SUMMARY OF CHANGES
Update 2010-06

CHAPTER NO.	SUMMARY OF CHANGES
Chapter 15	Section J, Voluntary Statements of Paternity, removed the statement to generate a worklist item to request a birth certificate and/or Acknowledgment of Paternity. Added the reasons to request a copy of an Acknowledgement of Paternity and/or birth certificate from Vital Records for the case file and other agencies. Removed the language referring to generating a worklist to Home Office for search requests in the OVR & HS database and added the information on accessing the EBQS Web Application.
Chapter 17	Section D, Requirements for Public Assistance Cases, added language to make it clear that for MAOP cases, if health care coverage is not available at reasonable cost, an order should be entered to that effect, and the order should allocate unreimbursed medical expenses between the parties according to their incomes.
Chapter 23A	Section C, Suspension of Drivers' Licenses, revised the instructions for service of the Notice of Intent to Suspend Driver's License by noting that APECS will automatically update the Method of Service Field with the Code "M" indicating mailing, using a date of service that allows three days for the mailing. Also provided instructions for obtaining a new address and attempting new service if original document is returned for having an undeliverable address.

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GLOSSARY OF ABBREVIATIONS/ PROGRAM TERMS **(10-01-2008)**

A. DCSE Abbreviations **(10-01-2008)**

AAG Assistant Attorney General

ACCT Account

ACCTG Accounting

ACF Administration for Children and Families

ACH Automated Clearing House

ACK
(NA) Acknowledge See AOP.

ACKMT
(NA) Acknowledgment See AOP.

ACSES
(N/A) Automated Child Support Enforcement System. The non-TANF System before APECS.

ADAPT Application Benefit Delivery Automation Project

ADCU Aid to Dependent Children with Unemployed Parents. APECS uses this code. See TANF-UP.

ADD
INFO Additional Information

ADH Administrative Disqualification Hearing

ADJ Adjust or Adjustment

ADMIN Administration or Administrative

ADM ORD
(N/A) Administrative Support Order See ASO

AEI Automated Administrative Enforcement of Interstate Cases

AFDC (N/A)	Aid To Families with Dependent Children See TANF
AFDC /FC	Aid to Families with Dependent Children in Foster Care
AFDC-UP (N/A)	Aid to Families with Dependent Children with an Unemployed Parent Effective February 1, 1997 TANFU replaces this code. See TANF-UP.
AFF	Affidavit
AG	Attorney General
AGMT	Agreement
AKA	Also Known As or Alias or Maiden Name
ALOC	Allocate
AMT	Amount
ANNL	Annual
AOA	Affidavit of Arrears
AOP	Acknowledgment of Paternity
AP (N/A)	Absent Parent Refer to NCP.
APA	Administrative Process Act; Auditor of Public Accounts
APECS	Automated Program to Enforce Child Support
APPT	Appointment
APWA	American Public Welfare Association
A/R	Annual Review
ARP	Treasury's Account Reconcilement Plan

ARR	Arrears
ARRN	Non-TANF Arrears Only
ARRP	TANF Arrears Only
ASAP	As Soon As Possible
ASO	Administrative Support Order
AT	Action Transmittal
ATTY	Attorney
AU	Assistance Unit
B1	Disregard Payment
B2	Payment to reimburse the current month TANF or AFDC/FC grant
B3	Current support payment in excess of the disregard payment and the current month grant.
B4	Arrears payment to reimburse prior months TANF or AFDC/FC grants.
B5	Arrears payments that exceed the amount of unreimbursed TANF or AFDC/FC grants.
BAL	Balance
BIMO	Bi-monthly
BIWK	Bi-weekly
B/T (N/A)	Blood Testing Refer to genetic testing.
BOE	Board of Elections
BUR	Bureau
CA	Child Abuse

C/A	Client or Applicant
C&A	Current and Arrears
CAA	Community Action Agencies
CACA	Cooperative Agreement Commonwealth's Attorney
CANC	Cancel or Canceled
CANIS	Child Abuse/Neglect Information System
CAPP	Commonwealth Accounting Policies and Procedures
CB	Credit Bureau - Refer to CRA
CCA	Consumer Credit Agencies
CCDF	Child Care and Development Fund
CDL	Commercial Drivers License
CEJ	Continuing Exclusive Jurisdiction
CERT	Certified
CERT MAIL	Certified Mail
CFR	Code of Federal Regulations
CHLD	Child
CHRG	Charge
CIR	Circuit
CIR CRT	Circuit Court
CITY ATTY	City Attorney

CK	Check
CLK	Clerk
CNST	Computer Network System Technicians
CNT	Consent Order
CNTY	County
CNTY ATTY	County Attorney
CO	Central Office (see HO-Home Office)
C/O	In Care Of
COB	Close of Business
COLL	Case in Collection APECS used this code.
COM ATTY	Commonwealth Attorney
CONT	Continued
CORR	Corrections
COV	Commonwealth of Virginia
CP	Custodial Parent or Person
CPMT	Community Police and Management Team
CPS	Child Protective Services
CR	Credit
CRA	Consumer Reporting Agency
CRT	Court
CRT	

ORD Court Order

CS Customer Service or Customer Services

CSA Comprehensive Services Act

CSE Child Support Enforcement

CSENet Child Support Enforcement Network

CSU Customer Services Unit

CSUP Current Support APECS used this code.

CSU/HQ Central Office Customer Services Unit

CTK Caretaker

CTY City

CWEP Community Work Experience Placement

DA District Attorney

DAP Diversionary Assistance Program

DC Deposit Certificate/Dear Colleague Letter

DCSE Division of Child Support Enforcement

DD Date of Death

DELQ Case Delinquent APECS used this code.

DEPT Department

DHP Department of Health Professions

DHHS (Federal) Department of Health and Human Services

DHRM (State) Department of Human Resource Management (formerly DPT)

DISB Disburse or Disbursement

DIST Distribution or Distribute

DIST OFC
(N/A) District Office See D.O.

DIT Department of Information Technology

DIV Division

DLIC Driver's License
DM District Manager

DMAS Department of Medical Assistance Services

DMV Department of Motor Vehicles

DNA Genetic Testing

DO District Office

DOA Department of Accounts

DOB Date of Birth

DOC Department of Corrections

DOD Department of Defense

DOT Virginia Department of Treasury

DPB Department of Planning and Budget

DPT See DHRM

DPW Department of Public Welfare

DSS Department of Social Services

DTS Debt to State

DV	Domestic Violence
DWOP	Dismissed Without Prejudice
EBQS	Electronic Birth Query System
EDD	Economic Development Districts
EDI	Electronic Data Interchange
EFF	Effective
EFT	Electronic Funds Transfer
EI	Early Intervention
EIN	(State) Employer Identification Number
EMPL	Employer
EMPLT	Employment
ENF	Enforcement
ERISA	Employee Retirement Income Security Act
ESP	Employment Services Program
EST	Establishment
ESTA	Establish Administrative Support Order
ESTJ	Establish Judicial Order
EVS	Enumeration and Verification System
EW	Eligibility Worker
EXT	Extension
FACT	Family and Children's Trust Fund

FAD Frequency Amount Due

FAPT Family Assessment and Planning Team

FC Foster Care

FCR Federal Case Registry (of child support orders)

FED Federal

FEDCTR Federal Central Office - An abbreviation used before the FIPS code in the Interstate Roster & Referral Guide to identify the type of office.

FEDREG Federal Regional Office - An abbreviation used before the FIPS code in the Interstate Roster & Referral Guide to identify the type of office.

FENA Federal Enforcement Action- Denotes federal tax offset process.

FEP Full Employment Program

FF Fieri Facias

FFCCSOA
Full Faith and Credit for Support Orders Act

FFY Federal Fiscal Year

FIN Federal Employer Identification Number

FIN OPS Financial Operations

FIN STAT.
Financial Statement

FIPS Federal Information Processing Standard - A FIPS code may have seven (7) digits. The first two (2) are the state code. The next three (3) digits are the local code. The last two (2) digits are the sublocal code for large jurisdictions.

FIND Find or Found

FMS Federal Financial Management Service

FOIA	Freedom of Information Act
FPLS	Federal Parent Locator Service
FR	Fiscal Record
FCR	Federal Case Registry
FRE	Frequency
FSA	Family Support Act
FS	Food Stamp Program
F/T	Full time
FTA	Failure to Appear
FTAX	Federal Tax
FUEL	Fuel Assistance Program
FVI	Family Violence Indicator
FY	Fiscal Year
FYI	For Your Information
GIF	Game and Inland Fisheries
G.M.I.	Gross Monthly Income
GOVT	Government
GPRA	Government Performance and Results Act
G/T	Genetic Testing
H.C.	Health Care Coverage
H.H.	Hold Harmless Payment

HHS Federal Department of Health and Human Services

HHR Virginia Secretariat of Health and Human Resources

H.A. Human Leukocyte Antigens Refer to Genetic Testing.

HO Home Office

HQ Headquarters-refers to Home Office.

ID NO Identification Number

ID# Identification Number

IDEC Interstate Data Exchange Consortium

IEVS Income Eligibility Verification System

ILA International Long Shoreman's Association

INCR Increase

INFO Information

INIT Case in Intake

INS Immigration and Naturalization Service

INSUR Insurance

INTCA International Collection Agency An abbreviation used before the FIPS code in the Interstate Roster & Referral Guide to identify the type of office.

IPD Court Immediate Payroll Deduction

IPV TANF Intentional Program Violation.

IRS Internal Revenue Service

IV-A Title IV-A of the Social Security Act is the part of federal law covering Aid to Families with Dependent Children (Now TANF). Local departments of social services or the Division of Benefit Programs are considered IV-A offices.

IVAB	Public Assistance Payments Record in APECS
IV-D	Title IV-D of the Social Security Act is the part of federal law covering the Support Enforcement Program. The Division of Child Support Enforcement is considered IV-D.
IV-D to IV-D	A case in which the NCP and child(ren) live in one state and the NCP lives in another state or his income source is in another state and the state where the NCP lives sends an Interstate Child Support Enforcement Transmittal to the central registry in another state for assistance
IV-D #	Unique Identifier for a IV-D Case
IV-E	Title IV-E of the Social Security Act is the part of federal law covering the AFDC Foster Care program. The AFDC Foster Care Program operates out of a local department of social services.
IWE	Immediate Withholding of Earnings
J&DR	Juvenile and Domestic Relations
JDRDC	Juvenile and Domestic Relations District Court
JLARC	Joint Legislative Audit Review Committee
JTPA	Job Training Partnership Act
JUD	Judicial
LDSS	Local Department of Social Services
LES	Leave and Earnings Statement
LKA	Last Known Address
LKE	Last Known Employer
LMTC	Left Message to Call
LOC	Locate

LOCO	Locate Only
LOCCOL	Local Collection Agency An abbreviation used before the FIPS code in the Interstate Roster & Referral Guide to identify the type of office.
LOCRES	Local Responding Agency An abbreviation used before the FIPS code in the Interstate Roster & Referral Guide to identify the type of office.
LOCT	Case in Locate
LTR	Letter
LWA	Local Welfare Agency
MAOF	Medicaid Assistance Only Full Services
MAOP	Medicaid Assistance Only Partial Services
MED	Medical
MEDCD	Medicaid
MIL	Military
MNCP	Multiple Noncustodial Parents
MNTH	Month
MOD	Modification
MPD	Court Mandatory Payroll Deduction
MPI	Master Participant Index
MPI#	Unique APECS Identifier for a Participant
MRP (N/A)	Multiple Responsible Persons Refer to MNCP.
MSFIDM	Multistate Financial Institution Data Match

MSU	Management Services Unit
MTA	Motion to Amend
MTG	Meeting
MWE	Administrative Mandatory Withholding of Earnings
N&F (N/A)	Notice and Finding of Financial Responsibility
NADC	Non or Not Aid to Families with Dependent Children Refer to non-TANF. APECS uses this code.
NAFDC (N/A)	Non or Not Aid to Families with Children Refer to non-TANF
NAWRS	National Association for Welfare Research and Statistics
NCCUSL	National Conference of Commissioners on Uniform State Laws
NCP	Noncustodial Parent
NCSEA	National Child Support Enforcement Association
NDNH	National Directory of New Hires
NFD	Not Found
NH	New Hire
NIVD	Non-IV-D
NLT	No Later Than
NLETS	National Law Enforcement Telecommunications System
NOA	Notification of Action
Non-AFDC N/A	Custodial Parent (CP) and Children Not Receiving TANF or AFDC/FC
Non-IV-E	

/FC Foster Care Services for Children That Do Not Qualify for AFDC/FC

Non-PA CP is not receiving public assistance.

Non-TANF
Custodial Parent (CP) and Children Not Recipients of Temporary Assistance for Needy Families.

NTANF Same as Non-TANF

NP Notary Public

NPA Nonpublic Assistance Refer to non-PA.

NPAA Nonpublic Assistance Arrears

NPRC National Personnel Record Center

NR No Record

NRC Nonresident Customer

NSF Nonsufficient Funds

NSP Non-Support Petition

OBLIG Obligation

OBSCIS Offender Based State Correctional Informational System

OCSE Federal Office of Child Support Enforcement

OD Order to Deliver

OFC Office

OLIC Occupational License

OMB Federal Office of Management and Budget

ONWI Order/Notice to Withhold Income for Child Support

OOS	Out-of-State
ORD	Order
OV	Office Visit
OVR &HS	Office of Vital Records and Health Statistics
OW	Order to Withhold
PA	Public Assistance
PAD	Period Amount Due
PAT	Establish Paternity
PATA	Administrative Paternity
PATJ	Judicial Paternity
PAT R&R	Paternity Rights and Responsibility
PD	Paid
PEM	Program Evaluation and Monitoring
PF	Putative Father
P.L.	Public Law
PLS	State or Federal Parent Locator Services
PM	Postmaster
PML	Postmaster Letter
PMT/ AGMT	Payment Agreement
PO	Post Office

POB	Place of Birth
POE	Place of Employment
POL	Policy
POR	Place of Residence
PROB	Probation
PROC	Procedures
PROG SPEC	Program Specialist
PRWORA	Personal Responsibility and Work Opportunity Reconciliation Act of 1996
PSOC	Project Save Our Children
P-SSN (N/A)	Pseudo Social Security Number
P/T	Part Time
PYMT	Payment
QTLY	Quarterly
QTR	Quarter
R&A	Review and Adjustment
RAD	Regional Administrator
RCPT	Receipt
RE	Regarding
RECIP (N/A)	Recipient

RECOUP	Recoupment
REGS	Regulations
REPL	Replacement
REQ	Request
RES	Residence
REV	Review
REVK	Revoke(d)
RFP	Request for Proposal
RLSE	Release
RO	Regional Office
RP (N/A)	Responsible Parent Refer to NCP.
RPS	Regional Program Specialist
RT	Route
RURESA	Revised Uniform Reciprocal Enforcement of Support Act
S-ANNL	Semi-Annual
S/C	Show Cause
SCHD	Scheduled
SCR	State Case Registry
S/CNSL	Special Counsel
SDNH	State Directory of New Hires
SDX	State Data Exchange

SES	Support Enforcement Specialist or State Employment Security Agencies
SESA	State Employment Security Agencies
SES,SR	Support Enforcement Specialist Senior
SFY	State Fiscal Year
SHHR	Secretary of Health and Human Resources
SLFC	State and Local Foster Care Refer to non-IV-E Foster Care. APECS uses this code.
S-MNTH	Semi-Monthly
S0M	Start of Month
SPLS	State Parent Locator Service
SS	Selective Service
SSA	Social Security Administration or Social Security Act
SSAMS	Social Services Automated Management System
SSI	Supplemental Security Income
SSN	Social Security Number
ST	State or Street
STACRG	State Central Registry-An abbreviation used before the FIPS code in the Interstate Roster & Referral Guide to identify the type of office.
STAIVD	State IV-D Agency An abbreviation used before the FIPS code in the Interstate Roster & Referral Guide to identify the type of office.
STAR	System to Automate Recovery Automated Collection System used by G. C. Services (obsolete)
STARS	State Tax Accounting and Reporting System

STASPL State Parent Locator Service-An abbreviation used before the FIPS code in the Interstate Roster & Referral Guide to identify the type of office.

STATOC State Tax Offset Program-An abbreviation used before the FIPS code in the Interstate Roster & Referral Guide to identify the type of office.

