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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 94 LCM-98

Date: August 17, 1994

Division: Economic Security

TO: Local District Commissioners

SUBJECT: New York State Child Support Standards Act: Evaluation
Report

ATTACHMENTS: "New York State Child Support Standards Act Evaluation
Project Report 1993" - (Not Available On-Line)

The purpose of this LCM is to transmit a copy of the "New York State Child Support Standards Act Evaluation Project Report 1993". This Report is in response to requirements of both Social Services Law Section 111-b 10 and the federal Family Support Act of 1988 which require the review of the Child Support Standards Act (CSSA) at least once every four years to ensure that its application results in the determination of appropriate child support award amounts.

The CSSA provides guidelines concerning the minimum amount of child support that should be ordered by the courts. The guideline amounts are a rebuttable presumption; deviations are expected to be limited in number, carefully documented, and justified with written reasons. The evaluation addressed two main questions:

- o Are the courts consistently applying the guidelines as written in the law?
- o If the courts applied the guidelines as written, would they provide an adequate amount of child support?

The study found that in a significant percent of the cases examined, the courts did not follow the procedures required by the CSSA, and were not ordering the amounts of child support called for in the guidelines. Concerning the question of adequacy, the study found that except for one type of family situation examined (zero income custodial parents and non-custodial parents with very low income), the guidelines are adequate if properly implemented.

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The Report has been shared with the Office of Court Administration and we have been assured that the court system will take steps immediately to address the concerns raised.

Please convey my thanks to your child support enforcement program staff without whose cooperation this Report could not have been completed.

Finally, please share this LCM with your Child Support Enforcement Coordinator, who may contact his/her OCSE County Representative at 1-800-342-3012 with any questions which arise.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Economic Security