

GENERAL CASE MANAGEMENT

Federal Standards for CSSD Program Operation

CS 200

SUPERSEDES

CS 200 Federal Standards for CSSD Program Operations, August 23, 2017

REFERENCES

42 U.S.C. § 653a (g), 666 (a) (19); 45 CFR 302.32, Part 303, 308.2(c) (3) (iv)

POLICY

The standards listed below only address federal program standards. Additional requirements imposed by state law or CSSD policy may also apply to certain case actions.

INTAKE

- ❑ Send an application within 5 working days of written or telephone request. Immediately upon an in-person request. [45 CFR 303.2 (a)(2)]
- ❑ 20 calendar days to open and establish case record. Determine next action. [45 CFR 303.2 (b)].
10 working days to open and establish case record upon receipt of an intergovernmental referral. [45 CFR 303.7(b)(2)]

LOCATE

- ❑ Within 75 calendar days of determining that location is necessary, access all appropriate location sources. [45 CFR 303.3 (b)(3)]
- ❑ Quarterly automated checks, or immediately upon receipt of new information. [45 CFR 303.3(b)(5)]
- ❑ **Location requirements are considered part of PATERNITY AND SUPPORT ORDER ESTABLISHMENT, ORDER MODIFICATION, ORDER ENFORCEMENT, INCOME WITHHOLDING, AND MEDICAL SUPPORT services.**

PATERNITY AND SUPPORT ORDER ESTABLISHMENT

- ❑ Establish order or complete service within 90 calendar days of locate to establish a support order and, if necessary, paternity. [45 CFR 303.4(d)]
- ❑ After obtaining service, action to establish the support order, regardless of whether paternity is also being established, must be completed in the following timeframes: [45 CFR 303.101(b)(2)(i)(iii)]
 - 75% in 6 months (or in 12 months if using long arm)
 - 90% in 12 months

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ORDER MODIFICATION

- ❑ Within 180 calendar days of receiving a request for review or locating the non-requesting parent, whichever occurs later:
 - Conduct the support order review. [45 CFR 303.8(e)]
 - Adjust appropriate orders or make a final determination that there will be no adjustment. [45 CFR 303.8(3)]
- ❑ Notify parents of their right to request a review and, if appropriate, adjust the order at least once every 3 years. [45 CFR 303.8(b)(6)]
- ❑ If there is an assignment of Title IV-A, review and if it is appropriate, adjust the order where it has **been 3 years since establishment or most recent review.** [45 CFR 303.8(b)(1)]

ENFORCEMENT

(Other than Income Withholding and Tax offset)

Take any appropriate enforcement action (except income withholding and Federal and State income tax offset) unless service of process is necessary, within no more than 30 calendar days of identifying a delinquency or other support related noncompliance with the order or the locate of the non-custodial parent, whichever occurs later. [45 CFR 303.6 (c)(2)]

- ❑ If service of process is necessary prior to taking an enforcement action, service must be completed (or unsuccessful attempts documented), and enforcement action taken if process is served, within no later than 60 calendar days of identifying a delinquency or other support-related noncompliance with the order, or the location of the non-custodial parent, whichever occurs later. [45 CFR 303.6(c)(2)]

Note:

Appropriate enforcement action may include support liens, credit bureau reporting, license suspension, and writ of execution.

TAX OFFSET

- ❑ Submit once a year all cases, which meet certification requirements for state and federal, offset. [45 CFR 303.72, 303.102, 303.6(c)(3)]

Note:

Cases received from an intergovernmental IV-D agency are not submitted. [45 CFR 303.7(c)(8)]

INCOME WITHHOLDING

The below timeframes assume that the obligor has a payor of income (employer, unemployment, etc.).

- ❑ Support obligation must be collected through income withholding. [45 CFR 303.100(a)]

Initiated Withholding:

- ❑ Initiate income withholding upon identifying a delinquency equal to one month's support. [45 CFR 303.100(c)]
- ❑ Issue Order to Withhold Income within 15 calendar days of identifying a delinquency or locating employer address. [45 CFR 303.100(e)(3)]
- ❑ Issue Order to Withhold Income within 2 business days of new hire match or notice of an income source subject to withholding from a court, another state, employer or FPLS. [45 CFR 303.100(e)(3)]

Immediate Withholding:

- ❑ Issue Order to Withhold Income within 15 calendar days of receipt of the support order or locating the employer's address. [45 CFR 303.100(e)(2)]
- ❑ Issue Order to Withhold Income within 2 business days of new hire match or notice of an income source subject to withholding from a court, another state, employer or FPLS. [45 CFR 308.2(c)(3)(iv); 42 USC 653a(g)]