STTX Virginia State Tax

SUPE Support Enforcement Public Assistance Computer System AFDC Computer System before APECS

SUPT Support

SUPV Supervisor

SUSP Suspend or Suspended

SVES State Verification and Exchange System

SYS System

TANF Temporary Assistance for Needy Families

TANF-UP Temporary Assistance for Needy Families-Unemployed Parent

TAX Department of Taxation

TC Telephone Call

TANF Temporary Assistance for Needy Families

TANF-FC
Temporary Assistance for Needy Families/Foster Care

TANF-UP
Temporary Assistance for Needy Families/Unemployed Parent

TERM Terminated

TOP Federal Treasure Offset Program

TVR

(N/A)	Transaction Validation Report A report generated by SUPE.
UC	Unemployment Compensation
UCFE	Unemployment Compensation for Federal Employees
UCX	Unemployment Claim for Servicemen
UIB	Unemployment Insurance Benefit
UIFSA	Uniform Interstate Family Support Act
UIP	Unidentified Payer
UL	Unable to Locate
UNEMPL	Unemployment
UPDT	Update(d)
URESA	Uniform Reciprocal Enforcement Support Act
UR	Undistributed Receipts
URPA	Unreimbursed Public Assistance
U.S.C.	United States Code
USDA	United States Department of Agriculture
VA	Virginia
VA ADM	Veterans Administration
VAC	Virginia Administrative Code
VACCIS	Virginia Automated Comprehensive Correctional Information System
VACIS	Virginia Client Information System The IV-A and IV-E Automated System
VAP	Virginia Power

VDOT	Virginia Department of Transportation
VEC	Virginia Employment Commission
VEC-UC	Virginia Employment Commission Unemployment Compensation
VER	Verified or Version
VIB	Virginia Industries for the Blind
VIEW	Virginia Initiative for Employment not Welfare
VIP	Virginia Independence Program (Welfare Reform)
VIP Letter	A letter addressed to the Commissioner, Secretary, or Governor, who requests that a letter be prepared for their signature.
VM	Voice Mail
VOL	Voluntary
W/	With
WAIVER	Waiver of Service
W/IN	With-in or Walk-in
WKLY	Weekly
W/L	Worklist
W/O	Without
WRKR	Worker
WRKR COMP	Workman Compensation
XFER	Transfer
XREF	Cross Reference

YR Year

YRLY Yearly

(5-1-97)(8-1-97)(1-1-01)(9-1-01)(5-1-04)(4-1-06)(10-1-06)(1-1-07)(10-1-08)

B. District Abbreviations (01-01-1996)

AO Abingdon

ALX Alexandria

ARL Arlington

CO Charlottesville

CHE Chesapeake

L1 Danville

EO Eastern Shore

F0 Fairfax

C1 Fredericksburg

D1 Henrico

H0 Hampton

L0 Lynchburg

F1 Manassas

K0 Norfolk

N0 Newport News

P0 Petersburg

B1 Portsmouth

D0 Richmond

R0 Roanoke
P1 Suffolk

B0 Virginia Beach

C2 Verona

F2 Winchester

(01-01-1996)

C. Two Letter State and Possession Abbreviations (01-01-1996)

AL Alabama

AK Alaska

AZ Arizona

AR Arkansas

AS American Samoa

CA California

CO Colorado

CT Connecticut

DE Delaware

DC District of Columbia

FL Florida

FM Federated States of Micronesia

GA Georgia

GU	Guam
HI	Hawaii
ID	Idaho
IL	Illinois
IN	Indiana
IA	Iowa
KS	Kansas
KY	Kentucky
LA	Louisiana
ME	Maine
MH	Marshall Islands
MD	Maryland
MA	Massachusetts
MI	Michigan
MN	Minnesota
MS	Mississippi
MO	Missouri
MT	Montana
NE	Nebraska
NV	Nevada
NH	New Hampshire
NJ	New Jersey

NM	New Mexico
NY	New York
NC	North Carolina
ND	North Dakota
MP	Northern Mariana Islands
OH	Ohio
OK	Oklahoma
OR	Oregon
PW	Palau
PA	Pennsylvania
PR	Puerto Rico
RI	Rhode Island
SC	South Carolina
SD	South Dakota
TN	Tennessee
TX	Texas
UT	Utah
VT	Vermont
VA	Virginia
VI	Virgin Islands
WA	Washington

WV West Virginia

WI Wisconsin

WY Wyoming

(01-1-96)

D. Program Terms **(10-01-2008)**

Acknowledged Father — The biological father of a child born out of wedlock who signs a written acknowledgment of paternity under an oath

Accrual — Sum of child support payments that are due or overdue

Accrued Arrears — Arrears that are not specified in a court or administrative order, but which accrue due to nonpayment of support. Accrued arrears are fully enforceable and automatically become a judgment on the date that the unpaid support is due

Action Transmittal — Document sent out as needed, which instructs State child support programs on the actions they must take to comply with new and amended Federal laws. Has basis in Federal law and regulation.

Adjudicated Arrears — The amount of arrears reduced to a judgment or specified in a court or administrative order

Adjudication — The entry of a judgment, decree, or order by a judge or other decision-maker such as a master, referee, or hearing officer based on the evidence submitted by the parties.

Adjustment — An upward or downward change in a child support order based on the child support guideline and/or to add a provision for the health care needs of the child through health insurance or other means

Administration for Children and Families (ACF) — The agency in the Department of Health and Human Services (DHHS) that houses the Office of Child Support Enforcement (OCSE).

Administrative Disqualification Hearing — An impartial review by a hearing officer of an individual's actions involving an alleged TANF intentional program violation

Administrative Enforcement — Collection actions the Division uses without requesting a court hearing These actions include, but are not limited to, withholding of earnings, liens, orders to withhold and deliver, foreclosure, and distraint, seizure, and sale of property.

Administrative Hearing — A formal hearing conducted by a hearing officer that gives the NCP an opportunity to contest actions taken by the Division

Administrative Order — Refer to Administrative Support Order (ASO).

Administrative Process — A quasi-judicial system established by the Code of Virginia to establish and enforce child support orders

Administrative Review — An informal meeting to evaluate case information when a noncustodial parent (NCP) contests a federal tax intercept, arrears reported to consumer reporting agencies, or a Comptroller's Vendor Debt Set-Off

Administrative Support Order — A noncourt ordered legally enforceable support obligation based on the income of the NCP and custodial parent (CP) as applied to the guideline The ASO has the same force and effect as a court order; however, it does not supersede a court order.

Aid to Families with Dependent Children (N/A) — A former entitlement program that made public assistance payments on behalf of children who did not have the financial support of one of their parents by reason of death, disability, or continued absence from the home; Replaced with Temporary Assistance to Needy Families (TANF).

Allocation — The process of dividing an NCP's payment among all cases for which s(he) is ordered to pay support

APECS — Automated Program to Enforce Child Support

Arrearage — Past due, unpaid child support owed by the non-custodial parent (NCP). If the parent has arrearages, s/he is said to be "in arrears."

Assignment of Earnings — A voluntary wage assignment

Assignment of Support Rights — The legal procedure by which a person receiving public assistance agrees to turn over to the state any right to child support, including arrearages, paid by the non-custodial parent in exchange for receipt of a cash assistance grant and other benefits. States can then use a portion of said child support to defray or recoup the public assistance expenditure.

Assistance — A money payment from the Department for TANF, AFDC/FC, and non-IV-E Foster Care customers

Assistance Unit — The grouping of the eligible the child(ren) and the needy parent or other caretaker relative in a public assistance household

Authorization to Establish or Enforce a Support Obligation — A signed statement giving the Division of Child Support Enforcement the authority to establish or enforce support for a dependent child(ren) or a spouse and dependent child(ren) or for a person deemed to have submitted an application by operation of law Previously this authorization was signed separately from the application for services. Currently the Application for Child Support Services includes the statement.

Automated Adminstrative Enforcement of Interstate Cases (AEI)

Provision in the Personal Responsibility and work Opportunity Reconciliation Act (PRWORA) giving States ability to locate and seize financial assets of delinquent obligor across State lines.

B-1 Payment The first **$100** of a payment on a support order The **$100** is distributed to the family. IV-A disregards the payment in determining the amount of the grant. A disregard is limited to $**100** per month no matter how many NCPs pay support.

B-2 Distribution The portion of the current support payment that is not distributed as a B-1 payment and that does not exceed the grant for the month This amount is disbursed to the state and federal governments to reimburse their shares of the grant paid for the current month.

B-3 Payment The portion of the current support payment not distributed as B-1 or B-2 payments The money is paid to the CP to make up the difference between the grant for the month and the current support for the month.

B-4 Distribution The portion of the support payment not used in B-1, B-2, and B-3 processing This is distributed to the Commonwealth and the federal government to reimburse their shares of arrears for past public assistance paid.

B-5 Payment The portion of the support payment not used in B-1, B-2, B-3, and B-4 processing This payment is disbursed to the CP in the month after the month the support payment was used to calculate whether the individuals were still eligibility for a TANF payment.

Business Day

Any day that is not a Saturday, Sunday, legal holiday or other day on which state offices are closed

Caretaker A parent, relative, or guardian who has physical custody of a child. The person's needs may be included with the child's in a TANF grant.

Case A collection of people associated with a particular child support order, court hearing and/or request for IV-D services. This typically includes a custodial parent (CP), a dependent(s), and a Noncustodial parent (NCP) and or/Putative Father (PF). Every child support case has a unique Case ID number and, in

addition to names and identifying information about its members, includes information such as CP and NCP wage data, court order details, and NCP payment history.

Case ID — Unique identification number assigned to a case.

Case Initiation
First step in the child support enforcement process

Case Law — Law established by the history of judicial decisions in cases.

Case Review — The analysis of information and actions took on a case to verify that the information and actions are correct

Central Registry — A unit within the Division that receives, and distributes incoming and outgoing interstate cases The Unit is also responsible for processing incoming interstate IV-D cases, including URESA and UIFSA petitions, non-IV-D cases, and requests for IV-D wage withholdings.

Certification — A means of collecting arrears from NCPs The Division submits NCPs' names to the Internal Revenue Service (IRS) and/or to the Virginia Department of Taxation to intercept tax refunds due NCPs.

Child — An individual over or under the age of majority who is or is alleged to be owed support by his or her parents or who is or is alleged to be the beneficiary of a support order directed to the parent.

Child Support
Financial support paid by a parent to help support a child or children of whom they do not have custody. Child support can be entered into voluntarily or ordered by a court or a properly empowered administrative agency, depending on each State's laws.

Child Support Enforcement Network (CSENet)
State-to-State telecommunications network which transfers detailed information between states' automated child support enforcement systems.

Child Support Order — A legal obligation to pay support for a child, including a child who has attained the age of majority, under the law of the issuing state

Child Support Services — Administrative, civil, or criminal actions taken by the Division of Child Support Enforcement to establish, modify, enforce, or collect child support or child and spousal support

Client — A term often used to refer to the recipient of a TANF grant or IV-D services

Commissioner — The head of the Virginia Department of Social Services, his designee or authorized representative

Companion Case — Cases that have multiple NCPs for a single CP or cases that have multiple CPs for a single NCP

CONNECT: Direct (C:D) — Computer network maintained by the Social Security Administration that moves large volumes of data from State agencies and the National Directory of New Hires (NDNH) and the Federal Case Registry (FCR). Formally known as Network Data Mover (NDM).

Consent Agreement — Voluntary written admission of paternity or responsibility for child support

Consumer Credit Protection Act — Law that limits the amount that may be withheld from earnings to satisfy child support obligations. States are allowed to set their own limits provided they do not exceed the Federal limit.

Continuing Exclusive Jurisdiction — A legal principle that provides that a tribunal that has jurisdiction over a person or matter does not lose that jurisdiction while certain facts remain the same Another tribunal may not take jurisdiction away from the original tribunal, unless all parties consent or none of the parties continue to live in the area that has jurisdiction.

Cooperation	The CP providing, under a penalty of perjury, for each NCP or putative father named, the first and last names of the individual, and additional information sufficient to verify the identity of the individual. In addition, appearing at a Division office or at the office of the local department of social services, when requested to provide verbal or written information, appearing at court or administrative hearings, appearing for scheduled genetic test appointment, and turning over to the Division any support received directly from the NCP or putative father.
Court Order	A judgment or order of a court having jurisdiction to issue the order
Custodial Parent	The natural or adoptive parent or stepparent with whom the child lives, or a person who has physical custody of the child and with whom the child lives, or a Virginia agency that has custody of a child
Customer	A person receiving child support enforcement services
Date of Collection	The date an employer withholds wages for child support or the date the Division receives a payment from an individual
Debt	The total unpaid support obligation an NCP owes based on an order or the payment of public assistance The NCP may owe the amount to the Commonwealth or his dependent(s). Refer to arrears.
Deficiency Amount	The total needs of a TANF recipient (at 90%), minus any countable income Sometimes, the deficiency amount may be greater than the actual grant amount, due to a maximum allowable payment level.
Department	The Virginia Department of Social Services
Dependent Child	An individual less than 18 years old or a full time high school student less than 19 years old who meets the eligibility criteria for TANF and for whom the CP assigns support rights to the Commonwealth or for whom the Division receives an application for services

Director — The head of the Virginia Division of Child Support Enforcement

Direct Income Withholding — A procedure, whereby an income withholding order can be sent directly to the noncustodial parent's (NCP's) employer in another State, without the need to use the IV-D Agency or court system in the NCP's State.

Disburse — To issue a payment

Disbursement — The paying out of collected child support funds

Disposable Income — That portion of Income due and payable to an individual, remaining after the deduction of amounts required by law to be withheld.

District Office — A local Division of Child Support Enforcement Office These offices are responsible for the day to day operation of the IV-D program.

Distribute — To move a transaction to another account

Distribution — The allocation of child support collected to the various types of debt within a child support case ie., monthly support obligations, arrears ordered arrears, etc.

Division — The Division of Child Support Enforcement

Due Diligence — For purposes of unclaimed property includes mailing a letter, check, etc. to the payee by first class mail

Duty of Support — An obligation charged or chargeable by law to provide support for a child, spouse, or former spouse, including an unsatisfied order to provide support

EBQS — An electronic birth query system which allows Birth Registrars to enter birth information into its data base. This data base is maintain and owned by Vital Records.

Effective Date
The date that an action or order starts

Electronic Data Interchange (EDI)
Process by which information regarding an Electronic Funds Transfer transaction is transmitted electronically along with the EFT funds transfer.

Electronic Funds Transfer (EFT)
Process by which money is transmitted electronically from one bank account to another.

Emancipate A court ruling that releases a child from parental care and responsibility

Emergency Criteria Established by a 1986 consent order It defines situations where a Division of Child Support Enforcement customer has an emergency, requiring action by the Division, including the issuance of an emergency support check.

Employee Any individual receiving income

Employer The source of any income

Employment Services Program An employment program for individuals who receive TANF

Enforcement The use of state and federal laws by administrative agencies or courts to collect support and compel NCPs to comply with the terms of child or spousal support orders

Entrustment Commitment of the child to the local board or welfare agency. Legal custody is transferred to the board or agency.

Enumeration and Verification System (EVS)

System used to verify and correct Social Security Numbers (SSNs) and identify multiple SSNs, of participants in child support cases. Operated by the Social Security Admin.

Establishment
The process of proving paternity and/or obtaining a court or administrative order to put a child support obligation in place.

Exceptional Circumstances
The NCP exhibits indications of overriding, long-term physiological, mental, or economic hardship that appears to materially affect the NCP's ability to earn income or otherwise provide the minimum amount of support.

Expedited Process
Written procedures to expeditiously establish and enforce child and spousal supports The procedures have the same force and effect as those established through judicial procedures.

Family Support Act
Law passed in 1988, with two major mandates: Immediate Wage Withholding, unless courts find that there is a good cause not to require such withholding, or there is a written agreement between both partes requiring an alternative agreement; and Guidelines for Child Support Award Amounts which requires states to use guidelines to determine the amount of support for each family, unless they are rebutted by a written finding that applying the guidelines would be inappropriate to the case.

Family Violence (FV) Indicator
A designation that resides in the Federal Case Registry (FCR) placed on a participant in a case or order by a State that indicates a person is associated with child abuse or domestic violence. It is used to prevent disclosure of the location of a custodial party and/or a child believed by the State to be at risk of family violence.

Federal Parent Locator Service (FPLS)
A computerized national location network operated by the Federal Office of Child Support (OCSE) of the Administration for Children and Families (ACF), within the Department of Health and Human Services (DHHS). This service helps states in searching for and finding NCPs.

Federal Case Registry (FCR)
: A national database of information on individuals in all IV-D cases, and all non IV-D orders entered or modified on or after October 1, 1998.

Federal Tax Refund Offset Program
: Program that collects past due child support amounts from noncustodial parents through the interception of their Federal income tax refund, or an administrative payment, such as Federal retirement benefits.

Federal Information Processing Standard (FIPS) Code
: A unique five-digit code that identifies the child support jurisdiction, (i.e. States, counties, central state registries).

Federal Tax Refund Offset Program
: Program that collects past due child support amounts from non-custodial parents through the interception of their Federal income tax refund, or an administrative payment, such as Federal retirement benefits.

Filing Date
: The date that a petition is filed with a court

Financial Institution
: A depository entity, an entity affiliated party, any federal credit union, state credit union, any benefit association, insurance company, safe deposit company, money market mutual fund or similar entity authorized to do business in the Commonwealth

Financial Institution Account
: A demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money market mutual fund account maintained in this Commonwealth

Financial Records — Financial Records include, but are not limited to, records held by employers showing earnings, profit sharing contributions, benefits paid or payable to the individual, and records held by financial institutions, broker-dealers and other institutions and entities showing bank accounts, IRA and separate contributions, gross winnings, dividends, interest, distributive share, stocks, bonds, agricultural subsidies, royalties, prizes and awards held for or due and payable to an NCP.

Financial Statement — A sworn statement showing the financial situation of the NCP or the CP The Code of Virginia authorizes the Division to request a statement annually. Failure to comply with the requirements of the Code section describing the financial statement is a Class 4 misdemeanor.

Foreclosure — A judicial procedure that forces sale of the real or personal property of the NCP to collect arrears

Foster Care — A Federal-State program which provides financial support to a person, family, or institution that is raising a child or children that are not their own.

Full Employment Program — Replaces TANF and food stamp benefits with subsidized employment

Full Faith Credit — Doctrine under which a State must honor an order or judgment entered in another State.

Future Payments — NCP payments that exceed current support and arrears on all cases and any arrears due the Commonwealth for fees or other charges

Garnishment — A legal proceeding under which part of a person's wages and/or assets is withheld for payment of a debt. This term is usually used to specify that an income or wage withholding is involuntary.

Genetic Testing — Analysis of inherited factors to determine legal fatherhood or paternity.

Good Cause A legal reason for which a Temporary Assistance to Needy Families (TANF) recipient is excused from cooperating with the child support enforcement process, such as past physical harm by the child's father. It also includes situations where rape or incest resulted in the conception of the child and situations where the mother is considering placing the child for adoption. Applies to TANF and AFDC/FC cases

Grant Amount
The amount of public assistance to which the family is entitled

Gross The amount before taxes and other deductions are taken out

Guidelines A standard method for setting child support obligations based on the income of the parent(s) and other factors as determined by State law. The Family Support Act of 1988 requires States to use guidelines to determine the amount of support for each family, unless they are rebutted by a written finding that applying the guidelines would be inappropriate to the case.

Health Care Coverage Any plan providing hospital, medical, or surgical care coverage for a dependent child(ren), provided the NCP can obtain the coverage and it is available at a reasonable cost

Hold Harmless Payments Payments made to TANF customers on cases where the deficiency amount at 90% exceeds the grant amount at 90% IV-A pays the difference between the grant and the deficiency to the family.

Home State The state in which a child has lived with a parent or a person acting as a parent for at least six consecutive months immediately before the filing of a petition or comparable pleading for support. If a child is less than six months old, the state in which the child lived from birth with any of them. Count a period of temporary absence of any of them as part of the six-month or other period.

Immediate Payroll Deductions A wage assignment entered when the court enters the support order It is used to collect current support and arrears.

Immediate Wage Withholding
An automatic deduction from income that starts as soon as the agreement for support is established. (Also see: Income Withholding)

Imputed Income
Fringe benefits provided to employees that may be taxable but which cannot be counted as additional disposable income that is subject to child support obligations.

Income
As defined by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) income is any periodic form of payment to an individual, regardless of source, including wages, salaries, commissions, bonuses, worker's compensation, disability, pension, or retirement program payment and interest. All
income (except imputed income) is subject to income withholding for child support, pursuant to a child support order, but is protected by Consumer Credit Protection Act limits, both state and Federal.

Income Eligibility Verification System
Used by local departments of social services to verify customer incomes

Income Withholding
Procedure by which automatic deductions are made from wages or income, as defined in the PRWORA to pay a debt such as child support. Income withholding often is incorporated into the child support order and may be voluntary or involuntary.

