **one-time review and, if appropriate, adjustment** of my current child support order in accordance with the Child Support Standards Act. **This review and adjustment request must be received by _____, or it will not be honored.**

Note: If this form is not returned by either party, the SCU will TAKE NO ACTION.

(Please **Sign Below**, **Detach**, and **Return** to the Child Support Enforcement Unit address at the top left corner of this Mailer.)

_____ (Signature) _____ (Date)

SCREEN TITLE
ASCJ - ACCOUNT LEVEL ADJUSTMENT INFORMATION

1 12345678901234567890123456789012345678901234567890123456789012345678901
>1VDADJ COUNTY ADJUSTMENT 03/05/98 14:48:10 1

2 ASCJ-NO AA00001E1 COUNTY-ACCT-NO 123456789012 FIPS-CODE 136001 2

3 RESPONDENT: CLIENT: 3

5 REV/ADJ-IND X REV/ADJ-DT 00/00/0000 COLA-X 00.00 5

6 COLA-REQ-IND X COLA-REQ-DT 00/00/0000 CURR-ORD-AMT 00000.00 FREQ XXX 6

7 COLA-NOTICE-DT 00/00/0000 COLA-AMOUNT 00000.00 7

8 ADJ-ORD-DT 00/00/0000 ADJ-ORD-AMT 00000.00 FREQ XXX 8

9 ADJ-ORD-OBJ-DT 00/00/0000 9

10 ORD-EFF-DT 00/00/0000 10

12 SUPREME COURT IND X CRT-COUNTY-NUMBER XX 12

22 KEY PAGE 01 OF 01 XMT/PASSOFF --> <-- 22

24 12345678901234567890123456789012345678901234567890123456789012345678901 24

COLA/R&A DATA ELEMENT DEFINITIONS

COLA-REQ-IND

- 0 = No review requested
- 1 = Post 9/14/89 COLA requested for PA case
- 2 = Post 9/14/89 COLA requested by CP for Non-PA case
- 3 = Post 9/14/89 COLA requested by AP for Non-PA case
- 4 = Pre 9/15/89 COLA requested for PA case
- 5 = Pre 9/15/89 COLA requested by CP for Non-PA case
- 6 = Pre 9/15/89 COLA requested by AP for Non-PA case
- 7 = Pre 9/15/89 one-time review requested for PA case
- 8 = Pre 9/15/89 one-time review requested by CP for Non-PA case
- 9 = Pre 9/15/89 one-time review requested by AP for Non-PA case
- N = Notice requested
- R = Withdraw adjusted order
- W = Withdraw notice

REV/ADJ-IND

- 0 = No review done on this order
- 1 = Review in progress
- 2 = Review complete
- D = Respondent deceased
- E = Error – current support ledgers have different court order dates
- G = Good cause has been determined
- L = Review initiated, location opened
- R = Other state's ordered registered in NYS for enforcement only
- S = Review request sent to other state
- U = NYS order registered in another state for enforcement only, CEJ retained

COLA10

«County_Name» Support Collection Unit
Order of «COURT_Name» _____ Court

In the matter of an Adjustment of an Order of
Support under Section 111-n of the Social
Services Law

(Commissioner of Social Services, Assignee)

«PETITIONERS_FIRST_NAME»,
«PETITIONERS_LAST_NAME»,

Petitioner
«PETITIONERS_SSN»,
Petitioner's Soc. Sec. No.

Docket No. _____

OBJECTION TO AN
ADJUSTED ORDER
ISSUED BY THE
SUPPORT COLLECTION
UNIT

-against-

«RESPONDENTS_FIRST_NAME»,
«RESPONDENTS_LAST_NAME»,

Respondent
«RESPONDENTS_SSN»,
Respondent's Soc. Sec. No.

The Support Collection Unit objects to the adjusted order (copy attached) resulting from application of a cost of living adjustment by the Support Collection Unit. The court will advise the parties and the Support Collection Unit as to the date and time on which to appear for the hearing.

