

Central Case Registry

CS 200.3

**SUPERSEDES**

CS 200.3, Central Case Registry, October 1, 1998

**REFERENCES**

MCA §§ 40-5-901, 906 through 910, and 921

**Policy**

**Central Case Registry**

The CSED maintains a central case registry (CCR) of all child support cases in the following categories:

- 1) IV-D (CSED) cases
- 2) Cases in which a support order is entered or modified by a Montana district court after October 1, 1998.

Cases with support orders entered or modified by a Montana tribal court after October 1, 1998, may also be included in the CCR at the option of the tribe.

Note that the CCR, created in 1998, is different from, and should not be confused with, the CSED's central registry of incoming interstate cases, created in 1989 and maintained by the Interstate unit.

**Registration**

The CSED establishes cases in the CCR by "registering" the following cases and support orders:

- 1) IV-D cases
- 2) Support or modification orders entered in Montana after October 1, 1998
- 3) Orders or actions affecting a support order in (1) or (2) above.

To register a case the CSED must enter the data listed in the **case information** box on the following page. To register a support order the CSED must enter both the case information data and the data listed in the **order information** box.

**Data Collection**

The information required for registration of a court order in the CCR is created and transmitted to the CSED as follows:

1. The district court enters a support order or order affecting a support order.
2. The parties to the order complete a form designed by the CSED to capture the prescribed information; the parties submit the form to the clerk of court.
3. The clerk of court enters the information from the form in the Judicial Case Management System (JCMS).
4. The information is transmitted to SEARCHS via the SEARCHS-JCMS interface.
5. The clerk of court receives and enters in JCMS any updates provided by the parties.
6. (Optional) The tribal court submits a tribal support order to the CCR by mailing the completed form to the CSED for manual entry.

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#### Case Information for Central Case Registry

- For each parent the name, sex, social security number, other identifying numbers, telephone number, and residential and mailing addresses.
- For each child the name, date of birth, sex, social security number, if any, and residential address if different from that of the child's custodian.
- For the obligee (if different from the child's parent) the person or entity's name and location.
- For the obligor the name, address, and telephone number of the employer or other payor of income.
- For each child covered by a health insurance plan the name of the carrier or plan, the policy identification number, names of persons covered, and other coverage information.
- For each child not covered by a health insurance plan information as to the availability of coverage for the child through the obligor's and obligee's employers.

#### Order Information for Central Case Registry

- Payments—amount of support payment for each child; amount of spousal support if applicable.
- Dates—dates payment is due; inclusive dates of the support obligation.
- Conditions—terms of any conditions that may affect payment amounts, due dates, or support obligation.
- Arrears—subsequent judgments for arrears; amounts of any interest, late payment penalties, and fees included in the judgment.
- Liens—support liens filed by the CSED against property of the obligor.
- Health insurance coverage—terms of provisions for coverage.
- Case location—name and county of the judicial district, or the name and address of the agency, where the record of the case is kept; the cause number or case identification number.

#### Central Case Registry Unit

When information on a court order is received by SEARCHS, the CSED Central Case Registry Unit (CCRU) resolves the information by either updating an existing CCR case, or opening a new CCR case. Non-IV-D cases in the CCR are assigned to Region 90. The CCRU also processes updates to parties' information received through JCMS in non-IV-D cases.

#### Payment Processing Unit

The CSED maintains a central payment processing unit for the following payments:

- 1) Payments in IV-D cases
- 2) Payments under immediate income withholding orders issued by Montana district courts after January 1, 1994.

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State law requires that all payments in (1) and (2) above be made through the CSED. The CSED must process, distribute, and maintain complete records for these payments, including the date and amount of each payment, the date the CSED distributed the payment, and the name of the payee. In IV-D cases “payments” include collections of support from all sources, not just income withholding; records in IV-D cases must include the balance of support owed by the obligor.

The central payment processing unit is an expanded function of the CSED Technical Accounting and Payment Processing Unit (TAPP).