Initiating State
The state that is providing support enforcement services to the CP or NCP and the state that begins a UIFSA or interstate action. The CP lives in this state or the NCP or CP has applied for services in this state.

Initiating Tribunal
The court, administrative agency, or quasi-judicial entity in the state that begins a Uniform Interstate Family Support Act (UIFSA) or other interstate action

Intangible Property
Includes money, checks, interest, credit balances, customer overpayments, refunds, and unidentified remittances.

Intentional Program Violation	An action by an individual to obtain TANF fraudulently
Intercept	A method of securing child support by taking a portion of non-wage payments made to a non-custodial parent. Non-wage payments subject to interception include Federal tax refunds, State tax refunds, unemployment benefits, and disability benefits. (Also see: Federal Tax Refund Offset Program)
Internal Number	Number the SUPE system assigned to each participant and case Use to find information on microfiche.
Interstate IV-D Case	A case, in which the parent or person acting as a parent and child(ren) live in one state and the NCP lives in another state or his income source is in another state Example: State A sends an Interstate Child Support Enforcement Transmittal to state B's central registry
Interstate Non-IV-D Case	A case another state refers to Virginia for action that does not qualify for IV-D services or the other state did not request IV-D services
Intrastate IV-D Case	A case where the CP, NCP, and child(ren) reside in the same state or the state sends an income withholding order directly to an employer in another state Example: When all the parties reside in Virginia or when Virginia sends the NCP 's employer in another state an income withholding order directly without going through the central registry in the other state
Invalid Payment	Payments received and deposited by the Division in error
Issuing State	The state in which a tribunal issues a support order or renders a judgment determining parentage
Issuing Tribunal	The court, administrative agency, or quasi-judicial entity that issues a support order or renders a judgment determining paternity

IV-A Agency	A local department of social services or the Division of Benefit Programs at the State level
IV-A Case	A child support case in which a custodial parent and child(ren) are receiving public assistance benefits under the State's IV-A program
IV-D Agency	The Division of Child Support Enforcement
IV-D Case	A child support case where at least one of the parties, either the custodial party (CP) or the non-custodial parent (NCP), has requested or received IV-D services from the State's IV-D agency
IV-D Spousal Support	A legally enforceable order assessed against an individual for support of a spouse or former spouse who is living with a child(ren) for whom the individual owes support
IV-E Case	A child support case in which the State is providing benefits for services under Title IV-E of the Social Security Act to a person, family, or institution that is rasing a child or children that are not their own.
Judicial Enforcement	Action through the court to enforce support orders
Law	A body of rules of action or conduct prescribed by the controlling authority, and having binding legal force. It includes decisional and statutory law and rules and regulations having the force of law.
Legal Father	A man who is recognized by law as the parent of a child
Local Agency	The social services departments in each county, city, or town throughout the Commonwealth charged with administering public assistance and social service programs
Locate	Process by which a non-custodial parent (NCP) or putative father (PF) is found for the purpose of establishing paternity, establishing and/or enforcing a child support obligation, establishing custody and visitation rights, processing adoption or foster care cases, and investigating parental kidnapping.

Locate Information
Data used to locate a Putative Father (PF) or non-custodial parent (NCP). May Include their Social Security Number (SSN), Date of Birth (DOB), residential addrss, and employer.

Lien
A claim upon property to prevent sale or transfer of that property until a debt is satisfied

Locate Services
A type of service the Division provides to other states and courts The Division also uses the information to find NCPs for another state or in parental kidnaping cases.

Long Arm
Legal provision that permits one State to claim personal jurisdiction over someone who lives in another State. There must be some meaningful connection between the person and the State or district that is asserting jurisdiction in order for a court or agency to reach beyond its normal jurisdictional border. If a Long Arm Statute is not in effect between two states, then the State must undertake a Two-State Action under the Uniform Interstate Family Support Act (UIFSA) guidelines for certain actions, such as establishing a support order in which the non-custodial parent (NCP) is not a resident. Other actions, such as Direct Income Withholding, are allowed by UIFSA in such a way that neither a Two-State Action nor Long Arm Jurisdiction are required.

Mandatory Payroll Deduction
A judicial means of collecting current support and arrears. An NCP owing court ordered support may request this action or the judge may order it for good cause shown or arrears.

Mandatory Withholding of Earnings
An involuntary administrative means of collecting current support and arrears that is initiated when support is one month past due. The NCP's employer regularly withholds a specified amount from the NCP's salary and forwards it to the Division.

Medicaid Only
A category of public assistance where the family receives Medicaid, but does not receive TANF The Division also uses this term for Medicaid cases that only select medical services.

Medical Insurance Only — An order that only addresses medical insurance

Medical Support Only — An order that only addresses medical support

Miscellaneous Returned Checks — Checks returned for reasons other than undeliverable These may include checks mailed with insufficient postage, disregard (B-1) checks, checks issued in error, or checks retrieved by the Department of the Treasury and sent to the Division upon request.

Mistake of Fact — An error in the identity of the NCP or the amount of current support and/or arrears

Multistate Financial Institution Data Match (MSFIDM)

Process created by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 by which delinquent child support obligors are matched with accounts held in Financial Institutions (FI) doing business in more than one state.

N/A — Not Applicable

National Directory of New Hires (NDNH) — A national database containing New Hire (NH) and Quarterly Wage data from every State and Federal agency and Unemployment Insurance (UI) data from State Employment Security Agencies (SESAs).

Net Income — Income remaining after deductions required by law are subtracted from gross income. These deductions include: federal income tax, state income tax, federal income compensation act benefits, union dues where collection is required under federal law, and other amounts required by law.

New Hire Reporting
Program that requires that all employers report newly hired employees to the State directory of New Hires (SDNH) in their State. This data is then submitted to the National Directory of New Hires (NDNH), where it is compared against child support order information contained in the Federal Case Registry (FCR) for possible enforcement of child support obligations by wage garnishment.

Noncooperation
Not appearing at the child support office when requested to provide verbal or written information, not appearing at court or administrative hearings, or providing information or attesting to the lack of information under oath, or if a TANF customer not turning over to the child support agency any support received directly from the NCP or putative father.

Non-custodial Parent
The parent who does not have primary care, custody, or control of the child, and has the responsibility to pay child support. Also referred to as the obligor.

Nondisclosure Finding
A finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by disclosure of identifying information (e.g., residential address)

Non IV-A Case
A support case in which the custodial parent has requested IV-D services but is not receiving Temporary Assistance to Needv Families (TANF). Also known as A non-TANF case.

Non IV-D Orders
A child support order handled by a private attorney as opposed to the State/local child support enforcement (IV-D) agency.

Non-PA Cases
IV-D cases in which individuals not receiving TANF, AFDC/FC, non-IV-E/FC, or Medicaid, receive support enforcement services

Nonpermissible Inquiry
Access to consumer reporting agency files that does not post a record of the inquiry for viewing by credit grantors or consumers

Nonresident Customer/Case
A person who does not live in Virginia, but who applies for and receives support enforcement services from the Division

Non-TANF Custodial Parent (CP) and Children Not Recipients of Temporary Assistance for Needy Families.

NTANF Same as Non-TANF

Notice and Finding of Financial Responsibility
A document used before July 1, 1988 to (1) establish a legally enforceable ASO and (2) take administrative enforcement action to collect court ordered support. Effective July 1, 1988, the ASO replaced this document.

Obligation The amount of money to be paid as support by a noncustodial parent (NCP). An obligation is a recurring, ongoing obligation, not a onetime debt such as an assessment.

Obligee The individual or State agency who is owed or is alleged to be owed support.

Obligor The individual or State agency who owes or is alleged to owe support

Office of Child Support Enforcement (OCSE) The Federal agency is responsible for the administration of the child support program. Created by Title IV-D of the Social Security Act in 1975, OCSE is responsible for the development of child support policy; oversight, evaluation, and audits of State child support enforcement programs; and providing technical assistance and training to the State programs. OCSE operates the Federal Parent Locator Service, which includes the national Directory of New Hires (NDNH) and the Federal Case Registry (FCR). OCSE is part of the Administration for children and Families (ACF), which is within the Department of Health and Human Services (DHHS).

Offset Amount of money intercepted from a parent's State or Federal income tax refund, or from an administrative payment such as Federal retirement benefits, in order to satisfy a child support debt.

Omnibus Budget Reconciliation Act of 1993 (OBRA '93)
: Legislation that mandated that insurance providers and employers offer dependent health coverage to children even if the child is not in the custody of the employee in the plan. OBRA created qualified Medical Child Support Orders (QMCSOs).

Order/Notice to Withhold Income for Child Support
: A standardized form used by all states to request income withholding for child support. According to the Uniform Interstate Family Support Act (UIFSA, this form may be sent directly from the initiating State to a noncustodial parent's employer in another State.

Order to Withhold And Order to Deliver
: An administrative procedure to enforce support arrears; it orders a third party who has control over real or personal property belonging to the NCP to withhold and turn over the property to the Division

Other Legal Process
: A procedure that gives the Commonwealth the authority to establish a support order without court involvement

Parentage
: Determination of fatherhood (paternity) by administrative or judicial process

Passport Denial Program
: Program created by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 that is operated under the auspices of the Federal Tax Refund Offset Program

Paternity
: Legal determination of fatherhood. Paternity must be established before child or medical support can be ordered.

Paternity Establishment
: The legal determination of fatherhood by court order, administrative order, acknowledgment, or other method provided for under State law

Payee
: A person to whom support is paid or is to be paid

Payor A person, company, or organization who remits support payments for distribution to the CP and/or the Commonwealth

Personal Property Any property, such as cash, liquid assets, automobiles, etc., not defined as real property

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)
Legislation that provides a number of requirements for employers, public licensing agencies, financial institutions, as well as State and Federal child support agencies, to assist in the location of noncustodial parents and the establishment, enforcement, and collection of child support. This legislation created the new Hire Reporting program and the State and Federal Case Registries. Otherwise known as Welfare Reform.

Petitioner The party who is filing the petition and bringing the action.

Priority An established rating that defines the order of importance, workability, or urgency of a particular case or inquiry

Proration The calculation of the CP's proportional share of a payment from an NCP

Proactive Matching
Process in which child support case data newly submitted to the Federal Case Registry (FCR) is automatically compared with previous submissions, as well as with the employment data in the National Directory of New Hires (NDNH).

Public Assistance Benefits granted from State or Federal programs to aid eligible recipients.

Putative Father The person alleged to be the father of the child but who has not yet been medically or legally declared to be the Legal Father

Real Property Property such as land, tenements, and buildings, that are permanent, fixed, and immovable

Reasonable Cost	For health care coverage means available through employers, unions or other groups without regard to service the delivery mechanism
Recipient	A person or organization that receives support funds and/or Temporary Assistance to Needy Families (TANF) payments. See also: TANF, IV-A Case; Public Assistance.
Reciprocity	A relationship in which one State grants certain privileges to other States on the condition that they receive the same privilege.
Recoupment	The recovery of money distributed erroneously to a CP or NCP or recovery of a nonsufficient funds check
Referral	Request sent to a IV-D agency from a non IV-D agent or agency asking that a child support case be established.
Responding State	The state that is providing support enforcement services to the CP or NCP or the state that receives a UIFSA petition or interstate request to initiate action because it is the state where the NCP lives or has assets
Respondent	The party who must respond to the action that is being filed
Responsible Parent (N/A)	Any person ordered to pay support for a child(ren) and/or the CP or parent of the child The Division no longer uses this term. Refer to noncustodial parent.
Responsible Parent Fiscal Record	A manual document listing public assistance payments, payments an NCP is ordered to pay for his/her child(ren) or spousal support, and the payments made The resulting calculation shows the arrears if any.
Retroactive	To apply a current action to a prior period
Review	An objective evaluation, conducted by a court or the Division, of information necessary to apply the support guideline or provide health care coverage

Review and Adjustment — Process in which current financial information is obtained from both parties in a child support case and evaluated to decide if a support order needs to be adjusted.

Review and Modification (N/A) — Refer to review and adjustment.

Revised Uniform Reciprocal Enforcement of Support Act — The revised URESA law that sets forth reciprocal law concerning the enforcement of support between states

Seizure and Sale — A court procedure for enforcing arrears that involves sale of the NCP's property

Self-generated — An entry made to the APECS Event History by a worker

Service Date — The date a notice is served on the addressee

Service of Process — The delivery of a writ or summons to a party for the purpose of obtaining jurisdiction over that party

Show Cause — A court order directing a person to appear and bring forth any evidence as to why the remedies stated in the order should not be confirmed or executed. A show cause order is usually based on a motion and affidavit asking for relief.

Skip Tracing — Using all available sources to find the NCP

Spouse — A marriage partner husband or wife

Spousal Support — Court ordered support of a spouse or ex-spouse; also referred to as maintenance or alimony

State — A state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States The term also includes Native American Indian tribes and foreign jurisdictions that have laws similar to UIFSA.

State Agency Division of Child Support Enforcement

State Case Registry (SCR) A database maintained by each State that contains information on individuals in all IV-D cases and all non IV-D orders established or modified after October 1, 1998.

State Directory of New Hires A database maintained by each State, which contains information regarding newly hired employees for the respective State.

State Disbursement Unit (SDU) The single site in each State where all child support payments are processed. Upon implementation of centralized collections, each state will designate its State Disbursement Unit, or SDU, to which all withheld child support payments should be sent.

State Parent Locator Services (SPLS) A unit within the state Child Support enforcement Agencies the purpose of which is to locate noncustodial parents in order to establish and enforce child support obligations, visitation, and custody orders or to establish paternity

State Verification Exchange System (SVES) An automated IBM data exchange system with the Social Security Administration for verifying Social Security Numbers, SSA and SSI benefits, and quarters of coverage of work history. Requests usually returned the next day for on-line viewing.

Statutes Formal written law found in code books

Subpoena A process issued by a court compelling a witness to appear at a judicial proceeding

Summons A notice to a defendant that an action against him or her has been commenced in the court issuing the summons and that a judgment will be taken against him or her if the complaint is not answered within a certain time.

Supplemental Security Income — A program administered by the federal government that guarantees a minimum income to persons who meet the requirement as aged, blind, or disabled

Support Enforcement Agency — A public official or entities authorized to establish, enforce, review, and adjust support orders or laws relating to support, determine parentage, or find NCPs and/or their assets. The Division does not have authority to establish or enforce a support order for spousal support only.

Support Enforcement Cases — IV-D cases resulting from application for Support Enforcement services by individuals not receiving TANF, AFDC/FC, State/Local Foster Care, and Medicaid and cases in the listed types referred by the IV-A agencies

Support Enforcement Hearings Officer — An impartial person who hears appeals that NCPs file challenging actions the Division takes and decide if they followed policy and procedures

Support Guideline — The table courts and the Division use to establish the monthly amount parents owe for dependents

Support Order — A judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, arrears, health care, or reimbursement, and may include related costs and fees, interest, and income withholding

Suspended Order — A court has temporarily stopped an order with an expectation of resumption of the order later

Temporary Assistance to Needy Families (TANF) — Time-limited public assistance payments made to poor families, based on title IV-A of the Social Security Act. TANF replaced AFDC when PRWORA was signed into law in 1996. Applicants for TANF benefits are automatically referred to their State IV-D agency in order to establish paternity and child support for their children from the non-custodial parent.

Temporary Assistance to Needy Families-Unemployed Parent (TANF/UP) — Time-limited cash assistance for needy families with an unemployed parent

Terminated Order — An order stopped with no expectation of resumption

Tribunal — The court, administrative agency, or quasi-judicial agency authorized to establish or modify support orders or to determine parentage

Two-State Liability — A category under which insurance providers are billed for medical expenses incurred by a public assistanc recipients who have medical insurance in addition to coverage provided

Unclaimed Property (Funds) — Money the Division owes to a payee for whom the Division does not have a good mailing address or identity of payor is unknown. This money is transferred to the Treasurer after one (1) year.

Undeliverable Returned Checks — Checks returned by the post office due to incorrect addresses or checks the post office could not deliver because the addressee moved

Uniform Interstate Family Support Act — Uniform laws that set forth reciprocal law concerning enforcement of support between states. This law replaced the URESA law in Virginia in 1994.

Uniform Reciprocal Enforcement of Support Act — Older model State law that is used by some States to process interstate child support cases. In 1994 in Virginia this law was replaced by the Uniform Interstate Family Support Act.

Unreimbursed Public Assistance (URPA) — Money paid in the form of public assistance (for example, TANF or older AFDC expenditures) which has not yet been recovered from the noncustodial parent (NCP).

Virginia Initiative for Employment not Welfare Program — Employment program for individuals who receive TANF

Voice Response System — Telephone system that makes frequently requested information available to clients over touch-tone telephones.

Voluntary Placement — Placing a child with the local board or welfare agency through an agreement between the parents or guardians and the local board or a public agency designated by the community policy and management team. Legal custody remains with the parents or guardians.

(3-1-97)(5-1-97)(8-1-97)(5-1-98)(7-1-99)(9-1-01)(5-1-04)(10-1-06)(1-1-07)(10-1-08)

DIVISION OF CHILD SUPPORT ENFORCEMENT
CHAPTER 1 PROGRAM OVERVIEW AND STRUCTURE **(07-7-2010)**

A. Legal Basis (01-01-2001)

Federal law and regulations outline the requirements for the Commonwealth's Child Support Enforcement
Program. Virginia complies with these requirements and has enacted legislation to support them. Refer to Appendix A, Legislation, for a listing of Child Support Legislation.

In accordance with Title VI of the Civil Rights Act of 1964, the Virginia Division of Child Support Enforcement prohibits discrimination in all its services on the basis of race, color, national origin, or handicap.

(7-17-96)(11-1-2000) (1-1-01) (3-1-01)

B. Authorities of DCSE (11-01-1996)

DCSE has the authority to

1. locate noncustodial parents (NCP),

2. establish paternity,

3. establish and enforce support orders,

4. establish and enforce health care coverage, and

5. collect and disburse child support payments and pre-established spousal support.

(11-1-96)

C. DCSE (01-01-2008)

The Director's Office is statutorily responsible for the provision of the Division of Child Support Enforcement

(DCSE) and the implementation of child support enforcement services in the Commonwealth. The
Director’s Office is supported by a number of central office units, however direct child support services are essentially provided by the district offices. These offices fall under the direction of the Assistant Directors
for East, West and Central.

1. East, West and Central Offices

   a. manage district offices;

   b. act as a liaison between the community, Commonwealth and local officials, and child

support advocacy groups;

c. are managed by Assistant Directors;

d. are staffed by a program specialist, training coordinator/s, and a secretary; and

e. are in three (3) geographical areas:

1) East

2) West and

3) Central

2. District Offices

a. provide full child support services,

b. are managed by district managers, and

c. are in 22 cities or counties throughout the Commonwealth.