(County Name) _____
Support Collection Unit

Dated: _____

Petitioner

against

Docket No. _____

Respondent

STATE OF NEW YORK)

:ss.:

COUNTY OF)

AFFIDAVIT OF SERVICE

The _____ Support Collection Unit, being duly sworn, deposes and says: The SCU has served the foregoing Objection to an Adjusted Order upon the (Name of Party) at

_____ and
upon [Name of Party] _____ at
_____ by
mail on _____.

Sworn to before me this day of

(Date)

(Notary Public)

F.C.A. § 413; 413-a; 439

(Order Determining Objections
to Adjusted Order-COLA)

At a term of the _____ Court of the
State of New York, held in and for the
County of _____,
at _____, New York
on _____.

PRESENT: _____
Judge/Hearing Examiner

In the Matter of a Proceeding for Support
Under Article _____ of the Family Court Act

Docket No. _____

(Commissioner of Social Services, Assignee,
on behalf of _____, Assignor)

ORDER
(Determination of Objections to
Adjusted Order-COLA)

Petitioner

SS# (Assignor)

-against-

Respondent.

SS#

NOTICE: IF A NEW SUPPORT ORDER IS ISSUED, YOUR WILLFUL FAILURE TO OBEY THAT ORDER MAY RESULT IN INCARCERATION FOR CRIMINAL NON-SUPPORT OR CONTEMPT; SUSPENSION OF YOUR DRIVER'S LICENSE, STATE-ISSUED PROFESSIONAL, TRADE, BUSINESS, OCCUPATIONAL AND RECREATIONAL AND SPORTING LICENSES AND PERMITS; AND IMPOSITION OF REAL OR PERSONAL PROPERTY LIENS.

IF THIS ORDER WAS ENTERED BY A JUDGE, THE ORDER MAY BE APPEALED PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT. THAT SECTION PROVIDES THAT AN APPEAL FROM THAT ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY THE APPELLANT IN COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE LAW GUARDIAN UPON THE APPELLANT OR 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, WHICHEVER IS EARLIEST.

IF THIS ORDER IS ENTERED BY A HEARING EXAMINER, SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER MAY BE FILED WITH THIS COURT WITHIN 30 DAYS OF THE DATE THE ORDER WAS RECEIVED IN COURT OR BY PERSONAL SERVICE, OR IF THE ORDER WAS RECEIVED BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE ORDER.

An adjusted order dated _____, based upon a cost of living adjustment having been timely submitted to the Court and timely objections to the proposed adjusted order having been filed with the Court, and this Court having held a hearing on those objections.

NOW, after examination and inquiry into the facts and circumstances of the case (and after hearing the proofs and testimony offered in relation thereto), the Court finds that:

1. \$ _____ [specify amount] is the basic child support obligation for support of the following child(ren):

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>SOCIAL SECURITY #</u>
-------------	----------------------	--------------------------

2. The custodial parent's pro rata share of the basic child support obligation is _____;

3. The non-custodial parent's pro rata share of the basic child support obligation is _____;

4. And the Court finds further that:
[Delete inapplicable provisions]:

a. (The non-custodial parent's pro rata share of the basic child support obligation is neither unjust nor inappropriate;)¹

b. (Upon consideration of the following factors specified in Family Court Act § 413(1)(f) [specify factors]:

the non-custodial parent's pro rata share of the basic child support obligation is (unjust) (inappropriate) in that:²

;

c. (The parties have voluntarily stipulated to child support for the child(ren) [names] _____ payable by _____ in the amount of \$ _____ per _____, such stipulation having been entered into on the record and reciting, compliance with Section 413(1)(h) of the Family Court Act, that:³

¹ This paragraph is to be used if the basic child support obligation is applied without deviation. Delete if inapplicable.

² This paragraph is to be used if the court's order deviates from the basic child support obligation, pursuant to F.C.A. § 413(1)(g). Delete if inapplicable.

