

**HELPFUL INFORMATION  
TO PREPARE YOU FOR YOUR  
ORDER TO SHOW CAUSE  
(OTSC) HEARING**



**Questions**

*Q: What if I need an interpreter at my hearing?*

*A: If you have not previously requested an interpreter through the FOC office, please notify the FOC staff immediately upon check-in of your need for an interpreter.*

*Q: I received a payment directly from the payer. How can I give credit for that?*

*A: Please submit a letter to the FOC to request the credit. Your letter must be signed, dated, and include a copy of your signed, photo ID, or it must be notarized.*

*Q: If a payment is made, how long will it be before the recipient of support receives payment?*

*A: If a payment is made at the hearing, the payment will be processed later in the day and the payment could be sent out as soon as two to three days. If payment is made at the jail, it could take up to two weeks to receive the payments.*

*Q: What about my backpack/purse/coat, etc?*

*A: Once a person is taken into custody, the person and their property are removed from the courtroom and placed in a holding location to wait transfer to the correctional facility. Therefore, any important items (such as car/house keys) should be given to a family member or friend prior to the hearing.*

*Q: I am a minor or am incapacitated and the person I came with has been incarcerated. What do I do?*

*A: Minors and incapacitated individuals will be directed to the Information Desk on the first floor to gain assistance.*

*FOC staff strongly discourages payers from having minors or incapacitated individuals accompany them to the courthouse. Minors are not allowed in the courtroom, and should the payer be incarcerated, the minor (or incapacitated person) will be left unattended.*

*Q: What happens if the payer of support does not appear for their hearing?*

*A: Generally, a warrant for their arrest will be requested and a suspension of any licenses (driver, occupational, recreational) will be processed. Also available is a "Request for a Felony Warrant for Non-support" questionnaire for custodial parents to complete. This will be reviewed by the case manager for possible submittal to the State Attorney General (AG) for prosecution.*

*Q: I am a recipient of support. Do I have to appear at the OTSC hearing?*

*A: Recipients of support are not required to appear unless the petition order them to the hearing. However, recipients of support may want to appear to show support for the actions of the FOC, and to provide additional information to the judge. Recipients may also want to appear simply to observe the process, and not provide information or make any remarks to the court.*

## What to Expect

### **At the courthouse:**

Everyone must pass through metal detectors upon entering the building. Pocket knives and other sharp items may be held until you leave the building.

Kent County Sheriff's Deputies, in both uniform and plain clothes, are present throughout the building and are there for everyone's protection.

If you have your notice to appear, refer to that document to locate the floor number and courtroom. If you are not sure where to go, please ask at the Information Desk located on the first floor.

When you arrive at the assigned floor, please sign in at the Friend of the Court table and then have a seat outside the courtroom and listen for your name to be called. If you hear the other party called, but not your name, please come forward and identify yourself at that time.

A caseworker will meet with you, and the other party if they are present, and review the case information. Payment will be discussed, and an agreement (stipulation) may be entered with the court.

If an agreement cannot be reached, the assigned judge will hear the case.

### **If your case is heard by the judge:**

*Note: No hats, food, drinks or minor children are allowed in the courtroom. All court proceeding are recorded by the court reporter, so all parties must speak clearly and avoid using hand or head gestures to answer questions.*

Payer of support: If you have your own attorney, he/she will represent you in the matter. If you do not have your own attorney and are unemployed or indigent, and because there is the possibility of your incarceration, a court-appointed attorney may represent you and prior to your hearing you will have a chance to speak with him/her.

Recipient of support: If you have your own attorney, he/she will represent you. If you do not have your own attorney, one will NOT be appointed to represent you.

Once in front of the judge, the FOC representative will provide information and each party, along with their attorney, will have an opportunity to address the court. After hearing all sides, the judge will then make their decision. If a payer is found in contempt of court (willfully disobeying the court order), they may be ordered to serve up to 45 days in the Kent County jail for the first occurrence and up to 90 days for subsequent occurrences.

If a payer is ordered to jail forthwith, they will be escorted by a deputy to a holding cell and later transferred to the jail, if they are not paid out at the hearing.

### **After the hearing:**

If a stipulated order is signed, it will become a court order.

If a payer is incarcerated at the hearing, the FOC will make every effort to monitor the case for release and to ensure payments commence.

If the payer of support was referred to our Non-Custodial Parent's Program (NCPP), they will be scheduled for the next available orientation date, normally within 30 days. If the payer was incarcerated and referred to the program following release, their enrollment will begin usually within 30 days of release.

If a support review was requested and/or ordered as a result of the hearing, a referral will be given to the Support Review department at FOC. Information request packets will be mailed to the parties and the parties' employers. The average completion time for a support review is 3 to 4 months.