3. Satellite Offices

a. provide full child support services,

b. are in areas that are not easily accessible or in areas where the caseloads do not warrant a fully staffed district office, and

c. are managed by the district manager responsible for the area.

4. Division of Finance

a. Serves as the Commonwealth's state disbursement unit and distributes all payments and

b. Compiles Commonwealth and federal financial and statistical reports.

5. Program Manual Intent

The Manual, referred to as the DCSE PROGRAM MANUAL, is in fact, a procedures manual. Legally, only the State Board of Social Services has the authority to approve "policy" for the Department, e.g. the Board is a "policy-making" board versus an advisory board providing advice only.

The contents of this Manual are those procedures set forth for handling the complex,

child support enforcement case activities.

The Manual does not provide answers to all possible questions or cases. It should be viewed as a guidance document pursuant to the Code of Virginia §2.2-4001. There are times when the support specialist and his/her supervisors, perhaps up to the District Manager or Assistant Director, must discuss the issue at hand not addressed herein, and make an independent decision. For casework procedures which fall within the purview and content of this Manual, all district offices are expected to adhere to the contents of this Manual.

Inasmuch as no procedures manual can ever begin to address all the possible case types, case situations, unique interstate issues, case-specific idiosyncrasies, and all the other possible permutations child support enforcement staff face, the best possible resolution on issues not addressed within the Manual is to discuss the case with colleagues, supervisors and the District Manager, AND refer the situation to your appropriate Program Specialist. If an answer is still not clear, the Program Specialist will refer the question to the Management Services Unit with a Question and Answer (Turnaround).

The primary goal of this Program Manual is to ensure, to the highest possible degree, uniform and consistent handling of all child support cases across the state.

(8-1-97)(9-1-98)(5-1-99)(9-1-99)(1-1-01)(10-1-07)(1-1-08)

Appendix A, Legislation (**07-07-2010**)

1974

The states have primary responsibility for operating the Child Support Enforcement Program pursuant to the Federally required State Plan.

Procedures for the distribution of TANF support collections.

The federal government pays incentive payments to states for collections made for TANF cases.

Money due federal employees is subject to a garnishment for the collection of child support.

New eligibility requirements added to the TANF program.

1976

The Commonwealth's employment agency must provide NCP addresses to DCSE.

1977

The provisions relating to the garnishment of federal employees' wages for child support

changed to

1. include employees of the District of Columbia,

2. specify the conditions and procedures for serving garnishments on federal agencies,

3. authorize the issuance of garnishment regulations by the three (3) branches of the federal government and by the District of Columbia, and

4. defines terms used.

Amends section 454 of the Social Security Act to require the Commonwealth to

1. provide for bonding of employees, who receive, handle, or disburse cash and

2. insure that different individuals do the accounting and collection functions.

1978

The law repeals the Bankruptcy Reform Act of 1978, section 456(b) of the Social Security Act, which barred the discharge of assigned child support arrears in bankruptcy proceedings.

1979

The law repeals the Federal Bankruptcy Act and replaces it with a new uniform law on bankruptcy. Section 456(H) of the Social Security Act reenacted by section 2334 of P.L. 97-35.

1980

The Social Security Disability Amendments increase federal matching funds for the costs of developing, setting up, and enhancing an approved automated child support management information system.

Federal matching funds are available for child support enforcement duties done by some court personnel.

The Internal Revenue Service (IRS) has the authority to give IV-D agencies income and location information for self-employed NCPs and for NCPs receiving retirement income.

The Social Security Administration and the Commonwealth's employment security agency have the authority to provide DCSE access to Income information. DCSE uses this information to establish and enforce child support orders.

Federal Financial Participation for Non-TANF services changed from temporary to permanent.

Allows the Commonwealth to receive incentive payments on all TANF collections and interstate collections.

The Commonwealth must claim reimbursement for expenditures within two years, with some exceptions.

Imposes a 5% penalty on TANF reimbursement if the Commonwealth does not have an effective child support enforcement program.

1981

The IRS has the authority to withhold all or part of federal income tax refunds due NCPs who owe child support arrears or child and spousal support arrears. This authority is only for dependents receiving or who have received Temporary Assistance for Needy Families (TANF). Spousal support only qualifies if the dependents are living with the custodial parent (CP) owed the spousal support.

IV-D agencies must collect spousal support for TANF families.

The IV-D agencies must collect fees from Non-TANF NCPs with child support arrears.

Bankruptcy proceedings cannot discharge child support arrears assigned to the Commonwealth.

DCSE must withhold child support arrears from unemployment benefits due to NCPs with child support arrears.

1982

The federal government reduces federal financial participation and incentives.

Allows the Commonwealth to elect not to recover costs from collections or from fees imposed on NCPs.

Allows the Commonwealth to collect spousal support in certain Non-TANF cases.

Members of the uniformed services on active-duty must make allotments from their pay when their support arrears equal two months past due support.

The Commonwealth can reimburse itself from TANF grants paid to families for the first month in which child support collections are sufficient to make the family ineligible for TANF.

1983

The requirement that a putative father (PF) must provide written consent for his name to be placed on a
child's birth certificate was changed to require that a sworn acknowledge of paternity must be signed
before the father's name is placed on the birth certificate.

1984

Federal law required the Commonwealth to enact legislation for the following actions:

1. Require Income Withholding

2. Use Expedited Processes to Establish and Enforce Support Orders

3. Intercept State Income Tax Refunds

4. File Liens Against Real and Personal Property

5. Require Security or Bonds to Assure Compliance with Support Orders

6. Report Support Arrears' to Consumer Reporting Agencies.

Support orders issued or modified after October 1, 1985, include a provision for Income withholding.

The Commonwealth must use the same enforcement techniques for interstate cases and intrastate cases.

States are encouraged to place greater reliance on performance-based incentives.

Amends section 451 of the Social Security Act to say that Congress, by creating the Child Support Enforcement Program, intended to aid both TANF and Non-TANF families.

1986

Extends the time for injured spouses to file an amended return when DCSE intercepts their federal tax return from three (3) to six (6) years. (Tax Reform Act of 1986)

1988

The courts and DCSE use a Support Guideline. The law lists requirements for the guideline.

1. The guideline is advisory for courts and binding on DCSE

2. Periodic review of the guideline

3. The law provides for tracking orders and submitting annual reports to the Governor and General Assembly

Courts may continue a paternity hearing when the court received notice of service of process (as defined in Chapter 8, Section B., Methods of Service) and the PF does not show.

The initiating state pays for genetic testing costs to establish paternity in URESA/UIFSA cases.

The central registry is the contact point for receiving information on incoming cases.

Adds a new version of the Uniform Parentage Act to decide parentage of a child. The law repeals the old parentage section of the Code.

Allows a court to go on with paternity hearings and support orders on males ages 14 to 18 when a guardian ad litem represents their interest in court.

Courts may require a man to sign an Acknowledgment of Paternity when the man is before the court for other issues, and voluntarily under oath admits to paternity of a child. The court files the acknowledgment with DCSE.

Allows the Commissioner or the Director to subpoena financial records of NCPs to verify information received on the 1099 report.

The application fee Division charges Non-TANF applicants changes from a sliding fee scale up to $25 to a flat $1 fee. The Department of Social Services pays the fee for applicants.

Permits DCSE to continue collecting support payments during the pendency of any appeal, other than appeal of an original Administrative Support Order (ASO).

A mistake of fact is the only basis for an appeal, except the initial entry of an ASO.
Allows an NCP to waive service of process when handed the ASO or the hearing officer's decision concerning an Order to Withhold.

Creates a new collection or enforcement remedy, Immediate Income Withholding for all new administrative and court orders. It is mandatory for administrative orders and allowable for court orders.

The establishment of a support order creates a judgment subject to full faith and credit in any state or jurisdiction.

Permits DCSE to serve filed liens for child support arrears and to notify consumer reporting agencies when liens filed.

Permits DCSE to file and serve liens without waiting for the 10-day appeal period to expire

when payments appear in jeopardy.

The appeal period changes from 20 or 21 days to 10 days.

Allows service of an Order to Withhold and an Order to Deliver on the main headquarters of a financial institution. The order is effective on all of the NCP's accounts. Deposits may be in any branch of the institution.
A hearing officer has the authority to give the decision at the conclusion of the hearing.

Removes the six-year statute of limitations that prevented DCSE from taking involuntary enforcement action against arrears that accrued six or more years in the past.

Both the custodial and noncustodial Non-TANF parent must complete a financial statement.

An ASO has the same force and effect as a court order.

Allows DCSE to take administrative enforcement action on a court order without giving the NCP additional notice.

Revises the Code related to the court's mandatory payroll deduction to

1. specify that hearing officers must render appeal decisions within 45 days of the receipt of notice,

2. eliminate a new court action before setting up the mandatory payroll deduction,

3. clarify the definition of a mistake of fact,

4. modify the procedure for prorating multiple orders for the same NCP,

5. explain when an employer may make direct payments to the payee, and

6. stipulate when to terminate an order.

The criteria for referring NCPs to consumer reporting agencies changed to permit IV-D agencies to refer NCPs with less than $1000 arrears.

1989

The support guideline changes from advisory for the courts to a rebuttable presumption. The support scale increases to $0-$10,000 per month.

Courts must order the parties in a paternity case to submit to genetic testing at the request of either party or on its own motion.

Court ordered support payments may continue for any high school student under age

nineteen who is a full time high school student. Before this modification the law only applied to high school students who were seniors.

1990

States must certify all arrears that qualify to the IRS. Previously states had the option of certifying or not.

Allows voluntary acknowledgment of paternity to have the same force and effect as a court order.

Genetic test results of at least 98% decide paternity and to have the same legal effect as a court order.

Allows DCSE to change the payee on a court order. Serving notice of the change on the payer does this.

Courts must order immediate Income withholding on all cases unless good cause exists not to do so.

The Department of Health must obtain social security numbers for both legal parents at the time of a child's birth.

DCSE must develop procedures for the review and modification of support orders.

Allows DCSE to reveal information to authorized persons regarding parental kidnaping.

Removed the sunset clause so that the Commonwealth Attorneys will continue to represent DCSE in civil support cases.

DCSE must notify a joint account holder before DCSE takes action on an Order to Withhold, if joint interest is present. The general district court or circuit court decides the extent of ownership for each party.

Employers' rights and responsibilities regarding all types of Income withholding combined in one section.

Allows that from the date the PF becomes the legal father he may be responsible for part of the mother's pregnancy-related medical expenses.

1991

The IRS has the authority to withhold all or part of federal income tax refunds due NCPs who owe arrears to Non-TANF CPs

1. child support arrears or

2. child and spousal support arrears or

3. support for disabled adult children. (P.L. 101-508 section 5011(b))

Child support cases that courts transfer to DCSE are considered to have applied for child support services by operation of law.

Mandates employers to enroll dependents of NCPs ordered to provide health care coverage in a plan offered by the employer. It also clarifies the definition of "reasonable cost" of health insurance.

Revises the child support guideline to

1. combine all factors affecting the support order and the ability of each party to provide child support into one section,

2. add the cost of health insurance premiums in figuring out child support orders,

3. detail the method of figuring out the child support order in cases involving split custody,

4. eliminate the requirement for the guideline reporting and tracking system for courts and DCSE, and

5. allow the Department to promulgate regulations concerning the sharing of information with both parties.

Administrative child support orders do not have to provide for immediate withholding of earnings if the NCP and DCSE, on behalf of the CPs,

1. agree to an alternate arrangement or

2. if good cause exists.

Gives DCSE the authority to use records of departments, boards, bureaus, and other agencies of the Commonwealth. DCSE also has the authority to use all customer records of public service corporations and companies.

Allows DCSE to assess and recover the actual cost of attorneys' fees, genetic testing fees, and federal and state intercept fees from NCPs. DCSE may use all administrative enforcement actions to collect fees.

1992

Judges who deviate from the child support guideline must include in their written findings

1. How much support the guideline requires and

2. justification for the variance between the order and the guideline.

Mandates the use of established percentage groupings to compute a child support order when combined gross monthly incomes exceed $10,000.

Court orders must include a provision for child support payments to continue for high school students under age 19 who are full time high school students. Previously courts had the authority to include the provision, but it was not a required element in orders.

The Commissioner, DCSE Director, or their designees have the authority to summons parties to appear at DCSE's offices and to subpoena essential financial records.

Allows DCSE to take establishment and enforcement actions on NCPs living outside Virginia.

In court ordered cases an order to withhold property does not require DCSE to file a support lien.

The definition of gross income excludes Supplemental Security Income. It also does not allow the establishment of an administrative child support order for NCPs who receive Supplemental Security Income.

Allows DCSE to attach payments to NCPs, who owe child support arrears, from the following: Virginia Retirement System, state police retirement benefits, local government retirement benefits, and veterans benefits.

Allows the discharge of uncollectible arrears from the Department's records.

Allows the proration of payments among all CPs to whom an NCP owes support.

DCSE of Vital Records must prepare a new birth certificate upon receiving

1. a copy of the agreement to submit to voluntary genetic testing for paternity determination and
2. a copy of the genetic test results that affirm at least a 98% probability of paternity.

The 17 factors considered by courts when deviating from the child support guideline do not apply to DCSE. DCSE may only consider support for other children in the household or other children for whom an a administrative or court support order exists.

Having an appointed committee is not necessary, when establishing paternity or a support order for an incarcerated NCP or PF is not necessary.

Courts and DCSE may decide paternity based on HLA and DNA testing.

Defines shared custody and prescribes procedures for netting the support order of each parent.

Stipulates that custodial and NCPs do not have to obtain support services from DCSE before filing a court petition to establish, modify, enforce, or collect child support.

Removes the requirement for personal or substitute service on a nonresident NCPs. This allows service through the Secretary of the Commonwealth at the person's last known address.

New eligibility requirements added to the TANF program.

1993

A signed document may not be used to grant the department the authority to pursue child support after the termination of public assistance.

All new or modified orders for support shall address health care coverage.

The absent parent in child support cases must provide the department written notice within 30 days of any change of address.

All Virginia employers must request all individuals hired into employment to disclose whether or not a child support obligation with an income withholding order exists. If such disclosure is made, employers are required to begin withholding according to the terms of the order.

All Virginia employers must report all new hires within 35 days of hire to the Virginia Employment Commission, for the purpose of assisting the department in locating absent parents who should be paying child support.

All Virginia employers and insurance companies not governed by ERISA statutes must provide health care coverage for employees' children regardless of whether the children live with the primary insured parent (employee).

The court may consider a written agreement between the parties when determining and justifying an amount of child support which differs from that established by the guideline.

A family court system is established effective January 1, 1995.

DCSE of Legislative Services shall study the continuation of child support after age 18 for the purpose of higher education.

DCSE of Legislative Services shall study the feasibility of denying licensure or the renewal of a license to certain self-employed professionals who are delinquent in child support, and

shall present a report of the findings to the Poverty Commission for possible legislative action.

Court intake officers must ask petitioners seeking child support if they currently receive child support or public assistance. If the answer is affirmative, the intake officer shall forward a copy of the petition or motion and notice of court date to DCSE.

The department shall assess attorneys fees against absent parents according to the provisions established in Section 63.1-274.10.

The court may confirm a stipulation or agreement that extends a support obligation beyond when it would otherwise terminate by law.

The Commission on Youth shall study and evaluate model child custody decrees and child visitation schedules.

1994

The department may initiate a review of the amount of court ordered support. Court orders for child and spousal support shall contain notice that the department may do so. If there is a change in circumstances, the department shall propose a modified court order to the court that entered the order.

Persons who in good faith provide information to the department regarding responsible parties who owe child support are immune from any civil or criminal liability that might otherwise result from the release of such information.

Noncustodial parents must inform DCSE of the name and address of their current employers, whether or not access to health insurance exists, and if so, the policy information. The obligee and/or the department are authorized to petition for a suspension of any state-issued authority to engage in a business, trade, profession or occupation when an obligor is delinquent in child support payments for 90 days or more or by $5,000.

Upon notice from the Department of Medical Assistance Services, the department is allowed to withhold income or state tax refunds if an obligor receives payments from health insurance companies, but fails to reimburse the custodial parent, provider, or Medicaid for payment of medical bills.

Health insurance enrollment season restrictions shall not apply when a payroll deduction order requires the employer to enroll the employee's child in the employer's health care plan. The employer must enroll the child upon the request of the child's other parent or the Department of Medical Assistance Services. The employer is prohibited from disenrolling the dependent child unless the court or administrative order is no longer in effect, the child is enrolled in a comparable health care plan with no gaps in coverage, or the employer eliminates family coverage for all of its employees.

Any administrative or judicial determination of paternity made by another state shall be given full faith and credit in Virginia. In addition, hearings to determine paternity must proceed in the absence of the PF.

Every birthing hospital in the state must provide unwed parents with information concerning their ability to legally establish the child's paternity by signing an acknowledgment, under oath, prior to leaving the hospital. The department must furnish training, written instructions, and the forms to be used for the acknowledgment, which must include the social security number of both parents.

The Uniform Interstate Family Support Act (UIFSA) shall replace the Uniform Reciprocal Enforcement of Support Act (URESA), as recommended by the National Conference of Commissioners on Uniform State Laws and the U.S. Commission on Interstate Child Support Enforcement.

The department, in conjunction with the Virginia Poverty Law Center, must study the feasibility of eliminating public assistance eligibility for unmarried minor parents, requiring such parents to live with their parents or other appropriate persons in order to be eligible for public assistance, and requiring grandparents to be financially responsible for children born to their unmarried minor children.

Medicaid payments may be recovered from group health care plans under secondary payor provisions. Insurers covered under the Employee Retirement Income Security Act (ERISA) of 1974 are subject to the provisions of the bill.

DCSE and the Fraud Division of the Attorney General's Office must study the need for regulation of private entities collecting child support.

Parents must disclose financial information and complete a child support guideline worksheet in instances of dispute resolution involving the support of minor children. Deviations from the guideline must be stated in writing.

1995

Allows Administrative Support Orders to continue for full time high school students under age nineteen.

Revises the Child Support Guideline to

1. decrease the percentage of gross income used to calculate child support orders when the combined gross monthly income of the parties exceeds $10,000,

2. Courts must consider the willingness and availability of the NCP to personally provide child care for the child(ren) when deciding whether child care costs are necessary or excessive, and

3. add an additional deviation reason, the presence of a pendente lite decree that includes the amount of child support agreed to by both parties or counsel for the parties, that courts may use to deviate from the guideline.

Courts and DCSE must order immediate Income withholding on all cases unless the parties agree to a written alternative arrangement or good cause exists not to do so.