Note that in non-IV-D cases the CSED is not required to process payments from sources other than immediate income withholding, nor is the CSED required to maintain the balance of support owed in these cases.

#### Additional Income Withholding Requirements

In order to satisfy the statutory requirement for central payment processing the CSED also opens SEARCHS cases in Region 90 for immediate income withholding orders issued by the district court after January 1, 1994, for which there is no existing CCR case. These cases are not considered CCR cases, and the only information maintained on them is the information needed to execute the order (provided by the clerk of court) and the records maintained by the central payment processing unit. Only those cases for which income withholding payments are actually received are maintained by central payment processing.

#### Lien Directory

The CSED is required to maintain in the CCR a directory of child support liens filed by the CSED. The purpose of locating the lien directory in the CCR is to make lien information available to **creditors** and others through automated systems. The CSED’s lien registry is maintained by the Office of the Administrative Law Judge; see sections CS 507.1 through CS 507.5 for specific procedures on creating and registering liens.

#### Terminology

The following terminology is used to distinguish among the types of child support cases subject to the procedures in this section:

- **IV-D case**--a case in which CSED services are being provided. IV-D cases are those designated on the SEARCHS CAS screen as AFDC, NAFDC, IV-E FC, NAFDC FC, or MED SUPP ENF ONLY.
- **CCR case**--a IV-D case, or, a case involving a Montana support or modification order entered after October 1, 1998.
- **Region 90 case**--a non-IV-D case involving either (1) a Montana support or modification order entered after October 1, 1998 (a CCR case), or (2) an income withholding order issued by a Montana court after January 1, 1994, where (1) does not apply (a non-CCR case). Region 90 cases are those designated on the SEARCHS CAS screen as NON IV-D CCR or NON IV-D CC IW ONLY.

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Procedure Contents

The PROCEDURES in the remainder of this section are divided into the following seven parts (individuals or units with responsibilities in each part are shown in parentheses):

- I. COURT PROCESSING (district court, parties to the court action, clerk of court, tribal court)
- II. REGISTRATION/INTAKE (CSED Central Case Registry Unit [CCRU], regional caseworker, SEARCHS)
- III. PAYMENT PROCESSING AND DISTRIBUTION Technical Accounting and Payment Processing (TAPP)
- IV. CERTIFICATION OF RECORDS (regional caseworker, CCRU)
- V. REGIONAL CASE MANAGEMENT (regional caseworker)
- VI. CASE CLOSURE (regional caseworker, CCRU)
- VII. FEDERAL CASE REGISTRY (SEARCHS, Federal Case Registry, regional caseworker)

PROCEDURES

I. COURT PROCESSING

*District Court*

- 1. In a case involving entry or modification of a child support or immediate income withholding order, includes in the order the special provisions in step I-1a or I-1b below:
  - a. Support order provisions (summarized):
    - i. The obligor and obligee must update, as necessary, the information contained in the reporting form described in step I-2 below.
    - ii. In a subsequent child support enforcement action, due process requirements are satisfied upon delivery of the notice by regular mail to the address listed with the CSED Central Case Registry (CCR).
    - iii. If the obligor is excluded from paying support through income withholding, and support later becomes payable to the CSED or through income withholding, then support payments must be made to the CSED, and payments not made to the CSED do not constitute payment of support.
  - b. An immediate income withholding order must direct the payor to make payments through the CSED.

*Parties to the Action*

- 2. Upon action by the district court in i. or ii. Below, complete the Montana State Case Registry and Vital Statistics Reporting Form (reporting form), and deliver the completed form to the clerk of court.
  - i. Entry or modification of a support order.
  - ii. Action adjusting, terminating, granting relief from, or otherwise affecting a support order in a case registered with the CSED Central Case Registry, or in which the CSED has filed a notice of IV-D services.