³ This paragraph is to be used only if the court's order is based upon a stipulation pursuant to subdivision (1)(h) of Section 413.

d. (The parties have been advised of the provisions of Section 413(1) of the Family Court Act:)

e. (The unrepresented party, if any, has received a copy of the child support standards chart promulgated by the Commissioner of Social Services pursuant to Section 111-i of the Social Services Law:)

f. (The basic child support obligation, as defined in Family Court Act Section 413(1), presumptively results in the correct amount of child support to be awarded:)

g. (The parties' reason(s) for agreeing to child support in an amount different from the basic child support obligation (is) (are):

;))

5. (The court approves the parties' agreement to deviate from the basic child support obligation for the following reasons: [See Family Court Act Section 413(1)(f)]

;))

6. The name(s), address(es) and telephone number(s) of Respondent's current employer(s) (is)(are):

NAME

ADDRESS

TELEPHONE NUMBER

NOW, therefore, it is

[Delete inapplicable provisions]:

1. (ORDERED that after application of the child support standards as set forth in § 413 of the Family Court Act it has been determined that no adjustment to the order dated _____ is appropriate and, therefore, no order of adjustment is entered).

2. (ORDERED that after application of the child support standards as set forth in section §413 of the Family Court Act a new order of support is entered as follows:

a. ORDERED and ADJUDGED that the above-named Respondent is responsible for the support so ordered from the date (of the determination of the objection) (the cost of living adjustment would have been effective, _____.) to the date hereof (less the amount of _____

Insert Date

heretofore paid) and that the Respondent pay the sum of \$ _____ as follows: \$ _____ immediately, and \$ _____ (bi)(weekly)(semi)(monthly)(quarterly); and it is further

b. ORDERED that the above-named Respondent, upon notice of this order, pay or cause the aforesaid amount(s) to be paid by (check)(certified check)(money order) to Support Collection Unit; such payments to commence on _____; and it is further

c. ORDERED that this order shall be enforceable pursuant to Section 5241 or 5242 of the Civil Practice Law and Rules, or in any other manner provided by law; and it is further

d. ORDERED that the Respondent, custodial parent and any other individual parties shall notify the Support Collection Unit in writing of any changes in the following information: residential and mailing addresses, social security number, telephone number, driver's license number; and name, address and telephone numbers of the parties' employers; and

e. (The Court having determined that the custodial parent is working or seeking work or receiving elementary or secondary education or higher education or vocational training and incurs child care expenses, it is therefore ORDERED that Respondent pay to _____ (his)(her) pro rata share of such child care expenses in the amount of \$ _____ per _____ commencing on _____; and)

f. (The Court having determined that employer or organization subsidized health insurance coverage is available to [name(s) _____], it is therefore ORDERED that [name(s) _____] enroll the eligible dependents named herein under said insurance coverage immediately and without regard to seasonal enrollment restrictions; and maintain such coverage as long as it remains available to (him)(her)(them); and it is further)

g. (ORDERED that if health insurance for the child(ren) not available to the non-custodial parent at the present time becomes available at any time in the future, the non-custodial parent shall enroll the child(ren) under such insurance coverage immediately and without regard to seasonal enrollment restrictions and shall maintain under such coverage so long as it remains available); (and it is further)

h. (ORDERED that _____, the non-custodial parent herein, pay (his/her) pro rata share of future reasonable health care expenses of the child(ren) not covered by insurance by (direct payments to the health care provider) (as follows: _____)

: (and it is further)

i. (ORDERED that _____, the non-custodial parent herein, pay the sum of \$ _____ as educational expenses by (direct payment to the educational provider) (as follows: _____

); (and it is further)

j. (ORDERED that when the person or family to whom family assistance is being paid, no longer receives family assistance, support payments shall continue to be made to the Support Collection Unit, unless such person or family requests otherwise;) (and it is further)

k. (ORDERED that _____ pay to _____, the attorney for the other party, the sum of \$ _____ as and for counsel fees in this proceeding (which payment may be made in (bi-)(weekly)(monthly)(quarterly) installments of \$ _____ each, commencing on _____, until the entire sum is paid; and it is further)

l. (ORDERED

).