Interest accrues and may be collected on all support arrears. The rate is based on the judgment rate. It exempts minor NCP from the accrual of interest until they are 18 years old.

Revises the Uniform Interstate Family Support Act to

1. allow registration of a support order or judgment determining parentage in the juvenile courts or DCSE instead of the circuit court,

2. require courts to register orders as foreign support orders instead of foreign judgments, and

3. give circuit courts the authority to retain and docket cases received from July 1, 1994 through June 30, 1995 as foreign support orders.

Courts may order incarcerated NCPs, who have failed or refused to pay child support, to participate in public service work programs instead of work release programs.

Allows the Department of Motor Vehicles to suspend or refuse to renew the driver's license of an NCP with arrears that are at least 90 days past due or are at least $5,000.

Petitions to place a child in foster care must include a request to order the parents to pay support. The exception is if ordering support will interfere with the goal of returning the child to the home.

1996

Allows DCSE to redirect child support to the person who has physical custody of a child when they assign support to the Department or receive TANF.

Virginia employers must report the names and addresses of newly hired employees to the Virginia Employment Commission within 35 days of the hiring date.

A support order begins on the date

1. the request is filed with the court or
2. the date DCSE delivers the support order to the sheriff or process server for service on the NCPs.

It also allows the support order to be based on the gross monthly income of both parents

averaged for the period of retroactivity.

Virginia employers must honor income withholding orders issued by other states' child support enforcement agencies. The number of employees employed is not considered.

Allows DCSE to administratively enforce an out-of-state support order without registering the order with a court when all parties live in Virginia. DCSE needs to file a court petition when administrative remedies do not work or to modify the order.

DCSE does not enforce spousal support unless it is also enforcing a child support order for the same CP and NCP.

NCPs must petition the juvenile and domestic relations district court for a restricted driver's license when the Department of Motor Vehicles their license because of support arrears. It also clarifies that an NCP and DCSE must agree on the amount the NCP must pay on the arrears each pay period.

Allows DCSE to impute income to calculate ability-to-pay support for voluntarily unemployed parents or parents who fail to provide requested financial information.

The minimum child support order is $65 per month.

DCSE may review a child support order issued by a court and file a proposed modified order with the court having current jurisdiction or the court that entered the order.

The effective date of a modified ASO is the date the notice of review is served on the nonrequesting party.

DCSE may recover the actual costs of service of process and seizure and sale from the NCP pursuant to a levy on a judgment of personal property.

DCSE takes action to establish paternity for a child unless the local department of social services documents that the conception of the child was the result of rape or incest. It also exempts the person who has physical custody of the child from sanctions when they do not know the identity of the father.

A child is legally entitled to support until age 18, or until age 19 if still in high school, not self-supporting and living at home.

Courts may continue the support order for children beyond the age of 18, if while 18 or less they

1. become severely physically or mentally disabled,

2. are unable to live independently or care for themselves, and

3. still live with the CPs.

1997

DCSE is identified as a criminal justice agency for obtaining information from criminal justice agency files to find PFs and NCPs who owe support

Support orders must include both parties' addresses, telephone numbers, drivers license numbers, employers' name and address unless a protective order has been issued. Also, requires both parties to provide telephone number changes for self and employer.

DCSE may serve a party at his or her last known address after they have made diligent effort to find the party. The party has the right to challenge any action taken in subsequent proceedings.

DCSE may use additional sources to obtain information. The sources include local government agencies, financial institutions, and cable companies.

The Commissioner may assess a civil penalty not to exceed $1,000 against entities that do not respond to a subpoena for financial or other information

DCSE shall obtain information concerning NCPs' account from financial institutions using data matches. Financial institutions may not be held liable for disclosing the information to DCSE

Removes the $1,000 limit for referring arrears to consumer reporting agencies and requires that arrears be referred.

Income withholdings may be served by electronic means.

DCSE shall review support orders every three (3) years at the request of either party without requiring proof of a change in circumstances.

DCSE shall distribute IRS payments when DCSE received notice that the IRS has refunded the NCP's spouse's share of the refund or in 60 days whichever occurs first.

When an NCP appeals a conviction for failure to pay support or a finding of civil or criminal contempt involving failure to pay support, the court may require the party applying for the appeal or someone for him to post a bond to insure his or her appearance. The court may require a bond in the amount of prospective support accruing during the pendency of the appeal.

Support for a child in foster case whose legal custody remains with the parent shall be set at an amount that will not affect the parents' ability to have the child return to the home. The local board or the public agency with the child may set the amount. The agency petitions the court to order the payment if a parent refuses to pay.

By January 1, 1998, DCSE shall disburse all support payments received within two business days if the NCP can be identified and DCSE has the CP's address.

Payment agreements to prevent suspension of drivers' licenses shall be in an amount that will pay the past due support in ten years. The initial payment shall be five percent of the past due amount or $500 whichever is greater.

The revised text clarifies that all of the parties must file written consent with a tribunal of the Commonwealth giving consent for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction if the order was issued in the Commonwealth and a party still lives in the Commonwealth.

Expanded procedures clarify how to reconcile multiple orders for the same NCP, CP, and child.

Employers are to honor income withholding orders issued in other states and comply with the terms of the orders. Also provides procedures that NCPs may follow to contest order and says that employers are not subject to a civil liability for complying with the orders.

A parent has 60 days from the date of signing an acknowledgment of paternity or the date of entry of an order to withdraw the action. After 60 days the action is binding and conclusive unless the person challenging the action establishes that the signing resulted from fraud, duress or a material mistake of fact. The document must be read to the parties in addition to having the parties read the document.

DCSE may summons parents to appear and provide information and order them to submit to genetic tests to determine paternity.

Unemployment compensation information shall be provided to DCSE and shall be provided to the National Directory of New Hires.

Other agencies are required to collect social security numbers.

DCSE may request the Department of Motor Vehicles to suspend or refuse to renew a driver's license for an individual who does not comply with a subpoena, summons or warrant relating to paternity or child support proceedings and issued by DCSE. Also, allows the NCP to waive service of the Notice of Intent to Suspend Driver's License. The legislation also clarifies that a restricted license does not allow the NCP to operate a commercial vehicle.

DCSE may petition a court to suspend a license certificate, registration or other authorization to engage in a business, trade, profession or occupation, or recreational activity for an individual who does not comply with a subpoena, summons or warrant relating to paternity or child support proceedings and issued by DCSE.

1998

DCSE's privatization endeavors are expanded in the areas of fieldwork administrative functions, legal services and payment processing.

Court procedures regarding rescission of voluntary acknowledgments of paternity are aligned with administrative procedures.

Each party to a child support proceeding is required to file with the court, upon entry of an order, and to update as appropriate, information on location and identity of the party, as mandated by the federal welfare reform bill.
Custodial parents may appeal administrative support orders.

Procedures regarding Virginia's current New Hire Reporting Program are amended to conform with new federal requirements.

Employers shall submit all income withheld pursuant to a withholding order to one centralized location.

Income withholding orders shall be sent to employers for delivery to their employees with concurrent notice to child support obligors.

Employers using electronic funds transfer are allowed up to four days to transmit the income withholding.

The terms "wages" and "earnings" are replaced with the term "income," which includes a broadened definition.

The Social Security Administration (SSA) is included in the statutory definition of "employer."

DCSE may issue notices of intent to review a child support case to the non-requesting party by hand delivery in person, substituted service, posted service, or by certified mail with proof of receipt by the addressee.

The IV-D automated system shall include a registry of each child support order established or modified in the state.

When determining child support, courts shall have the authority to order, in their discretion, one party to execute all appropriate tax forms or waivers to grant to the other party the right to take the income tax dependency exemption for federal and state income tax purposes.

The amended text specifies how to compute a child support obligation when, as a result of a parent's receipt of social security disability benefits, his/her child receives benefits as well.

Intercepted funds from joint federal tax refunds, when satisfying Non-TANF past-due support debts, must be distributed to custodial parents within 180 days or as soon as DSS is

notified that the unobligated spouse's proper share of the refund has been paid, whichever occurs first.

1999

A charge of embezzlement shall be placed against any employer who withholds child support payments from the pay of an employee and then wrongfully and fraudulently fails to make the required payment.

The automatic trigger for the shared custody formula shall be lowered from 110 to 90 days; the multiplier shall be increased from 1.25 to 1.4; a "day" is defined.

Courts shall be allowed to require documentation to verify child care costs when requested by the noncustodial parent in child support determinations.

DCSE shall be authorized to use expanded and simplified service options when issuing notices of intent to suspend driver's licenses to noncustodial parents delinquent in child support payments.

Garnishments shall be allowed when there is an administrative or court child support or decree concerning federal employees; the lapse after 180 days is eliminated.

2000

The child support guideline shall be reviewed every three years instead of four.

The shared custody and support guideline shall be adjusted to (i) allow for circumstances where the majority custodial has a much higher income, but the formula shows that he or she would pay the support, (ii) show how shared custody parents are to reimburse each other or pay medical providers for extraordinary medical expenses, and (iii) give the court discretion in situations where a party's income is at or below a certain level in comparison to the poverty level.

$65 shall be the lowest presumptive minimum obligation, unless one of the parties is unable to pay child support due to lack of sufficient assets from which to pay child support and in addition, is (i) institutionalized in a psychiatric facility, (ii) imprisoned with no chance of parole, (iii) medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of SSI, or (iv) otherwise involuntarily unable to produce income.

Spousal and child support may be contained in the same order. Spousal support is included in the gross income of the payee, and deducted from the gross income of the payor in determining the child support award.

The cost of dental care directly allocable to children, when actually being paid by a parent, shall be added to the basic child support obligation.

A joint subcommittee shall study the feasibility of establishing a domestic relations division in each judicial circuit that would have jurisdiction over divorce cases and custody, visitation, and support actions incident to the filing of a divorce.

The Joint Legislative Audit and Review Commission shall determine the costs of raising children in Virginia when parents live in separate households, for the purpose of developing data that can be used to determine appropriate child support amounts.

2001

The triennial child support guideline shall include a representative of the executive branch, a member of the House of Delegates, a member of the Senate, a member of the bar, two custodial and two noncustodial parents and a child advocate.

Applicants of the Family Access to Medical Insurance Security Plan (FAMIS) shall be requested to cooperate with DCSE, but cooperation is not a condition of eligibility.

An adjustment to income under the support guideline shall be provided for support paid for other children of the parties who are not the subject of the current proceeding.

An individual may file a court petition for relief from any legal determination of paternity. The court may set aside such determination if a genetic test establishes the exclusion of the individual named as father in the determination. The court may prospectively set aside an obligation to pay child support.

The Virginia Employment Commission may not withhold a fee when deducting child support payments from unemployment compensation.

DCSE must disclose information to law-enforcement agencies for child support enforcement purposes.

2002

DCSE must use high-volume administrative support enforcement (AEI) in response to requests from other states, in accordance with federal law.

A deduction from gross income shall be allowed of one-half of any self-employed tax paid by persons with income from self-employment, a partnership, or a closely held business.

The annual reporting requirement regarding the privatization of child support enforcement programs is eliminated.

All child support orders shall include a provision for health care coverage of dependent children, and DCSE must use the National Medical Support Notice (NMSN) to provide a standardized means of communication between DCSE, employers, and administrators of

group health plans regarding the health care obligations of noncustodial parents, in accordance with federal law and regulation.

2003

Where parents enter into child support agreements, any provisions in such agreements relating to future modifications of child support shall be valid and enforceable, and shall not require a court decree.

A court may issue a show cause order or capias for failure to pay child or spousal support.

DCSE must periodically publish a list of "most wanted" noncustodial parents.

The Commissioner of the Department of Social Services is authorized to access information held by criminal justice agencies in tracking down delinquent parents.

A lien on personal property and wrongful death awards is created for child and spousal support and given priority over other liens.

Language regarding child support is unnecessary in divorce decrees when the parties have no minor children whom they have a mutual duty to support.

DCSE is permitted to issue income withholding orders and notices by first-class mail.

2004

A capias may be issued against a delinquent obligor if a motion for a civil or criminal show cause has been filed and served, and the obligor fails to appear at the hearing or cannot be found at the address he supplied to the court or DCSE.

For purposes of calculation of child support awards:

* "Gross income" will not include income received by the child support payor from a second job that was taken in order to pay off child support arrearages. Cessation of the income is not a basis for a material change of circumstances.

* The provision for "extraordinary medical and dental expenses" is replaced with a requirement that the parents pay in proportion to their incomes any reasonable and necessary unreimbursed medical or dental expenses in excess of $250 per year per child.

* Courts are required to factor in tax savings derived from child-care cost deductions or credits in calculating child support obligations.

The child support guideline will be reviewed every 4 years (instead of 3).

Child support awards may be modified back to the date that the modification motion was

filed in any court.

The interest rate charged on child support arrearages is 6%.

2005

Amends the UIFSA (Uniform Interstate Family Support Act) statutes in Virginia law to coincide with updated amendments adopted by the National Conference of Commissioners on Uniform State Laws in 2001. Changes include a more narrow definition of the requirements establishing exclusive jurisdiction over the support order. They also expand the definition of "state" which will allow other countries' orders to be enforced in the United States, and allow states to make arrangement with foreign countries for reciprocal child support enforcement agreements.

2006

The Department of Corrections must give preference for placement in work programs to any prisoner who requests a work assignment and assigns a minimum of 50% of earnings to a child support obligation.

The deviation factors which may be used in determining child support obligations are streamlined, eliminating duplication and deleting several factors. The legislation is a recommendation of the Virginia Guideline Review Panel.

A judicial child support order is effective in an initial proceeding on the date of filing of the petition, and may be effective in a modification proceeding on the date of notice to the responding party. An initial administrative child support order is effective on the date of service of the order. A modified administrative support order is effective the date the *Notice of Proposed Review* is served on the non-requesting party. For judicial child support orders, the first monthly payment is due on the first of the month following the hearing date, and on the first day of each month thereafter. For administrative child support orders, the first monthly payment is due on the first of the month following the effective date, and on the first day of each month thereafter. The amount assessed for the partial month is prorated from the effective date through the end of the month based on the monthly obligation.

DCSE may administratively establish a child support obligation for parents of a juvenile committed to the Department of Juvenile Justice (DJJ). DJJ will notify the parents of a child placed in the custody of DJJ that they are responsible for support from the date DJJ receives the juvenile.

When there is more than one child support withholding order against a child support obligor, the employer must prorate among the orders based upon the current amounts due, with any remaining amounts prorated among the orders for any accrued arrearages.

All court and administrative child support orders must contain a statement that if any child support arrearages, including interest or fees, exist at the time the youngest child included in

the order emancipates, payments shall continue in the total amount due at the time of emancipation until all arrearages are paid.

A hearing for a petition requesting the adjudication of the custody, visitation or support of a child based on a change of circumstances because a parent has been called to active duty must be expedited when one of the parents is a member of the Armed Forces Reserves, Virginia National Guard or the Virginia National Guard Reserves.

During civil proceedings for the determination of child or spousal support, the court may allow one expert witness for each party to remain in the courtroom throughout the hearing upon the request of any party.

2007

Appeals from juvenile court must remain in juvenile court if a defect in the appeal bond or other security is discovered by the juvenile court, or if an appeal bond was not required to be posted, both of which are errors made by the juvenile court. The cases must be returned to juvenile court if the defect in the appeal bond, or failure to require such bond, is discovered by the circuit court.

Child support payments, both current and past-due, received by a parent for the support of a child in that parent's custody are exempt from garnishment. Financial institutions in which child support payments have been deposited are not required to determine the portions of individuals' deposits subject to garnishment.

All child support orders established and enforced by DCSE must include a provision for medical support for the child to be provided by either or both parents. In addition, DCSE must confirm that neither parent has access to health care coverage for their dependent children through the parents' employment before referring the children to FAMIS.

All employers with more than 100 employees and all payroll processing firms with more than 50 clients must submit child support payments via electronic funds transfer (EFT).

A statewide formula is now established for use by courts to determine the presumptive amount of pendente lite spousal support awards. Courts still have the discretion to deviate from the presumptive amount calculated under this formula.

DCSE is authorized to impose:

* an annual fee of $25 for each case in which services are furnished to an individual who has never received TANF and for whom DCSE has collected at least $500 of child support annually, and * a $25 fee for the cost of reopening a case within six months of requesting case closure.

2008

Insurance benefits and the proceeds therefrom under any Virginia Retirement System group life insurance policy are subject to administrative child support actions and court proceedings to enforce a child or child and spousal support obligation.

Circuit courts and juvenile and domestic relations courts have concurrent original jurisdiction over proceedings to determine parentage.

DCSE will establish Intensive Case Monitoring pilot programs for child support enforcement to reduce jail overcrowding, provide less costly child support enforcement alternatives, and maximize the potential for child support payments. Noncustodial parents for whom routine enforcement processes have proven ineffective will be referred to this program by judges in four courts or by voluntary participation.

DCSE nonattorney employees are authorized to complete, sign and file petitions in DCSE cases. Any orders entered prior to July 1, 2008 are not deemed void or voidable solely because the underlying petitions and motions were signed by nonattorney employees.

Only those incarcerated noncustodial parents who are imprisoned for life are exempt from the minimum child support obligation of $65.

The Department of Corrections must cooperate with DCSE in identifying prisoners who are court-ordered to pay child support and in determining amounts owed.

2009

A parent who supports a dependent minor child or children residing with him may hold exempt from garnishment from creditors (excluding DCSE) an additional amount for the support of the child or children as follows: $34 per week for one child; $52 per week for two children; and $66 per week for three or more children. This additional exemption amount is not available to a parent whose household gross income exceeds $1,750 per month. Child support payments are included in the definition of household gross income.

DCSE may obligate out-of-state parents for child support using expanded long arm jurisdiction.

When issuing an Order to Withhold and the account is determined to be held jointly with another, the joint account holder must be served with a copy of the Order to Withhold – Notice to Joint Account Holder, and the financial institution or broker-dealer must receive a copy of the Notice, both within 45 days of DCSE receiving the financial institution's response. This change aligns the time frame for service of an order on sole account holders and joint account holders.

The Virginia Code sections containing provisions required in court and administrative child support orders are more closely aligned, and provide litigants notice of enforcement remedies available to DCSE if nonpayment of support occurs. Only certain identifying information is included on child support orders, including the last four digits of social security numbers.

The spouse of a parent obligated to provide health care coverage may provide the coverage. That cost will be added to the basic child support obligation.

"Cash medical support" and "Department-sponsored health care coverage" are defined, and the "reasonable cost" definition is expanded, specifying the process for collection of health care premiums and cash medical support from custodial and noncustodial parents.

Employers are required to notify DCSE when the parent providing health care coverage for the children is terminated from employment. Currently this notification is only required when the noncustodial parent is terminated from employment.