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*Clerk of Court*

3. Upon receipt of a completed reporting form, docket the decree, judgment, or order resulting from the court action and, within 5 working days, electronically transmits the information contained in the reporting form to the CSED, via the Judicial Case Management System (JCMS).
4. Sends to the CSED a copy of an immediate income withholding order issued by the district court during the period January 2, 1994 through October 1, 1998, if payments are being received.

Sends to the CSED a copy of an immediate income withholding order issued by the district court after October 1, 1998 regardless of whether payments are being received; the copy must be sent within 5 working days after the withholding order is issued.

*Parties to the Action*

5. Inform the clerk of court when information listed on the reporting form changes.

*Clerk of Court*

6. Upon receipt of updated information in step I-5., transmits the information to the CSED via JCMS.

*Tribal Court*

7. Upon entering an order establishing, modifying, or otherwise affecting a support obligation, at the option of the tribe completes and mails to the CSED the form required in step I-2.

PROCEDURES

II. REGISTRATION/INTAKE

*CSED Central Case Registry Unit (CCRU)*

1. Upon receiving information from the clerk of court in step I-3 or I-4 above, or from the tribal court in step I-7, resolves the case by checking the SEARCHS data base for an existing SEARCHS case. If found, proceeds to step II-3; if not, proceeds as follows:
  - a. For each support order or order affecting a support order, opens a SEARCHS CCR case in Region 90, using the information received from the clerk of court or from the tribal court. Processes the appropriate screens (CAS, SOD, and others) to capture the information and to designate the CCR status.
  - b. For each immediate income withholding order, opens a SEARCHS non-CCR case in Region 90, using information contained in or accompanying the order, or received through the JCMS interface. Information maintained on SEARCHS for the non-CCR case is generally limited to the names and social security numbers of the obligor and obligee, the name of the employer, and the amount to be withheld.

Note that these cases are different from "direct income withholding" cases in Region 95, in which an income withholding order issued in another state is sent directly to a Montana employer, who may then pay the CSED.

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**NOTE OF CLARIFICATION: STEPS 2 AND 3 BELOW** both address case opening situations where there is a pre-existing SEARCHS case, but the incoming case is a different “type” (IV-D, CCR/non-IV-D, non-CCR). The responsibility for resolving the situation lies with the receiver of the incoming case-- either the regional caseworker in step 2, or the CCRU in step 3.

*Regional Caseworker*

2. In the course of opening or reopening a regional IV-D intrastate or interstate case on SEARCHS, determines whether there is an existing Region 90 case involving the same participants.
  - a. If so, proceeds as follows:
    - i. If the case is a CCR (Region 90) case, **requests the CCRU** (1) close any Region 90 accounts and (2) transfer the Region 90 case to the appropriate region. Once the case is transferred by the CCRU, ensures CAS is updated as necessary to show the case is now a IV-D case, and opens the appropriate new accounts. (The CSED must build new, IV-D accounts for former Region 90 cases because SEARCHS does not calculate or maintain the balance of support owed in Region 90 cases.)
    - ii. If the case is not a CCR case (that is, it is based on an income withholding order only), **requests the CCRU** (1) close any Region 90 accounts, and (2) close the Region 90 case. Once the Region 90 case is closed by the CCRU, opens the appropriate new accounts for the IV-D case, and proceeds as in II-2b below, incorporating the income withholding information as appropriate.
  - b. If not, proceeds to open a IV-D case; ensures the CAS screen shows the case is registered (open) in the CCR.

*CCRU*

3. For each court order received in step II-1 for which an existing SEARCHS case is found (IV-D or non-IV-D, CCR or non-CCR), proceeds in step II-3a, 3b, or 3c below.
  - a. If the existing SEARCHS case is a IV-D case, updates CAS, SOD, and other SEARCHS screens as appropriate; sends a tickler to the regional caseworker re: receipt of the court order.
  - b. If the existing SEARCHS case is a CCR non-IV-D case, updates CAS, SOD, and other SEARCHS screens as appropriate.
  - c. If the existing SEARCHS case is a non-CCR case, and the order received is
    - a support order, closes the non-CCR case and opens a CCR case. Enters a case note referencing the closed non-CCR case for purposes of payment record certification (see step IV-1).
    - an immediate income withholding order, updates the non-CCR case as appropriate.