NOTE: (1) THIS ORDER OF CHILD SUPPORT SHALL BE ADJUSTED BY THE APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER THIS ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED, UPON THE REQUEST OF ANY PARTY TO THE ORDER OR PURSUANT TO PARAGRAPH (2) BELOW. UPON APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT, AN ADJUSTED ORDER SHALL BE SENT TO THE PARTIES WHO, IF THEY OBJECT TO THE COST OF LIVING ADJUSTMENT, SHALL HAVE THIRTY-FIVE (35) DAYS FROM THE DATE OF MAILING TO SUBMIT A WRITTEN OBJECTION TO THE COURT INDICATED ON SUCH ADJUSTED ORDER. UPON RECEIPT OF SUCH WRITTEN OBJECTION, THE COURT SHALL SCHEDULE A HEARING AT WHICH THE PARTIES MAY BE PRESENT TO OFFER EVIDENCE WHICH THE COURT WILL CONSIDER IN

ADJUSTING THE CHILD SUPPORT ORDER IN ACCORDANCE WITH THE CHILD SUPPORT STANDARDS ACT.

(2) A RECIPIENT OF FAMILY ASSISTANCE SHALL HAVE THE CHILD SUPPORT ORDER REVIEWED AND ADJUSTED AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER SUCH ORDER IS ISSUED. LAST MODIFIED OR LAST ADJUSTED WITHOUT FURTHER APPLICATION OF ANY PARTY. ALL PARTIES WILL RECEIVE NOTICE OF ADJUSTMENT FINDINGS.

(3) WHERE ANY PARTY FAILS TO PROVIDE, AND UPDATE UPON ANY CHANGE, THE SUPPORT COLLECTION UNIT WITH A CURRENT ADDRESS, AS REQUIRED BY SECTION FOUR HUNDRED FORTY-THREE OF THE FAMILY COURT ACT. TO WHICH AN ADJUSTED ORDER CAN BE SENT. THE SUPPORT OBLIGATION AMOUNT CONTAINED THEREIN SHALL BECOME DUE AND OWING ON THE DATE THE FIRST PAYMENT IS DUE UNDER THE TERMS OF THE ORDER OF SUPPORT WHICH WAS REVIEWED AND ADJUSTED OCCURRING ON OR AFTER THE EFFECTIVE DATE OF THE ORDER, REGARDLESS OF WHETHER OR NOT THE PARTY HAS RECEIVED A COPY OF THE ADJUSTED ORDER.

ENTER

Dated: _____

J.F.C./H.E.

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____

D.R.L. § 240 1-b

(Order Determining Objections
to Adjusted Order-COLA)

At a term of the _____ Court of the
State of New York, held in and for the
County of _____,
at _____, New York
on _____.

PRESENT: _____
Judge

In the Matter of a Proceeding for Support
Under Article 13 of the Domestic Relations Law

Index No. _____

(Commissioner of Social Services, Assignee,
on behalf of _____, Assignor)

ORDER
(Determination of Objections to
Adjusted Order-COLA)

Petitioner

SS# (Assignor)

-against-

Respondent.

SS#

NOTICE: IF A NEW SUPPORT ORDER IS ISSUED, YOUR WILLFUL FAILURE TO OBEY THAT ORDER MAY RESULT IN INCARCERATION FOR CRIMINAL NON-SUPPORT OR CONTEMPT; SUSPENSION OF YOUR DRIVER'S LICENSE, STATE-ISSUED PROFESSIONAL, TRADE, BUSINESS, OCCUPATIONAL AND RECREATIONAL AND SPORTING LICENSES AND PERMITS; AND IMPOSITION OF REAL OR PERSONAL PROPERTY LIENS.

IF THIS ORDER WAS ENTERED BY A JUDGE, THE ORDER MAY BE APPEALED PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT. THAT SECTION PROVIDES THAT AN APPEAL FROM THAT ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY THE APPELLANT IN COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE LAW GUARDIAN UPON THE APPELLANT OR 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, WHICHEVER IS EARLIEST.

IF THIS ORDER IS ENTERED BY A HEARING EXAMINER, SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER MAY BE FILED WITH THIS COURT WITHIN 30 DAYS OF THE DATE THE ORDER WAS RECEIVED IN COURT OR BY PERSONAL SERVICE, OR IF THE ORDER WAS RECEIVED BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE ORDER.