Temporary Assistance for Needy Families (TANF) child support orders must be reviewed every three years and adjusted if appropriate.

2010

A parent may be criminally prosecuted for failure to pay child support unless the child qualifies for and is receiving aid under a federal or state program for aid to the permanently and totally disabled or is an adult and meets the visual requirements for aid to the blind. Criminal prosecution is allowed for nonsupport of other children not receiving such aid.

The court may order a vocational expert to conduct an evaluation of a party in cases involving child support, spousal support, and separate maintenance in which the earning capacity, voluntary unemployment, or voluntary underemployment of a party is in controversy. The court may award costs or fees for the evaluation and the services of the expert.

Temporary Assistance for Needy Families (TANF) recipients will receive child support arrearage payments owed to them which accrued prior to receiving TANF, in compliance with the Deficit Reduction Act (DRA) of 2005. Prior to the DRA of 2005, applicants for TANF assigned all child support owed to them to the Commonwealth for reimbursement of TANF benefits paid.

The court may order issuance of a restricted driver's license to participants in a court-ordered intensive case monitoring program for child support for travel to and from appointments required by the program. Participants must have written proof of the date and time of such appointments. The Department of Motor Vehicles will not renew a driver's license or terminate a license suspension imposed for nonpayment of child support until it has received from the DCSE a certification that a person ordered by a juvenile and domestic relations district court into an intensive case monitoring program for child support continues successful participation in the program or has completed the program. Home electronic incarceration is allowed for a person convicted of nonsupport.

The courts and DCSE are no longer required to order 2.5% cash medical support payments from noncustodial parents when a child is a recipient of Medicaid or the Family Access to Medical Insurance Security Plan (FAMIS). Existing 2.5% payments are terminated and DCSE is returning to payors any payments received since July 1, 2009. Procedures for deduction and distribution of DSS sponsored-health care coverage premiums are deleted.

(8-1-97)(11-1-97)(9-1-99)(1-1-01)(3-1-01)(7-1-02)(07-01-03)(7-1-04)(7-1-05)(7-1-06)(7-1-07)(7-1-08)(7-7-2010)

District Name	Code	Locality Name	Code
DCSE - West	------	----------	-------
Charlottesville	CO	Albemarle	003
		Charlottesville	540
		Culpeper	047
		Fluvanna	065
		Goochland	075
		Greene	079
		Louisa	109
		Madison	113
		Orange	137
Verona	C2	Augusta	015
		Buena Vista	530
		Harrisonburg	660
		Highland	091
		Lexington	678
		Page	139
		Rockbridge	163
		Rockingham	165
		Shenandoah	171
		Staunton	790
		Waynesboro	820
Winchester	F2	Clarke	043
		Frederick	069
		Loudoun	107
		Warren	187
		Winchester	840
Abingdon	A0	Bland	021
		Bristol	520
		Buchanan	027
		Dickenson	051
		Giles	071
		Lee	105
		Norton	720
		Russell	167
		Scott	169
		Smyth	173
		Tazewell	185
		Washington	191
		Wise	195

District Name	Code	Locality Name	Code

Danville	L1	Danville	590
		Franklin County	067
		Halifax	083
		Henry	089
		Lunenburg	111
		Martinsville	690
		Mecklenburg	117
		Patrick	141
		Pittsylvania	143
		South Boston	780
Lynchburg	L0	Amherst	009
		Appomattox	011
		Bedford	019
		Bedford City	515
		Buckingham	029
		Campbell	031
		Charlotte	037
		Cumberland	049
		Lynchburg	680
		Nelson	125
		Prince Edward	147
Roanoke	R0	Alleghany	005
		Bath	017
		Botetourt	023
		Carroll	035
		Clifton Forge	560
		Covington	580
		Craig	045
		Floyd	063
		Galax	640
		Grayson	077
		Montgomery	121
		Pulaski	155
		Radford	750
		Roanoke	770
		Roanoke County	161
		Salem	775
		Wythe	197

District Name	**Code**	**Locality Name**	**Code**
DCSE - East	--------	----------	-------
Chesapeake Hampton	E0 H0	Chesapeake Gloucester Hampton Mathews Middlesex Poquoson York	550 073 650 115 119 735 199
Newport News	N0	Charles City James City County King and Queen King William New Kent Newport News Williamsburg	036 095 097 101 127 700 830
Norfolk	K0	Norfolk	710
Portsmouth	B1	Portsmouth	740
Suffolk	P1	Franklin City Isle of Wight Southampton Suffolk	620 093 175 800
Virginia Beach (Eastern Shore Satellite Office)	B0	Virginia Beach Accomack Northampton	810 001 131
DCSE - Central	------	----------	--------
Arlington	F5	Arlington	013
Fairfax	F0	Fairfax Fairfax City Falls Church	059 600 610
Fredericksburg	C1	Caroline Essex Fredericksburg King George Lancaster Northumberland Richmond County Spotsylvania Stafford Westmoreland	033 057 630 099 103 133 159 177 179 193

District Name	**Code**	**Locality Name**	**Code**
Henrico	D1	Hanover Henrico	085 087

Chesterfield	D2	Colonial Heights Chesterfield Amelia Powhatan	570 041 007 145
Manassas	F1	Fauquier Loudoun Manassas Manassas Park Prince William Rappahannock	061 107 683 685 153 157
Petersburg	P0	Brunswick Dinwiddie Emporia Greensville Hopewell Nottoway Petersburg Prince George Surry Sussex	025 053 595 081 670 135 730 149 181 183
Richmond	D0	Richmond	760

(8-1-97)(11-1-97)(1-1-2000) (1-1-01)(7-1-02)(9-1-02)(5-1-04)(10-1-07)(9-24-09)

DIVISION OF CHILD SUPPORT ENFORCEMENT
CHAPTER 2 CONFIDENTIALITY/INFORMATION RELEASE **(09-03-2010)**

A. General (09-01-2002)

This chapter provides procedures and information regarding:

a. confidentiality of information in the Division of Child Support Enforcement's (DCSE) files;

b. release of information in DCSE's files;

c. security of automated system information.

(11-1-96)(9-1-02)

B. Confidentiality (11-01-1996)

Federal and state laws require the Division of child Support Enforcement (DCSE) to safeguard personal information it collects about custodial parents (CPs) and noncustodial parents (NCPs). Only release information according to provisions of the Privacy Protection Act and the Code of Virginia.

(11-01-1996)

C. Release of Information (01-01-2008)

1. The DCSE Director authorizes staff to release information under specific conditions.

2. Release information about CPs or NCPs when requested under certain circumstances to the following:

a. Courts

b. Commonwealth and Local Social Service Agencies

c. State and Federal Child Support Agencies

d. Department of Medical Assistance

Refer to Chapter 17, Medical Support, Section N, Department of Medical Assistance Services, for more information.

e. Consumer Reporting Agencies

Refer to Chapter 22, Enforcement by Consumer Reporting Agencies, Section E, Referral Process, for more information.

f. CPs

g. NCPs

h. Public

i. Internal Revenue Service (IRS)

j. Law enforcement agencies, the Attorney General and prosecuting attorneys only for the purpose of enforcement of support of children and their caretakers

k. Authorized persons pursuant to 42 USC 663 in cases of unlawful taking or restraint of a child.

l. Social Security Administration (SSA) if accompanied by a written request from the CP or NCP.

3. Generally, release information

a. to establish paternity and support orders;

b. to obtain information from federal and State Parent Locator Services;

c. for the administration of federal or federally assisted programs for needy individuals;

d. for the investigation or prosecution of persons suspected of abusing federal or federally assisted programs for needy individuals; and

e. for the investigation of persons suspected of child abuse or neglect. Refer to Chapter 3, Interaction with Local Agencies, Section J, Reporting Suspected Child Abuse, for more information.

f. in compliance with the Virginia Freedom of Information Act (FOIA) or the Government Data Collection and Dissemination Practices Act (commonly referred to as the DCA or the Data Subject Act).

g. In compliance with the Government Data Collection and Dissemination Practices Act (commonly referred to as the DCA or the Data Subject Act) when requested by a data subject. A data subject is a person about whom personal information may be found by name, personal number, or other identifiable specifics in an information system. CPs, NCPs, emancipated children, and minor children represented by guardians are considered data subjects.

(11-1-97)(7-1-01)(9-1-04)(7-1-05)(1-1-08)

D. Release of Information to Customers (**09-03-2010**)

1. DCSE must release information under the DCA pertaining to a data subject when requested by a data subject or his authorized agent/representative with proper identification. The data subject may authorize DCSE to release the information to his agent in writing or may be accompanied by a person of his choosing.

   a. All personal information about the data subject is to be released. This includes but is not limited to child support, financial, education, medical, employment, or criminal records. Photographs are also considered personal information.

   b. The nature of the source of the information is to be released.

   c. Disclose names of recipients of personal information, other than routine internal DCSE and VDSS sources, unless the information was obtained as part of an ongoing criminal investigation. No disclosure will be made which might jeopardize law-enforcement actions.

   d. Disclosures **should** be made during routine working hours within 5 work days.

   e. Disclosures will be made either in person, with proper identification, or by mail, if a written request is made with proper identification.

   f. Create a case event on APECS listing all information that is released.

2. A data subject may give notice that he wishes to correct, challenge, or explain the personal information in the file. When that occurs, DCSE must do the following:

   a. Investigate the information and record the current status of the personal information.

b. If the information is found to be incomplete, inaccurate, not pertinent, not timely, or not necessary for retention, it will be corrected or purged. A certified notice will be sent informing the data subject what information has been corrected or purged, and the receipt filed.

c. If the dispute is not resolved, the data subject may file a statement of his position of not more than 200 words. If such a statement if filed, it is to be provided to previous recipients of the records. If the information is subsequently disclosed, DCSE must note that it was disputed and supply the data subject's statement with the information.

d. DCSE staff will notify data subjects of the right to make such a request.

e. If information is corrected or purged, DCSE will send notification to previous recipients of that information.

f. Create case events fully documenting all of the above steps.

3. If the source of any information forbids its release, tell the CPs and NCPs to contact the source of the information.

4. DCSE provides CPs or NCPs the following documents within 14 days after the order is issued or received by DCSE.

   a. Copies of Court or Administrative Orders, if not already provided

   b. Copies of Obligation Worksheets used to calculate the support order. Do not release the Obligation Worksheet of one NCP to another NCP, except in cases of split custody.

5. DCSE provides CPs or NCPs the following upon their verbal or written request:

   a. A copy of their payment history, including the Affidavit of Payments or ***Statement of Payments Received.***

   b. A copy of the Financial Statement that a CP or NCP submits to DCSE, is released to the other parent. The other party has a right to review the amount of debts reported by the person that submitted the Financial Statement. They also have a right to know the amount of assets reported, and the number of persons not covered by the support order that the person is responsible for supporting. Line the following information out with a black marker:

      1) social security number

2) mailing and resident address

3) phone number

4) names of persons, other than the persons for whom both parties are responsible, for whom the CP or NCP is legally responsible

5) addresses of persons for whom the CP or NCP Is legally responsible

6) employer name

7) employer phone number

8) employer address

9) names of creditors

10) name of child care provider

11) location of real estate

12) license number

13) names of lien holders

14) names of bank or credit union

15) location of bank or credit union

16) bank or credit union account numbers

c. Charge 5 cents per page for copying case record information. The money is due before DCSE provides the information. Do not charge a fee for copying information for hearings or when procedures say to provide the information to CP and NCP.

(11-1-96)(9-1-02)(3-1-04)(9-1-04)(9-1-04)(10-1-06)(1-1-08)(10-1-8)(9-3-10)

E. Release of IRS Information (09-01-2004)

1. The IRS has strict guidelines for safeguarding federal income tax information from unauthorized disclosure and has established severe penalties for the unauthorized

disclosure of this information.

a. The Internal Revenue Code makes unauthorized disclosure of information from a federal income tax return a crime that may be punishable by a fine of $5,000, five years in prison, or both, plus the cost of prosecution.

b. The Internal Revenue Code also permits a taxpayer to bring suit for civil damages for unauthorized disclosure of return information and allows for the greater of $1,000 for each act of unauthorized disclosure or the actual damages sustained together with possible punitive damages, plus the cost of court action.

2. Do not release information obtained from the IRS to anyone other than DCSE employees paid with IV-D funds who have a need for this information, and the data subject. (Exception: The amount only of intercept payments may be released to CPs, courts, attorneys, local social service agencies, other state IV-D agencies, and others who are authorized by the data subject to have this information.

3. The DCSE Director, or a designee, can release information about NCPs to the IRS for

a. reviews of income tax returns and

b. verifying dependents claimed by NCP filing income tax returns.

4. Any staff having access to the Virginia Department of Taxation's STARS system is required by state and federal law to protect the confidentiality of any and all information contained within the STARS system. All of the tax information available to you is confidential.

5. Failure to safeguard confidential tax information could be punishable as a Class 2 misdemeanor under the Code of Virginia, as a felony under the Internal Revenue Code, and in addition, the employee could incur personal liability to the injured party.

(5-1-98)(9-1-04)

F. Release of Information to the Public (01-01-2008)

1. Answer requests for information from the public within five business days after receiving the request using the Response to Information Request. (See also F.4.f.)

2. Only provide information about CPs or NCPs to other entities with the written permission of the parties involved. Authorization received via facsimile transmission is acceptable.

3. The Division of Public Affairs may release information that is not case specific, or may assign such requests to DCSE. This includes requests for
   a. statistical data,

   b. report findings,

   c. technical information, and

d. any personal information about the requestor except for scholastic records, personnel records and medical records, including any mental health records as detailed in Section 2.2-3704 of the Code of Virginia.

4. Requests received under the Freedom of Information Act or the Government Data Collection and Dissemination Practices Act

   a. General information that is not case-specific may be provided to

      1) citizens of the Commonwealth

      2) representatives of newspapers and magazines with circulation in the Commonwealth

      3) representatives of radio and TV shows broadcasting in or into the Commonwealth

   b. Provide the following

      1) written correspondence

      2) e-mail messages

      3) all paper records (subject to redaction) and forms

      4) documents stored on disks

      5) information contained in databases, including APECS screens, case events, notes, etc.

   c. The data subject of a specific case or the data subject's authorized representative who has a signed release, upon proper identification, may receive

      1) all personal information regarding the data subject except as outlined in Section F.3.d. (Exception: Information provided to DCSE by IRS may only be released to

the data subject, and may NOT be released to any other party, even with a signed release.)

2) the nature of the sources of the information (except when the information has been provided by IRS).

3) the names of recipients, other than those with regular access authority, of personal information about the data subject

d. Do NOT release

1) personnel records

2) Governor's working papers

3) written advice of legal counsel or records protected by the attorney/client privilege

4) case specific information to anyone other than the data subject, the data subject's authorized representative or other authorized entity

5) any information provided by IRS except to the data subject only (this excludes authorized representatives)

e. General request information

1) The requestor does not need to specify a reason or motivation for the request, or that he is requesting information pursuant to FOIA or the DCA.

2) The request may be written or oral.

3) There is no limit to the number of requests that may be made by a requestor.

4) The request must designate the requested documents with reasonable specificity.

f. Responding to requests

1) Respond within 5 business days of receiving a request. Document APECS, worklisting if appropriate, to ensure a response is provided.

2) Respond in writing on the Freedom of Information Response form, with one of the following

a) The requested records are attached.

b) The requested records are exempt from disclosure and will be entirely withheld, because their release is prohibited. Per Section 2.2-3704B.2.of the Code of Virginia, identify with reasonable particularity the volume and subject matter of withhold records and cite, as to each category of withhold records, Sections 63.2-102 and 63.2-103 of the Code of Virginia, which authorize the withholding of the records.

c) Some of the records are exempt, but those not exempt are attached. Cite Sections 63.2-102 and 63.2-103 of the Code of Virginia, which authorize the withholding of some of the records.

d) The requested records cannot be provided within 5 business days as it is not practically possible, but they will be provided within an additional 7 business days of the original request. Specify the conditions that make the response impossible within 5 business days.

e) The requested records could not be found or do not exist. If it is known that another public agency has the records, provide the contact information for that agency.

3) List each item requested in the written response.

4) Retain a copy of the request, a copy of the response, and copies of all records provided in the case file, again documenting APECS. Create a case event on APECS indicating the request was made, the requesting entity, the response provided, and the documents released. Retain a copy of the request, the response, and copies of all records provided in the case file.

5) Refer any questions regarding what information may or may not be released to Legal Counsel. Upon completion, forward all material to the District Manager for approval and signature. Upon request, Legal Counsel will also review the complete response for accuracy and compliance.

g. Penalty for Noncompliance

1) Any person who has been denied privileges under FOIA or DCA may petition the court. A hearing must be held within 7 days of filing.

2) If the court finds an employee in violation, that employee is personally responsible, and faces a penalty of not less than $100 and not more than $1000. The penalty for a second violation is not less than $500 or not more than $2500.

(11-1-96)(9-1-02)(9-1-04)(1-1-08)

G. Restrictions on Release of Information (10-01-2006)

1. Do not release information regarding parents to private collection agencies, with the exception of payment histories, summary case account statements only, with proper written authorization.

2. Do not release information obtained from consumer reporting agencies.

3. Do not release a parent's address if he/she indicates on the Child Support Application that they have a protective order.

4. Do not release a parent's address or any other location information to the other party when a parent indicates that they are at risk of physical or emotional harm from the other party and/or they sign an Affidavit of Nondisclosure, or when a TANF case closes due to Good Cause. Refer to Chapter 12, Case Initiation.

5. Do not release Temporary Assistance for Needy Families (TANF) or Aid to Families with Dependent Children in Foster Care (AFDC/FC) grant information unless

   a. the purpose of such disclosure is directly connected with the administration of the public welfare program, which includes establishing eligibility, determining the amount of public assistance and child support, and providing social services for applicants or recipients, or

   b. the person requesting the information has a legitimate need to know.

6. Use the Automated Program to Enforce Child Support (APECS) Case Account Statement to provide information to the CP or the APECS Account Statement to provide information to the NCP. Only use a Fiscal Record for financial information before the case converted to APECS. When it is necessary to release a Fiscal Record or Account Statement, mark out the grant information using a black marker or copy the other information onto a new document. The exception to marking out the information is when the NCP's support order is an old order based on public assistance paid and the NCP requests information on how the order was established.

7. If there is any question about the legality of releasing information, forward the request to the district manager for review. If the district manager questions the legality, he\she will forward the request to the Management Services Unit. The Management Services Unit will review the request and consult with the Office of the Attorney General if necessary.