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*SEARCHS*

4. For each immediate income withholding order received from the clerk of court in a non-IV-D case, generates a letter to the employer, the obligor, and the obligee explaining that any payments under the income withholding order must now be sent to the CSED. Generation of this letter is an automatic system function, triggered when the CCRU enters information about the withholding order in step II-1b, II-3b, or II-3c.
5. Upon receiving updated information sent by the clerk of court in step I-6, sends a tickler directly to the SEARCHS case owner--either CCRU or the regional caseworker.

*CCRU*

6. Upon receiving a tickler sent in step II-5 indicating updated information about the parties, resolves the information and updates the Region 90 case on SEARCHS as appropriate.

PROCEDURES

III. PAYMENT PROCESSING AND DISTRIBUTION

*CSED Technical Accounting and Payment Processing Unit (TAPP)*

1. Operates a central payment processing unit that receives, distributes, adjusts, and maintains records of payments in IV-D and Region 90 cases. (Does not create or maintain records of payments made before October 1, 1998, in Region 90 cases. Also, does not assess handling fees in Region 90 cases.)
2. Upon receipt of a payment in a IV-D or Region 90 case, distributes the payment (applies it to the appropriate participant) within two (2) business days after receiving the payment. (Note that "distribution" is not the same as "disbursement." In cases where a payment is distributed to the family (vs. the state), the state warrant actually disbursing the money is mailed at least one business day after the distribution date.)

*SEARCHS*

3. In situations where the obligor owes support in both a IV-D case and a Region 90 case (CCR or non-CCR), distributes income withholding payments as follows:  
  
FIRST, to current support in both cases, distributed proportionately with respect to the support amounts.  
  
SECOND, to arrears in the IV-D case, up to the income withholding DBD amount.  
  
THIRD, to arrears in the Region 90 case. (Note that since there is no arrears balance maintained for Region 90 cases, any amount remaining after satisfying the DBD in the IV-D case will be paid to the Region 90 obligee.)

PROCEDURES

IV. CERTIFICATION OF RECORDS

*Regional Caseworker or CCRU*

1. Upon request, generates payment records or makes copies of payment-related supporting documents maintained in the IV-D case or the non-IV-D income withholding case.
2. Certifies each payment record or document copy as follows (certifying signatures should be written in non-black ink):
  - a. For a payment record, signs the certification block contained in the generated document.
  - b. For a copy of a supporting document, stamps the document with the Department of Public Health and Human Services certification stamp, and signs and dates the stamped copy. For purposes of these procedures the “original” document on file with the CSED may be a facsimile copy of a court document, or a print-out of an optically scanned document.

V. REGIONAL CASE MANAGEMENT

*Regional Caseworker*

1. In an existing IV-D case, upon receiving a tickler sent in step II-3 or II-5 indicating new information has been received from the clerk of court, proceeds as follows:
  - a. If the tickler indicates a support or modification order has been entered by the district or tribal court, checks the case file for a copy of the order; if none is found, obtains a copy from the court.

Resolves the information received: updates the participant and case information on SEARCHS, takes appropriate action in the case, and proceeds with special actions in steps V-2 through V-4 as applicable.
  - b. If the tickler indicates an immediate income withholding order has been issued by the district court, proceeds to step V-5.
  - c. If the tickler indicates updated information about the parties has been received from the clerk of court, proceeds to step V-6.
2. If the CSED is in the process of establishing or modifying a paternity or support order, consults with the staff attorney to continue, adjust, or terminate the CSED process as appropriate. If the CSED will enforce the court order, proceeds in steps V-2a and V-2b below.
  - a. Checks to see if the court order or any CSED order still in effect contains the deemed service of process warning described in step I-1a(2). If so, updates SOD accordingly. If not, **at the caseworker’s option** works with the CSED staff attorney to prepare and send to the obligee and obligor a notice containing the warning (see MCA 40-5-907(7)); if proper service is obtained, updates SOD, indicating the warning is in effect pursuant to a subsequent notice.