An adjusted order dated _____, based upon a cost of living adjustment having been timely submitted to the Court and timely objections to the proposed adjusted order having been filed with the Court, and this Court having held a hearing on those objections.

NOW, after examination and inquiry into the facts and circumstances of the case (and after hearing the proofs and testimony offered in relation thereto), the Court finds that:

1. \$ _____ [specify amount] is the basic child support obligation for support of the following child(ren):

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>SOCIAL SECURITY #</u>
-------------	----------------------	--------------------------

2. The custodial parent's pro rata share of the basic child support obligation is _____;

3. The non-custodial parent's pro rata share of the basic child support obligation is _____;

4. And the Court finds further that:
[Delete inapplicable provisions]:

a. (The non-custodial parent's pro rata share of the basic child support obligation is neither unjust nor inappropriate;)¹

b. (Upon consideration of the following factors specified in Domestic Relations Law § 240 1-b) [specify factors]:

the non-custodial parent's pro rata share of the basic child support obligation is (unjust) (inappropriate) in that:²

);

c. (The parties have voluntarily stipulated to child support for the child(ren) [names] _____ payable by _____ in the amount of \$ _____ per _____, such stipulation having been entered into on the record and reciting, compliance with Section 240 1-b of the Domestic Relations Law, that:³

¹ This paragraph is to be used if the basic child support obligation is applied without deviation. Delete if inapplicable.

² This paragraph is to be used if the court's order deviates from the basic child support obligation, pursuant to D.R.L. § 240 1-b. Delete if inapplicable.

³ This paragraph is to be used only if the court's order is based upon a stipulation pursuant to subdivision 1-b of Section 240.

d. (The parties have been advised of the provisions of Section 240 1-b of the Domestic Relations Law:)

e. (The unrepresented party, if any, has received a copy of the child support standards chart promulgated by the Commissioner of Social Services pursuant to Section 111-i of the Social Services Law:)

f. (The basic child support obligation, as defined in Domestic Relations Law Section 240 1-b, presumptively results in the correct amount of child support to be awarded;)

g. (The parties' reason(s) for agreeing to child support in an amount different from the basic child support obligation (is) (are):

;))

5. (The court approves the parties' agreement to deviate from the basic child support obligation for the following reasons: [See Domestic Relations Law Section 240 1-b]

;))

6. The name(s), address(es) and telephone number(s) of Respondent's current employer(s) (is)(are):

NAME

ADDRESS

TELEPHONE NUMBER

NOW, therefore, it is

[Delete inapplicable provisions]:

1. (ORDERED that after application of the child support standards as set forth in § 240 1-b of the Domestic Relations Law it has been determined that no adjustment to the order dated _____ is appropriate and, therefore, no order of adjustment is entered).

2. (ORDERED that after application of the child support standards as set forth in section § 240 1-b of the Domestic Relations Law a new order of support is entered as follows:

a. ORDERED and ADJUDGED that the above-named Respondent is responsible for the support so ordered from the date (of the determination of the objection) (the cost of living adjustment would have been effective, _____,)

Insert Date

heretofore paid) and that the Respondent pay the sum of \$ _____ as follows: \$ _____ immediately, and \$ _____ (bi)(weekly)(semi)(monthly)(quarterly); and it is further

b. ORDERED that the above-named Respondent, upon notice of this order, pay or cause the aforesaid amount(s) to be paid by (check)(certified check)(money order) to Support Collection Unit; such payments to commence on _____; and it is further

c. ORDERED that this order shall be enforceable pursuant to Section 5241 or 5242 of the Civil Practice Law and Rules, or in any other manner provided by law; and it is further

d. ORDERED that the Respondent, custodial parent and any other individual parties shall notify the Support Collection Unit in writing of any changes in the following information: residential and mailing addresses, social security number, telephone number, driver's license number; and name, address and telephone numbers of the parties' employers; and