(5-1-96)(11-1-97)(5-1-99)(7-1-01)(9-1-02)(9-1-04)(7-1-06)(10-1-06)

H. Security of IRS Information (09-01-2004)

To comply with the IRS's requirements for safeguarding information, each office is responsible for

1. establishing and maintaining a permanent system of standardized records about all information received. This includes

   a. the date the return information was received, and

   b. the name of worker having access to the information.

2. protecting IRS information by maintaining it behind a double barrier, i.e., locking authorized access area plus computer passwords..

3. limiting access to file keys and safe combinations that house paper tax information to three staff members who are paid with IV-D funds, and who are responsible for safeguarding the return information.

4. restricting access to IRS information to staff members who are paid with IV-D funds, and who are authorized to inspect and use the information,

5. maintaining paper tax information obtained from the IRS separate from the paper case files (do not keep paper screen prints from APECS screens in the paper case file)

6. transmitting return information between offices in double-sealed envelopes to be opened by addressee only and

7. shredding tax information promptly after using it.

(05-01-1998)(09-01-2004)

I. Security of Automated Systems Information (11-01-1996)

Only authorized staff may access and use information on the Department's automated files. Only use the information obtained for authorized purposes. Each office is responsible for

1. designating a security administrator and a backup security administrator to ensure compliance with the Department of Social Services Information Security Policies, Requirements and Guidelines;

2. developing, carrying out, and maintaining local information security procedures;

3. ensuring that users of information systems receive continuing training on security requirements;

4. identifying managers and supervisors who are authorized to grant access to information and information processing systems;

5. having each worker who uses the automated systems complete a Computer Systems Access Request and retaining the document. Complete a new Computer Access Request to change a worker's access.

6. having staff read, sign and abide by the Information Security Access Employee and Consultant Agreement;

7. holding each worker who uses the automated systems responsible for reporting violations or suspected violations of the Information Security Policy to their assistant director or designee and the Information Security Administrator;

8. evaluating whether to use the Standards of Conduct for any worker who violates the Information Security Policy;

9. assigning security passwords to use automated systems.

    a. Submit requests for log-on id and password requests in writing. The individual requesting access, his/her supervisor and the office security administrator sign the request.

    b. Do not use the names of family members, pets, friends, or associates for passwords.

    c. Do not use social security numbers, telephone numbers, or a series of repeating characters or numbers for passwords.

d. Do not write or store passwords where they are accessible to someone else.

e. Each individual is responsible for ensuring their password is kept confidential.

10. The duplication of software, manuals, videos, or other material that violate copyright laws and vendor licensing agreements is strictly forbidden. Infractions may result in a Standards of Conduct being issued and civil and criminal penalties.

11. The Department allows the use of personally owned software on its computers providing the software is

    a. used according to existing copyright laws,

    b. used according to the licensing agreement of the company that produced the software, and

    c. the user's Division Director or designee provides written approval for use.

12. Notify the Office of Internal Audit when automated data processing equipment or software is missing or lost.

(11-1-96)

J. Conflict of Interest (04-01-2006)

Conflict of Interest is defined as a contradiction between the private interests and the public obligations of a person in an official position. Every DCSE employee is in an official position. Various federal and state laws require, prohibit, or regulate activities of the employees of DCSE that would or could lead to conflicts of interest.

In general, DCSE employees must obey both the letter and the spirit of conflict of interest avoidance requirements. DCSE deals with extremely confidential and sensitive facts that have profound and lasting impact on our customers and other citizens. The results of these private dealings can often have public consequences, especially if some citizen should believe a DCSE employee has breached public trust. Every employee must be on guard against real or potential conflicts as he or she performs their job duties.

The *Conflict of Interest Guidelines for DCSE Employees* will be discussed with all new employees or volunteers within 3 days of employment and annually thereafter. Each employee or volunteer is required to read and sign the *Conflict of Interest Guidelines for DCSE Employees* within three days of hire and annually thereafter certifying that they understand the ramifications of any violations.

1. Examples of areas of potential conflict of interest are:

    a. Solicitation, acceptance, or agreement to accept any kind of payment from any person, vendor, or other entity with which a DCSE employee does business in his or her official capacity.

    b. Disclosure of confidential information on DCSE cases to unauthorized individuals.

    c. Researching cases which the employee is not assigned to work, to gain information about persons he or she knows personally or knows of, whether or not that information is divulged to anyone else.

    d. Involvement with cases in which the employee knows a party personally or is related to any party.

    e. Accessing confidential information not related directly to the responsibilities of administering child support enforcement laws.

    f. Anything in which the employee's private interests are likely to conflict with his or her employment obligations.

2. Areas of DCSE work where potential or actual conflict of interest would most likely arise in case situations where a DCSE employee:

    a. Is either a CP, an NCP, or is related to a CP or NCP by blood, marriage, prior marriage, or paternity. These cases will be considered as primary conflict of interest cases. OR

    b. Has personal knowledge or one or both parties in a DCSE case. These cases will be considered as secondary conflict of interest cases.

3. DCSE employees having such relationship shall:

    a. Notify their immediate supervisor of their relationship to the case.

    b. Not examine, work on or involve themselves with that individual case, either in APECS or with the paper file.

    c. Not access the computer system to check on or to update any information associated with that case.

d. Not inquire or discuss the case with anyone other than their immediate supervisor unless the employee is the CP or NCP on the case. An employee CP or NCP may make inquires through the appropriate office's Customer Services Unit.

4. When a supervisor is informed by a subordinate that he or she has such a relationship to a DCSE case, the supervisor is to ensure proper handling of the case by:

   a. Transferring the primary conflict of interest case and case file to another district office for all subsequent actions.

   b. Referring the case to the District Manager, if there is any question on the best way to handle.

   c. Transferring the secondary conflict of interest case to the APECS caseload of a different caseworker.

   d. Moving the paper file of the secondary conflict of interest case to the designated, secured area determined by procedures of each district and Assistant Director's office.

5. District Managers and Assistant Directors shall ensure proper handling of these cases by:

   a. Acting as the final decision maker as to the appropriate district office to transfer the primary conflict of interest cases, and the best place to house the secondary conflict of interest cases, ensuring that services are provided to these cases. Primary conflict of interest cases will be transferred from the office housing the conflicted employee. However, unless the conflicted employee is the court specialist or attorney, any subsequent court actions and appearances may continue to be handled by the court team in the originating district office. This allows the court team, which has a habitual relationship with the courts having continuing jurisdiction over the cases, to represent the cases in these subsequent court actions. If the conflicted employee is the court specialist or attorney, the District Manager and Regional Legal Counsel will determine court appearances.

   b. Having written procedures in place that specify the manner in which cases identified as possible conflict of interest cases are to be routed to the District Manager or Assistant Director and that identify the secure location within that office where the paper files of such cases are to be maintained.

c. Conducting or having their designee conduct a quarterly review of each case record in their possession. Both the APECS case record and the paper file shall be reviewed to ensure that no inappropriate actions pertaining to conflict of interest have been taken on the case.

d. Notating the results of the quarterly review clearly and fully in the APECS case events record. No notation of the review is required in the paper file.

e. Ensuring that the *Conflict of Interest Guidelines for DCSE Employees* is:

1) Provided and signed by all new staff within three days of hire and annually thereafter. This includes permanent and temporary staff, and volunteer workers.

2) Placed in the employee's personnel file, and

3) Photocopied and a copy given to the employee.

6. The DSS Office of Internal Audit, the Auditor of Public Accounts or other auditors charged with auditing DSS functions may review compliance with DCSE's and the state's Conflict of Interest procedures during routine audits, reviews, or special investigations.

7. Maintaining confidentiality of records and obeying the conflict of interest avoidance requirements are important parts of each DCSE employees's responsibilities. Any action that breaches this responsibility, including non-compliance with these procedures, is grounds for disciplinary action under the *Commonwealth of Virginia's Standards of Conduct and Performance*. Should the facts and circumstances warrant it, discipline for a first-time violation may result in termination of employment and potential criminal prosecution.

(11/1/02)(5/1/03)(4/1/06)

K. Social Security Numbers (07-01-2007)

If informed by a custodial or noncustodial parent of a possible misuse of a social security number, direct the party to the Federal Trade Commission at www.ftc.gov, "Consumer Protection" or the Social Security Administration at www.ssa.gov, "Social Security Number & Card."

(7-1-07)

A. Purpose of Chapter (05-01-2001)

The purpose of this chapter is to provide policy, procedures, and information regarding interaction between the Division of Child Support Enforcement (DCSE) and local departments of social services (LDSS) to

1. process Temporary Assistance for Needy Families, (TANF), Aid to Families with Dependent Children in Foster Care (AFDC/FC), non-IV-E, and Medicaid cases;

2. report changes in the "cooperation" status by the CP;

3. report alleged fraud;

4. report "good cause" status; and

5. report suspected child abuse or neglect.

(11-1-96)(5-1-01)

B. General (11-01-1996)

1. DCSE and the LDSS interact on TANF, AFDC/FC, non-IV-E/FC and Medicaid cases. They also work together in special situations such as noncooperation, fraud, and good cause.

2. DCSE notifies the LDSS when a putative father (PF) is excluded as the father on TANF, AFDC/FC, non-IV-E/FC, and Medicaid cases.

3. AFDC/FC (IV-E) and Non-IV-E/FC Cases

   a. LDSS staff prepare a petition for custody or foster care placement of a child. The petition includes a request that the court enter a child support order at the preliminary removal hearing. The Summons issued by the court notifies the parents that the court will consider child support at the hearing.

   b. If the LDSS staff believes that collection of support interferes with the goal of returning the child home, staff informs the court of the concerns.

   c. DCSE's involvement in the initial hearing or a continuation hearing varies from locality to locality. District office staff coordinate with LDSS to develop the local process.

      1) If available, DCSE staff are present in the courtroom when child support is

addressed at the preliminary removal hearing. Staff helps with the calculation of the child support obligation if requested to do so by the judge.

2) If DCSE staff is not present at the preliminary removal hearing to help with the calculation of the child support order, the judge may

a) order support based on information provided at the hearing or

b) order a continuance to a DCSE court day or

c) refer the matter of establishing a support order to DCSE.

d. Refer to Chapter 16, Establish, Review, and Adjust Orders, Sections K, Support Orders for IV-E and Non-IV-E Cases and N, Retroactive Support.

(11-1-96)

C. Referral of Information to DCSE **(04-01-2007)**

1. TANF and AFDC/FC Cases

Eligibility staff in the LDSS send DCSE information about noncustodial parent (NCP) in TANF and AFDC/FC cases. They automatically refer the NCPs using the *MAPPER 501*. Currently, the TANF cases are on the ADAPT system and AFDC/FC cases are on VACIS.

a. LDSS' staff complete the *Absent Parent Deprivation/Paternity Information* Form, an on-line document also known as the *MAPPER 501*, for each NCP referred to DCSE. Edits require IV-A staff to complete the *MAPPER 501* for the NCP before staff can approve the case on ADAPT or VACIS.

b. Additional information provided by the *Mapper 501* system include a ranking of PFs named and any of the following information on the PF or the NCP, i.e., schools attended, additional motor vehicle information, and places of social contact. This additional information is displayed in APECS on the AP Supplemental - P.1 screen under the NCP 501 Notes, lines 10-15.

c. ADAPT and VACIS electronically transmit CP and dependent information to APECS via the interface for

1) case openings,

2) case closings,

3) grant amount changes,

4) children or adult caretakers added to the grant,

5) children or adult caretakers removed from the grant, and

6) findings of good cause.

d. LDSS' staff attach copies of documents such as court orders, paternity affidavits, and acknowledgments of paternity, to a *Document Transfer Cover Sheet* and forward to the district office.

2. Non-IV-E/FC Cases

a. LDSS' staff apply for support enforcement services for non-IV-E/FC cases when pursuit of support will not adversely affect the plan to return a child to the parent(s).

b. LDSS' staff complete an Application for Child Support Enforcement Services.

1) The LDSS is the applicant and the CP.

2) LDSS' staff do not enter their social security number on the application.

3. Medicaid Cases

Applicants for Medicaid only benefits at the LDSS now have a choice of whether they want child support enforcement services, and are instructed how to apply by the LDSS. Some cases that close to TANF remain eligible for Medicaid, and have the case type changed from TANF to Medicaid upon receipt of a TANF closure notice as follows:

a. When a TANF case closes with a general discontinuance closure code (AF21)

1) APECS transitions the case type from ADC to MAOF.

2) APECS generates the Transition from ADC to N-ADC Letter (batch document). This document gives a CP the choice to opt out of full services.

3) If a CP elects to receive full services or does not contact DCSE, the case type remains MAOF.

4) If a CP elects not to receive full services, check the MSI/MMIS (Medicaid Management Information System) to determine if there is an active Medicaid case.

a) If there is an active Medicaid case, change the case type from MAOF to MAOP.

b) If no Medicaid case is found and no arrears are owed to the Commonwealth, close the case. Refer to Chapter 37, Case Closure.

b. When a TANF case closes with a non-general discontinuance closure code (AF20)

1) APECS generates an AF20 worklist;

2) Review the case and the IV-A closure reason to determine whether the case should be closed to IV-D or transitioned to another case type.

a) If it is a valid IV-D closure reason, close the case. Refer to Chapter 37, Case Closure.

b) If it is not appropriate to close the case, determine the appropriate case type and change the case type from ADC to the appropriate case type.

(8-1-97)(11-1-97)(5-1-98)(5-1-01)(4-1-07)

D. Requirement to Cooperate **(04-01-2007)**

1. TANF Cases

a. Cooperation with DCSE to establish paternity and support orders is a condition of eligibility for TANF unless good cause is found to exist.

b. Cooperation in TANF cases means all of the following actions necessary for identification and location of NCPs or PFs and the establishment and collection of child support:

1) Providing DCSE with identifying information the CP knows about the NCP or PF:

a) Name of Parent

(1) The CP must provide, under a penalty of perjury, the first and last name of the individual for whom paternity or an obligation to provide child

Support is to be established, modified, or enforced.

(2) If the CP is not certain of the child's paternity, the CP must identify all individuals with whom the mother had sexual intercourse who may be the father of the child.

b) Additional Information to Identify the NCP or PF

For each NCP or PF named, the CP must provide, under a penalty of perjury, additional informational items including, at a minimum, three of the following:

(1) Social Security Number

(2) Race

(3) Date of Birth

(4) Place of Birth

(5) Telephone Number

(6) Address

(7) Schools Attended

(8) Occupation

(9) Employer

(10) Driver's License Number

(11) Make and Model of Motor Vehicles

(12) Motor Vehicle License Plate Number

(13) Places of Social Contact

(14) Banking Institutions Used

(15) Names, Addresses, and/or Telephone Numbers of Parents, Friends, or Relatives

(16) Other information DCSE determines is likely to lead to the establishment of paternity

c) Exceptions to the Requirement to Provide Identifying Information on the NCP or the PF

In the following three situations, cooperation exists even though identifying information required in a) and b) above is not provided. A referral is made by the IV-A agency to DCSE even though the required identifying information is not provided. If the CP informs DCSE staff that one of the following situation exists, DCSE staff notifies the eligibility staff, by telephone or in writing. The eligibility staff evaluates the claim and makes a determination. The individual is considered to be cooperating while the claim is pending.

(1) Caretaker Relative Other Than the Parent

The relative other than the parent maintains that (s)he does not know the identity of the child's father and has no way to help identify the father.

(2) Mental Incapacity

The CP claims that she cannot provide identifying information due to mental incapacity.

(3) Undocumented Rape

The CP alleges that the child was conceived as a result of rape.

d) Exception to the Requirement to Provide Identifying Information on the NCP or the PF of a Child Born Prior to May 1, 1996

The CP of a child born prior to May 1, 1996, must provide identifying information on the father or attest to the lack of information, under penalty of perjury. This exception allows the CP to be considered as cooperating when she attests, under penalty of perjury, that she cannot provide the required identifying information on the father.

2) Appearing at an office of the LDSS or DCSE, as requested, to provide

a) verbal or written information, or

b) documentary evidence known to, possessed by, or reasonably obtainable by the CP about the NCP.

3) Appearing as a witness at judicial or administrative hearings or proceedings.

4) Appearing for a scheduled appointment to have a genetic test done to establish paternity.

5) Forwarding to DCSE any money received directly from the NCP after assignment of support rights.

2. Medicaid Cases

a. Cooperation with DCSE to establish paternity and medical support is a condition of eligibility for Medicaid **cases approved prior to 1/1/07** unless good cause is found to exist.

b. Cooperation in Medicaid cases means:

1) Providing DCSE with identifying information the CP knows about the NCP or PF,

or stating under a penalty of perjury that (s)he has no knowledge of the information requested.

2) Appearing at an office of the LDSS or DCSE, as requested, to provide

a) verbal or written information, or

b) documentary evidence known to, possessed by, or reasonably obtainable by the CP about the NCP.

3) Appearing as a witness at judicial or administrative hearings or proceedings.

4) Appearing for a scheduled appointment to have a genetic test done to establish paternity.

5) Providing information to help obtain child support and medical support owed to the CP or child receiving Medicaid.

(8-1-97) (9-1-98)(4-1-07)

E. Noncooperation **(04-01-2007)**

1. Noncooperation exists in TANF or Medicaid cases **approved prior to 1/1/07** in the following circumstances. The CP

a. on a TANF case fails to provide identifying information, including the first and last name of the father or of all individuals who may be the father of the child(ren), and at a minimum three additional informational items to identify the parent, and none of the exceptions in Section D.1.b.1)c) is applicable; or

b. on a TANF case designates the PFs named as numbers one (1) and two (2) and they are both excluded by genetic tests; or

c. on a Medicaid case **approved prior to 1/1/07** fails to provide identifying information the CP knows about the NCP or the PF and does not state under a penalty of perjury that (s)he has no knowledge of the information requested; or

d. fails to respond by telephone or in writing to two consecutive requests to provide information; or

e. fails to appear in court for a scheduled paternity hearing, establishment of support, or enforcement hearing; or

f. misses a scheduled appointment for a genetic blood test and does not contact DCSE to reschedule; or

g. misses two consecutive scheduled appointments other than genetic blood test or court appearance and does not contact DCSE to reschedule them; or

h. fails to provide the name of another individual who may be the father after the only man named as the PF is excluded.

2. District Office staff report the CP for noncooperation when one of the reasons listed in E.1.a - h above exists. Maintain detailed and accurate documentation, including events, dates, and the reason for reporting the CP for noncooperation. Also, acquire and maintain supporting documents as referenced in item 4 below. If noncooperation is determined:

a. Generate the "*Cooperation / Noncooperation Notification*" document on APECS with notification to the eligibility staff of the reason for reporting cooperation or noncooperation in TANF and Medicaid cases. The noncooperation reason(s) selected will be automatically written to the NCLT event notes on APECS. The staff can document in the event notes any additional information substantiating the reporting of noncooperation.

b. Send the original "*Cooperation / Noncooperation Notification*" to the eligibility

staff and retain a copy in the case file. Also, mail a copy of the notification to the CP.

c. Update the "CP Cooperative" indicator on the APECS Update Case screen with a "N."