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- b. If the court order excludes the obligor from paying support through income withholding, checks to see if the order directs payment of support to the CSED. If not, under authority of MCA 40-5-909(3) and where appropriate prepares and sends to the obligor and obligee form CS-503.4A, Notification to Obligor, directing the obligor to send payments to the CSED.
3. If the CSED is enforcing a temporary support order, follows the procedures in section CS 401.4, Establishment of Temporary Support Obligation, to begin enforcement of the court order; also proceeds in steps V-2a and V-2b as applicable.
4. If the CSED is enforcing a non-temporary support order other than the court order, consults with the staff attorney to resolve the situation. If the CSED will enforce the court order (because it modifies the support order the CSED is enforcing, or is determined to be the controlling order), takes appropriate actions to adjust enforcement. Adjustments may involve SEARCHS accounts, medical support enforcement, income withholding, participant status, or other areas. Also proceeds in steps V-2a and V-2b as applicable.
5. In an enforcement case, upon receiving a tickler sent in step II-3 indicating the court has issued an immediate income withholding order, proceeds in steps V-5a and V-5b below.
  - a. Works with the CSED staff attorney to issue a Notice of Supersession under MCA 40-5-315(5). The notice should include the following provisions:
    - 1) The CSED has the authority to supersede the court's income deduction order under MCA 40-5-202, 40-5-315, 40-5-402(6), and 40-5-909(5)(b).
    - 2) The CSED income withholding order issued on [date] against the income of [obligor] supersedes the court's order of [date] against the same income.
    - 3) Until the CSED terminates its order (a) the employer must make payments to the CSED, and (b) the CSED's order may not be superseded by any subsequent order of a court or other agency.

If a CSED income withholding order is in place and no modification to the withholding order is needed, attaches a copy of the existing CSED withholding order to the notice. If there is no CSED income withholding order in place or the existing CSED withholding order should be modified, prepares a CSED withholding order (form Fed-IW) for current support and any previously noticed support debt, and attaches the withholding order to the notice. Sends the Notice of Supersession to the employer, with a copy to the court, and enters a SEARCHS case note for the notice.

#### NOTE:

**Discretionary Process.** This step assumes it is always beneficial to supersede the court's order in a IV-D case; it simplifies the process for the employer, and increases the enforcement potential by allowing for arrears collection and, if necessary, contempt action. In unusual cases, however, the CSED may wish to allow the court-issued withholding to remain in place, and the procedures in this step would not be required.

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- b. In unusual cases, if the employer is making payments to a payee other than the CSED, and the CSED has elected not to supersede the court's order (or the supersession process will take some time), determines whether it is advantageous at this time to redirect payments. If so, works with the staff attorney to prepare and send to the employer an order signed by the appropriate CSED official redirecting payments to the CSED, pursuant to MCA 40-5-909(5). (The CSED's order supersedes the existing non-CSED order, and cannot be superseded by any subsequent non-CSED order.)
6. Upon receiving a tickler sent in step II-5 indicating updated information about the parties, resolves the information and updates SEARCHS as appropriate.

PROCEDURES

VI. CASE CLOSURE

*Regional Caseworker*

1. Upon closing a IV-D case, checks to see if the case should remain open in Region 90 (a support order was issued or modified in Montana on or after October 1, 1998). If so, updates the CAS screen, and electronically transfers the case to Region 90, retaining the physical file. (The CCRU will be notified automatically with the transfer. CAS will show the physical file located with the CSED regional office.)