e. (The Court having determined that the custodial parent is working or seeking work or receiving elementary or secondary education or higher education or vocational training and incurs child care expenses, it is therefore ORDERED that Respondent pay to _____ (his)(her) pro rata share of such child care expenses in the amount of \$ _____ per _____ commencing on _____; and)

f. (The Court having determined that employer or organization subsidized health insurance coverage is available to [name(s) _____], it is therefore ORDERED that [name(s) _____] enroll the eligible dependents named herein under said insurance coverage immediately and without regard to seasonal enrollment restrictions; and maintain such coverage as long as it remains available to (him)(her)(them); and it is further)

g. (ORDERED that if health insurance for the child(ren) not available to the non-custodial parent at the present time becomes available at any time in the future, the non-custodial parent shall enroll the child(ren) under such insurance coverage immediately and without regard to seasonal enrollment restrictions and shall maintain under such coverage so long as it remains available); (and it is further)

h. (ORDERED that _____, the non-custodial parent herein, pay (his/her) pro rata share of future reasonable health care expenses of the child(ren) not covered by insurance by (direct payments to the health care provider) (as follows: _____)

; (and it is further)

i. (ORDERED that _____, the non-custodial parent herein, pay the sum of \$ _____ as educational expenses by (direct payment to the educational provider) (as follows: _____

); (and it is further)

j. (ORDERED that when the person or family to whom family assistance is being paid, no longer receives family assistance, support payments shall continue to be made to the Support Collection Unit, unless such person or family requests otherwise;) (and it is further)

k. (ORDERED that _____ pay to _____, the attorney for the other party, the sum of \$ _____ as and for counsel fees in this proceeding (which payment may be made in (bi-)(weekly)(monthly)(quarterly) installments of \$ _____ each, commencing on _____, until the entire sum is paid; and it is further)

l. (ORDERED

).

NOTE: (1) THIS ORDER OF CHILD SUPPORT SHALL BE ADJUSTED BY THE APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER THIS ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED, UPON THE REQUEST OF ANY PARTY TO THE ORDER OR PURSUANT TO PARAGRAPH (2) BELOW. UPON APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT, AN ADJUSTED ORDER SHALL BE SENT TO THE PARTIES WHO, IF THEY OBJECT TO THE COST OF LIVING ADJUSTMENT, SHALL HAVE THIRTY-FIVE (35) DAYS FROM THE DATE OF MAILING TO SUBMIT A WRITTEN OBJECTION TO THE COURT INDICATED ON SUCH ADJUSTED ORDER. UPON RECEIPT OF SUCH WRITTEN OBJECTION, THE COURT SHALL SCHEDULE A HEARING AT WHICH THE PARTIES MAY BE PRESENT TO OFFER EVIDENCE WHICH THE COURT WILL CONSIDER IN ADJUSTING THE CHILD SUPPORT ORDER IN ACCORDANCE WITH THE CHILD SUPPORT STANDARDS ACT.

(2) A RECIPIENT OF FAMILY ASSISTANCE SHALL HAVE THE CHILD SUPPORT ORDER REVIEWED AND ADJUSTED AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER SUCH ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED WITHOUT FURTHER APPLICATION OF ANY PARTY. ALL PARTIES WILL RECEIVE NOTICE OF ADJUSTMENT FINDINGS.

(3) WHERE ANY PARTY FAILS TO PROVIDE, AND UPDATE UPON ANY CHANGE, THE SUPPORT COLLECTION UNIT WITH A CURRENT ADDRESS, AS REQUIRED BY SECTION TWO HUNDRED FORTY-B OF THE DOMESTIC RELATIONS LAW, TO WHICH AN ADJUSTED ORDER CAN BE SENT, THE SUPPORT OBLIGATION AMOUNT CONTAINED THEREIN SHALL BECOME DUE AND OWING ON THE DATE THE FIRST PAYMENT IS DUE UNDER THE TERMS OF THE ORDER OF SUPPORT WHICH WAS REVIEWED AND ADJUSTED OCCURRING ON OR AFTER THE EFFECTIVE DATE OF THE ORDER, REGARDLESS OF WHETHER OR NOT THE PARTY HAS RECEIVED A COPY OF THE ADJUSTED ORDER.