Employer Responsibilities:

- ❑ Employer must implement withholding and pay the amount to the State within 7 business days after the date the income would have been paid and report the date on which the amount was withheld from the obligor's wages. [45 CFR 303.100(e)(1)(ix); 45 CFR 303.100(e)(1)(ii)]

MEDICAL SUPPORT

- ❑ New/Modified orders must include a health insurance provision, which requires the Obligor to purchase insurance if available at reasonable cost. [45 CFR 303.31(b)(1)]
- ❑ Take appropriate action to enforce the health insurance provision of a support order if reasonable coverage is available. [45 CFR 303.31(c) & 45 CFR 303.32]
- ❑ Notify Medicaid agency of coverage information if obtained. [45 CFR 303.31(5)]
- ❑ Provide the custodial parent with coverage information if obtained. [45 CFR 303.31(c)]
- ❑ Enforce health insurance obligation through issuance of Order to Enroll on obligor's employer. [45 CFR 303.32(c)(1)]
- ❑ Issue Order to Enroll within 2 business days of new hire match. [45 CFR 303.32(c)(2)]
- ❑ Transfer notice of the health care provision to a new employer if the NCP is ordered to provide coverage and changes employment and the new employer provides coverage. [42 USC 666(a)(19)]
- ❑ Promptly notify employer when the IV-D agency is no longer enforcing a current medical support obligation. [45 CFR 303.32(7)]

- ❑ Promptly select from available plan options in consultation with the custodial parent when there is more than one option. [45CFR 303.32(8)]

Employer Responsibilities:

- ❑ Employer must transfer the Order to Enroll to the group health plan within 20 business days after date of the Order to Enroll. [45 CFR 303.32(c)(3)]
- ❑ Employer must withhold any employee contributions for the coverage and send directly to the group health plan. [45 CFR 303.32(c)(4)]
- ❑ Employer/Plan Administrator must respond to the Order to Enroll within 40 business days.
- ❑ Employer must notify the IV-D agency when the obligated parents' employment is terminated. [45CFR 303.32(c)(6)]

INTERGOVERNMENTAL REQUIREMENTS

General Requirements:

These apply when acting as either an Initiating or Responding State:

- ❑ Use federally approved forms in intergovernmental IV–D cases, unless a country has provided alternative forms. [45 CFR 303.7(a)(4)]
- ❑ Transmit and request information electronically to the greatest extent possible. [45 CFR 303.7(a)(5)]
- ❑ Provide additional information including any order or payment record information within 30 working days of receiving a request by a State IV-D agency for a controlling order determination and reconciliation of arrearages, or notify the state IV-D agency when the information will be provided. [45 CFR 303.7(a)(6)]
- ❑ Inform the other agency of new case information within 10 working days. [45 CFR 303.7(a)(7)]
- ❑ Cooperate with requests for the following limited services: Quick locate, service of process, assistance with discovery, assistance with genetic testing, teleconferenced hearings, administrative reviews, copies of court orders and payment records. Requests for other limited services may be honored at the State's option. [45 CFR 303.7(a)(8)]

Central Registry Services:

- ❑ Within 10 working days of receipt of an intergovernmental IV–D case, the central registry must: [45 CFR 303.7(b)(2)(i)(ii)(iii)(iv)]
 - Review the documentation submitted with the case to determine completeness.
 - Forward the case to the appropriate region and if necessary request locate services.
 - Acknowledge receipt of the case and request any missing documentation.
 - Inform the initiating agency where the case was sent for action.
- ❑ If the documentation received with a case is incomplete and cannot be remedied by the central registry without the assistance of the initiating agency, the central registry must forward the case for any action that can be taken pending necessary action by the initiating agency. [45 CFR 303.7(b)(3)]
- ❑ Respond to inquiries from initiating agencies within 5 working days of receipt of the request for a case status review. [45 CFR 303.7(b)(4)]

Initiating State:

- ❑ Determine whether or not there is a support order or orders in effect in a case using the Federal and State Case Registries, State records, information provided by the recipient of services, and other relevant information available to the State; [45 CFR 303.7(c)(1)]
- ❑ Determine in which State a determination of the controlling order and reconciliation of arrearages may be made where multiple orders exist. [45 CFR 303.7(c)(2)]
- ❑ Determine whether the noncustodial parent is in another jurisdiction and whether it is appropriate to use its one-state remedies to establish paternity and establish, modify, and enforce a support order, including medical support and income withholding; [45 CFR 303.7(c)(3)]
- ❑ Within 20 calendar days of locating Obligor in responding state, and, if appropriate, receipt of necessary information needed to process the case, issue referral to the appropriate intergovernmental agency. [45 CFR 303.7(c)(4)]
- ❑ Provide any necessary documentation and intergovernmental forms required by the responding agency. [45 CFR 303.7(c)(5)]
- ❑ Within 30 calendar days of receipt of the request for information, provide the responding agency with an updated intergovernmental form and any necessary additional documentation, or notify the responding agency of when the information will be provided. [45 CFR 303.7(c)(6)]
- ❑ *Notify the responding agency at least annually, and at the request in an individual case, of interest charges, if any, owed on overdue support. [45 CFR 303.7(c)(7)]

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- ❑ *Montana does not accrue interest on its cases
- ❑ Submit all past-due support owed in IV–D cases that meet the certification requirements for Federal tax refund offset. [45 CFR 303.7(c)(8)]
- ❑ Send request for review within 20 calendar days of determining review request should be sent to the other state and receipt of necessary information. [45 CFR 303.7(c)(9)]
- ❑ Within 10 working days of case closure, notify the responding agency that the initiating State IV–D agency has closed its case, and the basis for case closure. [45 CFR 303.7(c)(11)]
- ❑ Instruct the responding agency to close its interstate case and to stop any withholding order or notice the responding agency has sent to an employer before transmitting a withholding order or notice to the same or another employer unless the two States reach an alternative agreement on how to proceed. [45 CFR 303.7(c)(12)]
- ❑ Make a diligent effort to locate the custodial parent and if the initiating agency closed its case and did not notify the responding agency to close its case, distribute and disburse any payment received from a responding agency. [45 CFR 303.7(c)(13)]

Responding State:

- ❑ Within 75 calendar days of receipt of an intergovernmental form from its central registry: [45 CFR 303.7(d)(2)(i), (ii), (iii)]
 - Provide location services if the request is for location services or the form or documentation does not include adequate location information on the noncustodial parent.
 - If unable to proceed with the case because of inadequate documentation, notify the initiating agency of the necessary additions or corrections to the form or documentation.
 - If the documentation received with a case is incomplete and cannot be remedied without the assistance of the initiating agency, process the case to the extent possible pending necessary action by the initiating agency
- ❑ Inform the initiating state within 10 working days of locating the Obligor outside of Montana. [45 CFR 303.7(d)(3)]
- ❑ If the request is for a determination of controlling order: [45 CFR 303.7(d)(5)(i)(ii)]
- ❑ File the controlling order determination request with the appropriate tribunal in its State within 30 calendar days of receipt of the request or location of the noncustodial parent, whichever occurs later.

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- ❑ Notify the initiating State agency, the Controlling Order State and any State where a support order in the case was issued or registered, of the controlling order determination and any reconciled arrearages within 30 calendar days of receipt of the determination from the tribunal.
- ❑ Provide any necessary services just as it would in an intrastate case. [45 CFR 303.7(d)(6)(i)(ii)(iii)(iv)(v)(vi)]
- ❑ Provide timely notice to the initiating agency in advance of any hearing before a tribunal that may result in establishment or adjustment of an order. [45 CFR 303.7(d)(7)]
- ❑ Identify any fees or costs deducted from support payments when forwarding payments to the initiating agency. [45 CFR 303.7(d)(8)]
- ❑ Within 10 working days of receipt of instructions for case closure from an initiating State agency stop the responding State's income withholding order or notice and close the intergovernmental IV–D case, unless the two States reach an alternative agreement on how to proceed. [45 CFR 303.7(d)(9)]
- ❑ Notify the initiating agency when a case is closed pursuant to 45 CFR §§303.11(b)(12) through (14). [45 CFR 303.7(d)(10)]
- ❑ Pay the costs it incurred in processing intergovernmental IV–D cases, including the costs of genetic testing. If paternity is established, the responding agency, may seek a judgment for the costs of testing from the alleged father who denied paternity. [45 CFR 303.7(e)(1)]

DISTRIBUTION

- ❑ Disburse payment within 2 business days after receipt in the State Disbursement Unit. [45 CFR 302.32]
- ❑ Send collections to IV-E within 15 business days of the end of the month of the date of initial receipt.
- ❑ Disburse federal tax offset collections within 30 calendar days of the date of initial receipt.
- ❑ Disbursement of an offset made to satisfy non-IV-A past-due support from a refund based on a joint return, may be delayed up to six months from notification of offset. [45 CFR 303.72(h)(5)]