Upon being contacted by the obligee for relief in a case where the CSED superseded a court order for income withholding, then terminated withholding upon closure of the IV-D case, explains the obligee may ask the court to restore income deduction under Title 40 Chapter 5, Part 3.

*CCRU*

2. In a Region 90 case, closes the case on SEARCHS upon receiving information in a
  - CCR case that the underlying support order has been vacated by the court or is no longer in effect.
  - non-CCR case that the immediate income withholding order has been terminated.
  - non-CCR case that a CCR case for the same participants has opened (steps II-2a and II-3c).

VII. FEDERAL CASE REGISTRY

*SEARCHS*

1. Daily transmits CCR information to the Federal Case Registry (FCR).
  - a. Transmits all CCR case changes. "Changes" include CCR case openings or reopenings, updates to existing CCR cases, and CCR case closures that have occurred since the last transmission. The following information is transmitted for each case:
    - i. Names, social security numbers, aliases, and dates of birth of the parties
    - ii. A domestic violence indicator for any party whose whereabouts should not be disclosed
    - iii. The IV-D/non-IV-D status of the case

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- iv. Whether there is a support order in the case
- b. In the daily transmission also identifies all participants in CCR cases for whom locate services from the Federal Parent Locator Service (FPLS) are requested. (These participants are identified according to certain SEARCHS parameters.)

Note that transmissions to the FCR do not include Region 90 cases opened on the basis of an income withholding order alone.

*Federal Case Registry (FCR)*

2. Upon receiving a state's central case registry transmission, updates the FCR data base and performs matching and notification functions in steps VII-2a through VII-2d below.
  - a. Identifies any cases or participants submitted by the central case registry of more than one state.
  - b. Performs "proactive matching" for the expanded FPLS by automatically comparing all non-child participants in FCR cases to information in the National Directory of New Hires (NDNH). (The NDNH contains W-4, quarterly wage, and unemployment insurance information submitted by all states.)
  - c. For participants in FCR cases for whom regular ("external") FPLS locate services were requested, in addition to the matches performed in step VII-2b above, matches participant information against data bases maintained by various federal agencies, including the Department of Defense/Office of Personnel Management; the FBI; the IRS; the Social Security Administration; and the Veterans' Administration.
  - d. Except as noted below, daily notifies each state of any FCR, NDNH, or FPLS matches found involving the state's IV-D cases or participants, and provides appropriate information from the data bases; also notifies the state of any updates to previous match information.

EXCEPTION: If a domestic violence indicator is associated with a participant in an FCR case, the FCR is prohibited from providing any information about that participant.

*SEARCHS*

3. Upon receiving notification of an FCR match involving a IV-D case or participant, updated information on a previous FCR match, NDNH information on a IV-D participant, FPLS data base information on a IV-D participant, or an FCR domestic violence indicator for a IV-D participant, processes the information through the applicable system edits to delete duplicate information, or to divert redundant or non-urgent information. For each FCR, NDNH, or FPLS match surviving the edits, sends a tickler to the regional caseworker.

Example of an applicable system edit in this step is the "paying obligor" edit, which prevents incoming information on an obligor in a paying case from creating a tickler, but allows the information to update the SEARCHS case.

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*Regional Caseworker*

4. Upon receiving a tickler sent in step VII-3 above proceeds as follows:
  - a. If the tickler indicates there is a case in the FCR with the same participants as the IV-D case, researches the other state's case via CSENet transaction (if available), by telephone, or in writing, and takes any action appropriate to resolve the IV-D case.
  - b. If the tickler indicates there is FCR, NDNH, or FPLS information (including updates) for a IV-D participant, processes the information on SEARCHS and takes any action indicated in the IV-D case (follows locate leads, enforces on new assets, etc.).
  - c. If the tickler indicates there is an FCR domestic violence indicator for a IV-D participant, immediately sets the domestic violence indicator for that participant on SEARCHS, and manually removes the participant's information from any CSED actions currently in progress.