ENTER

Dated: _____

J.F.C.

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____

NYS Office of Child Support Enforcement
P.O. Box 15364
Albany, NY 12212-5364

COLA12

<p>Non-Custodial Parent Name: CSMS Case #: Custodial Parent Name: Local District Name: Date:</p>

<p>Important Notice Regarding Right to Request Review and Adjustment of Your Support Order</p>

<p>This notice is being sent to both parties.</p>

You recently received either a "Notice of Your Right to Request a Cost of Living Adjustment to Your Child Support Order" or a "Notice of Your Right to Request a Cost of Living Adjustment to Your Child Support Order or A One-Time Review and Adjustment of Your Child Support Order." **This notice is to advise you that the Support Collection Unit hereby withdraws that Notice.**

This action has been taken because new information was provided to or discovered by the SCU which changes the information contained in the notice or makes your current order ineligible for a cost of living adjustment (COLA) (or, if applicable, a one-time review and adjustment). If and when your current order of child support becomes eligible for a COLA (or, if applicable, one-time review and adjustment), you will receive a new notice from the SCU.

If you have any questions regarding this action, contact the SCU at:

NYS Office of Child Support Enforcement
P.O. Box 15364
Albany, NY 12212-5364

COLA13

Non-Custodial Parent Name: CSMS Case #: Custodial Parent Name: Local District Name: Date:
--

Notice to Withdraw Adjusted Order of Support

This notice is being sent to both parties and to the court

This notice is to inform you that the Support Collection Unit (SCU) withdraws the adjusted order of child support issued _____.

This action has been taken because new information was provided to the SCU or discovered by the SCU which made us aware that your case is not eligible for the COLA process or that information contained in the Adjusted Order is incorrect.

If your case is still eligible for a COLA, you will receive a new Notice with the updated information.

PLEASE BE ADVISED THAT ALL THE TERMS AND CONDITIONS OF YOUR CURRENT ORDER OF SUPPORT CONTINUE TO REMAIN IN FULL FORCE AND EFFECT.

If you have any questions regarding this action, contact the SCU at:

cc:

NOTE: (1) A COURT ORDER OF SUPPORT RESULTING FROM A PROCEEDING COMMENCED BY THIS APPLICATION (PETITION) SHALL BE ADJUSTED BY THE APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER SUCH ORDER IS ISSUED. LAST MODIFIED OR LAST ADJUSTED. UPON THE REQUEST OF ANY PARTY TO THE ORDER OR PURSUANT TO PARAGRAPH (2) BELOW. SUCH COST OF LIVING ADJUSTMENT SHALL BE ON NOTICE TO BOTH PARTIES WHO, IF THEY OBJECT TO THE COST OF LIVING ADJUSTMENT, SHALL HAVE THE RIGHT TO BE HEARD BY THE COURT AND TO PRESENT EVIDENCE WHICH THE COURT WILL CONSIDER IN ADJUSTING THE CHILD SUPPORT ORDER IN ACCORDANCE WITH SECTION FOUR HUNDRED THIRTEEN OF THE FAMILY COURT ACT, KNOWN AS THE CHILD SUPPORT STANDARDS ACT.

(2) A PARTY SEEKING SUPPORT FOR ANY CHILD(REN) RECEIVING FAMILY ASSISTANCE SHALL HAVE A CHILD SUPPORT ORDER REVIEWED AND ADJUSTED AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER SUCH ORDER IS ISSUED. LAST MODIFIED OR LAST ADJUSTED BY THE SUPPORT COLLECTION UNIT, WITHOUT FURTHER APPLICATION BY ANY PARTY. ALL PARTIES WILL RECEIVE A COPY OF THE ADJUSTED ORDER.

(3) WHERE ANY PARTY FAILS TO PROVIDE, AND UPDATE UPON ANY CHANGE, THE SUPPORT COLLECTION UNIT WITH A CURRENT ADDRESS, AS REQUIRED BY SECTION FOUR HUNDRED FORTY-THREE OF THE FAMILY COURT ACT, TO WHICH AN ADJUSTED ORDER CAN BE SENT, THE SUPPORT OBLIGATION AMOUNT CONTAINED THEREIN SHALL BECOME DUE AND OWING ON THE DATE THE FIRST PAYMENT IS DUE UNDER THE TERMS OF THE ORDER OF SUPPORT WHICH WAS REVIEWED AND ADJUSTED OCCURRING ON OR AFTER THE EFFECTIVE DATE OF THE ADJUSTED ORDER, REGARDLESS OF WHETHER OR NOT THE PARTY HAS RECEIVED A COPY OF THE ADJUSTED ORDER.

NOTE: (1) THIS ORDER OF CHILD SUPPORT SHALL BE ADJUSTED BY THE APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER THIS ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED, UPON THE REQUEST OF ANY PARTY TO THE ORDER OR PURSUANT TO PARAGRAPH (2) BELOW. UPON APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT, AN ADJUSTED ORDER SHALL BE SENT TO THE PARTIES WHO, IF THEY OBJECT TO THE COST OF LIVING ADJUSTMENT, SHALL HAVE THIRTY-FIVE (35) DAYS FROM THE DATE OF MAILING TO SUBMIT A WRITTEN OBJECTION TO THE COURT INDICATED ON SUCH ADJUSTED ORDER. UPON RECEIPT OF SUCH WRITTEN OBJECTION, THE COURT SHALL SCHEDULE A HEARING AT WHICH THE PARTIES MAY BE PRESENT TO OFFER EVIDENCE WHICH THE COURT WILL CONSIDER IN ADJUSTING THE CHILD SUPPORT ORDER IN ACCORDANCE WITH THE CHILD SUPPORT STANDARDS ACT.

(2) A RECIPIENT OF FAMILY ASSISTANCE SHALL HAVE THE CHILD SUPPORT ORDER REVIEWED AND ADJUSTED AT THE

DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER SUCH ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED WITHOUT FURTHER APPLICATION OF ANY PARTY. ALL PARTIES WILL RECEIVE NOTICE OF ADJUSTMENT FINDINGS.

(3) WHERE ANY PARTY FAILS TO PROVIDE, AND UPDATE UPON ANY CHANGE, THE SUPPORT COLLECTION UNIT WITH A CURRENT ADDRESS, AS REQUIRED BY SECTION FOUR HUNDRED FORTY-THREE OF THE FAMILY COURT ACT, TO WHICH AN ADJUSTED ORDER CAN BE SENT, THE SUPPORT OBLIGATION AMOUNT CONTAINED THEREIN SHALL BECOME DUE AND OWING ON THE DATE THE FIRST PAYMENT IS DUE UNDER THE TERMS OF THE ORDER OF SUPPORT WHICH WAS REVIEWED AND ADJUSTED OCCURRING ON OR AFTER THE EFFECTIVE DATE OF THE ORDER, REGARDLESS OF WHETHER OR NOT THE PARTY HAS RECEIVED A COPY OF THE ADJUSTED ORDER.

SCREEN TITLE
ASCU - COLA REVIEW & ADJUSTMENT TABLE

1	12345678901234567890123456789012345678901234567890123456789012345678901	>IVDINC	COLA ADJUSTMENT TABLE	09/10/98 11:49:10	1
2			AS OF 00/00/0000		2
3		CONSUMER PRICE INDEX - URBAN	PERCENTAGE OF CHANGE FROM PREVIOUS YEAR		3
4		YEAR PERCENTAGE	YEAR PERCENTAGE	YEAR PERCENTAGE	4
5		1996 02.6 %	1995 02.8 %	1996 03.0 %	5
6		1997 02.3 %			6
7					7
8					8
9					9
10					10
11					11
12					12
13					13
14					14
15					15
16					16
17					17
18					18
19					19
20					20
21		ADD NEW YEAR CPI-U	_____ %		21
22		KEY _____	PAGE 01 OF 01	XNT/PASSOFF -> ___ <--	22
23					23
24	12345678901234567890123456789012345678901234567890123456789012345678901				24