This information is transmitted electronically to the IV-A agency through the IV-A/IV-D interface for TANF cases.

d. A system generated Event Type <NCRF> is created when the "CP Cooperative" indicator field on the APECS Update Case screen is updated with a "N".

e. Continue to work the case without cooperation from the CP.

3. Sanctions for Noncooperation by the IV-A Agency in TANF Cases

Sanctions are imposed on the CP by the IV-A agency when noncooperation is reported by

DCSE. Failure to cooperate, without good cause or an exception to identification requirements listed in section D.1.b.1)c), will result in the following action by the IV-A agency:

a. Noncooperation During First Six Months of Receipt of Assistance

1) The IV-A agency will exclude the caretaker's needs from the grant effective the month following noncompliance. The individual will remain ineligible until s(he) cooperates with DCSE or the information not previously provided is obtained from another source.

2) When the caretaker’s needs are excluded from the grant due to noncooperation in establishing paternity, the IV-A agency evaluates the case after six months' receipts of assistance.

b. Noncooperation Related to Unestablished Paternity After Six Months of Receipt of Assistance

1) If paternity has not been established after six months of receipt of assistance and the CP is not cooperating in the establishment of paternity, the eligibility staff will conduct a special review of the case. The purpose of the special review is to verify, through contact with DCSE, whether the CP has begun to cooperate and/or paternity has been established. If DCSE staff indicates that the CP is not cooperating and paternity has not been established, the eligibility staff will close the TANF case effective the following month.

2) If a TANF case is closed due to noncooperation in establishing paternity,

a) the TANF case remains closed for a minimum of one month and until cooperation is achieved or the information not previously provided is received from another source; and

b) the case is immediately evaluated for Medicaid eligibility.

4. If a sanction imposed by the IV-A agency due to noncooperation is appealed by the CP, DCSE is contacted by the eligibility staff to request supporting documentation to be included in the appeal summary. Such documentation may include copies of court summons, court issued show cause against the claimant for failure to appear, administrative summons, motions, petitions, and other legal and administrative correspondence, etc., noting CP's failure to comply. Provide this information immediately to the eligibility staff when requested. This information may also be requested by the hearing officer.

5. DCSE staff's attendance at the hearing or participation in a telephonic hearing is required to testify as to the CP's failure to cooperate.

(8-1-97)(11-1-97)(7-1-99)(11-1-5)(1-1-06)(4-1-07)

F. Change in Cooperation Status **(04-01-2007)**

1. If a CP starts cooperating or information not previously provided is obtained from another source after noncooperation has been reported, update the "CP Cooperative" indicator on

   the APECS Update Case screen with a "Y".

2. Generate the "*Cooperation / Noncooperation Notification*" document on APECS with an "X" in the appropriate block. This is a written notification to the eligibility staff of the reason for reporting cooperation or noncooperation in TANF and Medicaid-only **approved prior to 1/1/07** cases.

3. Send the original "*Cooperation / Noncooperation Notification*" to the eligibility staff and retain a copy in the case file.

4. A system generated Event Type <NCRM> is created when the "CP Cooperative" indicator field on the APECS Update Case screen is updated with a "Y." Add in notes to the event in APECS the reason for changing the "CP Cooperative" indicator from "N" to "Y."

(7-1-99)(4-1-07)

G. Alleged Fraud (11-01-1996)

1. Notify the LDSS if you suspect or have reason to believe that

   a. the NCP is living in the home with the CP.

   b. the CP is retaining or has retained assigned support payments.

2. Continue to establish and enforce the obligation. The LDSS investigates the alleged fraud.

(11-1-96)(11-1-97)

H. Good Cause (04-01-2006)

Good Cause is an exception to the requirement that a public assistance CP cooperate with DCSE to pursue child support.

1. The LDSS finds good cause when

   a. the child(ren) or CP may be physically or emotionally harmed if the CP cooperates with DCSE, or

   b. rape or incest resulted in the conception of the child and the LDSS believes that pursuing support may harm the child or CP, or

   c. a public or private social services agency is helping the CP to decide whether to place the child for adoption, or

   d. adoption proceedings for the child are pending in court, or

   e. the foster care plan is to return the child to one or both parents. Good cause exists only for the parent or parents to whom the child will be returning.

2. When the LDSS finds that good cause exists, the CP is exempt from cooperating with DCSE.

3. Do not establish an obligation or enforce an existing obligation while a good cause claim is pending or when good cause exists. For a case with an existing support order, arrears continue to accrue while good cause exists and the case is closed in APECS. The arrears can be enforced when good cause no longer exists.

4. When good cause is found to exist at the time of application for TANF or AFDC/FC, the *MAPPER 501* is updated with the good cause status code by the LDSS. The *Mapper 501* information on these cases does not build an APECS case.

    a. TANF applicants claiming good cause are asked at the time of application if they have previously received public assistance or have a child support case with DCSE.

        1) If the response is affirmative, DCSE is notified of the good cause claim manually via the *Good Cause Communication* Form.

        2) If the response is negative, standard operating procedures apply.

    b. Upon receipt of the *Good Cause Communication* Form, search APECS for an existing case involving the CP and the NCP against whom good cause is claimed. If a case is found on APECS, change the case type to TANF and close the case using good cause as the closure reason.

    c. File the *Good Cause Communication* Form in the paper file.

5. The district office receives notification that good cause exists or is pending for Medicaid cases via the *Good Cause Determination* Form.

6. The LDSS has 45 days to make a final decision on pending good cause claims.

7. If the LDSS decides that good cause does not exist, initiate action to establish and enforce child support.

8. When the LDSS transmits the good cause status to APECS via the interface, APECS automatically worklists the staff that the good cause status has changed. Close the case while good cause exists.

(8-1-97)(11-1-97)(1-1-98) (5-1-01)(4-1-06)

I. Redetermination of Good Cause (05-01-2001)

The LDSS may decide that good cause no longer exists when

1. it conducts a review of the case. If this occurs,

    a. the LDSS' staff changes the good cause status code on their system and transmits this information to APECS.

b. APECS automatically

1) updates the information on the APECS ADC Case Referral Data screen and

2) worklists the staff that the good cause status has changed.

c. The district office staff takes action to

1) establish and enforce child support prospectively from the date that good cause no longer exists.

2) close the case on APECS if good cause exists.

2. a case in which good cause was previously found to exist reopens. When this occurs,

a. the LDSS' staff changes the good cause status code on their system and transmits this information to APECS.

b. APECS automatically

1) updates the information on the APECS ADC Case Referral Data screen and

2) worklists the staff that the good cause status has changed.

c. the district office staff takes action to establish and enforce a support obligation prospective from the date the case reopened.

(8-1-97)(7-1-99) (5-1-01)

J. Reporting Suspected Child Abuse (01-01-1999)

1. Report suspected child abuse or neglect to the Child Protective Services Unit in the LDSS

where the child resides.

2. An abused or neglected child is a child under 18 years old whose parent, or any person responsible for the care of the child,

a. causes or threatens to cause a nonaccidental physical or mental injury; or

b. fails to provide adequate food, clothing, shelter, medical care, or caring support; or

c. abandons the child; or

d. commits or allows someone else to commit any illegal sexual act involving a child including incest, rape, fondling, indecent exposure, prostitution; or

e. allows the child to be exposed to any sexually explicit visual material.

3. Make a report when you know or suspect that a child is being abused or neglected.

4. Only make the report when you have direct knowledge of the situation. If another parent or person tells you they suspect abuse or neglect, suggest that they report it.

5. Tell the Child Protective Services Unit or Hotline staff that you are child support staff and give your name, telephone number, and title.

6. The Child Protective Services Unit in the LDSS may get back in touch with you if they need additional information.

7. Do not document the reporting of known or suspected child abuse in APECS Case Event History, or in the paper file.

8. The LDSS investigates and makes a finding on the complaint. You will receive a letter telling you the finding. Do not file the letter in the paper file. Destroy the letter in the manner appropriate for confidential material.

9. Anyone, including child support staff, making a report of child abuse or neglect is immune from civil or criminal liability unless it is proven that the person acted with malicious intent.

(1-1-96)

K. Documents (05-01-1998)

1. *Absent Parent Paternity Information Form*
2. *Application for Child Support Information Services*
3. *Assignment of Support Rights*
4. *Cooperation / Noncooperation Notification*
5. *Document Transfer Cover Sheet*
6. *Good Cause Determination Form*
7. *MAPPER 501*

8. *Medicaid Only Information Transmittal*
9. *Good Cause Communication Form*

(11-1-97)(5-1-98)

CHAPTER 4 INTERACTION WITH OTHER AGENCIES (**07-01-2004)**

A. Department of Accounts (01-01-1996)

The Division of Child Support Enforcement (DCSE) and the Department of Accounts work together to collect child support through the Comptroller Vendor Debt Setoff Collection Act. Refer to Chapter 21, Enforcement by Intercept Processes, for specific information.

(1-1-96)

B. Office of the Attorney General (09-01-2002)

The Office of the Attorney General provides legal assistance to all Executive Branch agencies. The Department of Social Services (DSS) and the Office of the Attorney General interact under a cooperative agreement.

Attorneys representing DCSE in court represent the Commonwealth; they do not represent the persons applying for support enforcement services.

The Office of the Attorney General assigns each district office an attorney, called a Legal Counsel, to represent that office in legal matters and to be available for consultation.

The role of Legal Counsel in the respective actions initiated by DCSE is discussed in the chapter relating to that action.

(4-18-94)(9-1-02)

C. Office of the Commonwealth's Attorney (04-18-1994)

DSS has cooperative agreements with county and city Commonwealth's attorneys to supplement the legal services provided by the Legal Counsel.

These attorneys are cooperative agreement Commonwealth's attorneys.

Attorneys representing DCSE in court represent the Commonwealth; they do not represent the persons applying for support enforcement services.

(4-18-94)

D. Courts (04-18-1994)

DCSE uses the judicial system in cases in which administrative remedies are exhausted. Refer to Chapter 5, Interaction with the Judicial System, for specific information about the courts.

(4-18-94)

E. Department of Medical Assistance Services (04-18-1994)

1. DSS has a cooperative agreement with the Department of Medical Assistance Services to provide health insurance coverage information to that agency on all Temporary Assistance for Needy Families (TANF), Aid to Families with Dependent Children in Foster Care (AFDC/FC), and Medicaid-only cases.

2. Information regarding health care coverage for dependents in non-TANF cases can be provided to the Department of Medical Assistance Services only with the consent of the non-TANF applicant.

3. This information is used to identify medical insurance, other than Medicaid, to offset Medicaid costs.

4. In out-of-state cases, health care coverage information is to be transmitted to the out-of-state IV-D agency. Refer to Chapter 17, Medical Support, for specific information.

(4-18-94)

F. Department of Motor Vehicles (09-01-1999)

1. DCSE accesses the files maintained by the Department of Motor Vehicles (DMV) on licensed drivers to aid in locating noncustodial parents (NCPs) and their assets. Refer to Chapter 14, Location, for specific information.

2. The Department has a Memorandum of Understanding and Agreement with DMV to suspend or refuse to renew the driver's license of any person who is delinquent in the payment of child support by ninety days or more or in an amount of $5,000 or more. Refer to Chapter 23A, License Suspension, for specific information.

(9-1-99)

G. Department of Taxation (04-18-1994)

The Department of Taxation intercepts state income tax refunds belonging to delinquent NCPs under the Virginia Debt Setoff Collection Act. This act authorizes the Department of Taxation to accept certifications from a claimant agency of debts owed to that agency. Also, certifications to Taxation are used to check the Department of the Lottery to intercept lottery winnings and the Department of Accounts to intercept vendor payments. Refer to Chapter 21, Enforcement by Intercept Processes, for specific information.

(4-18-94)

H. Department of the Treasury (01-01-1996)

The Department of the Treasury regulates DCSE's processes related to collecting and distributing support payments.

(1-1-96)

I. Virginia Employment Commission (01-01-1996)

DCSE uses information in the Commission's files to locate NCPs and their employers. DCSE also issues withholding orders for unemployment compensation benefits belonging to unemployed NCPs. Refer to Chapter 14, Location, for specific information about locate. Refer to Chapter 20, Enforcement by Income Withholding for specific information about withholding of unemployment compensation benefits.

(1-1-96)

J. Office of Vital Records and Health Statistics (09-01-1999)

Paternity acknowledgments obtained by DCSE are sent to Vital Records to be recorded on the birth records. DCSE has access to Vital Records' Electronic Birth Query System (EBQS) to obtain information from the birth record. Staff can also request certified copies of the birth certificate and Acknowledgment of Paternity if required. Refer to Chapter 15, Paternity, for specific information.

(9-1-99)

K. Department of Health Professions (09-01-1999)

The Department has an agreement with the Department of Health Professions to suspend professional licenses of persons delinquent in the payment of child support by 90 days or more or for $5,000 or more. Refer to Chapter 23A, License Suspension, for specific information.

(9-1-99)

L. Department of State Police (09-01-1999)

An automated match is conducted quarterly with the State Police Protective Order file to determine if the Family Violence Indicator should be set on participants in DCSE cases. Refer to Chapter 12, Case Initiation, for specific information. An automated match is conducted with the Concealed Weapons Permit and Computerized Criminal History files for location purposes.

M. Department of Juvenile Justice (07-01-2004)

The Department of Juvenile Justice (DJJ) refers applications to DCSE for child support enforcement services on behalf of juveniles placed in its custody. DCSE and DJJ have entered into an inter-agency agreement to work cooperatively on referring these cases and providing the child support services. DJJ submits the *Child Support Enforcement Services Application For The Department of Juvenile Justice Only* to DCSE's Central Registry Interstate Unit. All DJJ cases are established by the Central Registry and referred to the appropriate D.O. for case processing.

(7-1-04)

A. Virginia's Court System (09-01-2002)

Virginia's court system is made up of the following courts:

1. Courts of Record

   a. Virginia Supreme Court

      The Supreme Court has jurisdiction to hear appeals from other Virginia courts. In most cases, appeal to the Supreme Court is not a matter of right; a petition for review is ordinarily filed. Cases heard have a substantial constitutional question or substantial precedential value.

   b. Court of Appeals

      For DCSE, decisions by the Court of Appeals are final unless the Virginia Supreme Court grants a review. Appeal to this court is usually not an appeal of right.

   c. Circuit Court

      The circuit courts hear appeals of Juvenile Court decisions, state and federal tax appeals, all criminal matters, and have original jurisdiction over divorce issues.

2. Courts Not of Record

   a. General District Court

      The General District Courts handle traffic cases, claims for personal property, Warrants in debt, small claims-type cases, and criminal misdemeanor cases.

   b. Juvenile and Domestic Relations District Courts (JDRDC)

      The JDRDC courts have jurisdiction over cases involving juveniles and in adult matters of support, custody, and visitation. They also handle crimes of one family member against another.

(5-1-95) (9-1-02)

B. Interaction with Courts (01-01-1996)

DCSE staff deal primarily with the following courts:

1. JDRDC - As regards to child support, the Juvenile Court may

a. establish paternity,

b. establish, modify, and enforce support obligations,

c. establish, modify, and enforce medical support obligations,

d. transfer jurisdiction to another Juvenile and Domestic Relations District Court, and

e. hear appeals of administrative actions.

2. Circuit Court - The Circuit Court may

a. grant divorces,

b. establish paternity,

c. establish, modify, and enforce support obligations,

d. establish, modify, and enforce medical support obligations,

e. hear appeals of state and federal tax intercepts,

f. hear appeals of decisions of the Juvenile and Domestic Relations District Court, and

g. hear appeals regarding amount of joint bank account available for withholding if the amount exceeds $10,000.00.

3. General District Court - The General District Court hears cases regarding the amount of joint bank account available for withholding if the amount does not exceed $10,000.00.

(1-1-96) (9-1-02)

C. Juvenile and Domestic Relations District Courts (07-01-1999)

Proceedings held in Juvenile and Domestic Relations District Court adhere to specific court rules.

1. File requests for Witness Subpoenas at least ten days before the hearing.

2. File requests for Subpoenas Duces Tecum at least 15 days before the hearing.

3. Requests for continuances during the hearing are limited when other parties and witnesses are present and prepared to proceed with the case.

4. All parties in a court proceeding may be required to file a statement of gross income and provide documentation in support of the statement.

5. A copy, if any, of the most recent support court order is attached to petitions.

6. Court forms must be photocopied on colored paper as follows:

Motion to Amend	Green
Motion for Show Cause Summons	Goldenrod
Petition for Civil Support	Canary
Request for Witness Subpoena	Goldenrod

(7-1-99)

D. Unauthorized Practice of Law (10-01-2008)

Designated non-attorney DCSE staff may complete, sign and file petitions and motions. Accompanied by Legal Counsel, they may appear in court on behalf of DCSE. However, staff is limited in their appearance to the presentation of facts. Staff may not draw legal conclusions, make legal arguments, or examine witnesses. These activities constitute the unauthorized practice of law by staff. This is a misdemeanor under Virginia law.

1. Examination or Cross-examination of Witnesses

   Staff who is not an attorney may testify on behalf of DCSE but cannot direct questions to others who might appear as witnesses or other parties.

2. Presentation of Legal Conclusions

   A legal conclusion is a proposition arrived at by the application of rules of law to the facts. Statements as to the admissibility of evidence, the sufficiency of evidence as measured against a burden of proof and the like is a practice of law and can only be performed by DCSE's Legal Counsel.

3. Staff can perform the following activities:

   a. appear before a Clerk of Court or JDRDC Intake Officer and offer facts so that a petition may be drawn and completed;

   b. testify on any factual matters related to the support issue of which they have personal

knowledge;

c. ask for a continuance;

d. appear in court to obtain a judgment on behalf of the Commonwealth;

e. commence an action based upon a warrant that has been obtained with the approval of
Legal Counsel;

f. set a case for trial;

g. present affidavits of account; and

h. complete and sign, as a representative of DCSE, petitions, motions, and notices in the name of the Commonwealth of Virginia. The information provided by such employee is limited to facts, figures or factual conclusions, and does not include legal arguments or legal conclusions.

(1-1-96)(9-1-02)(7-1-08)(10-1-08)

E. Court Decorum (09-01-2002)

DCSE staff are representatives of the Commonwealth when they appear in court. It is necessary that staff

1. project a professional image both in manner and dress when appearing in court,

2. exhibit the courtesy due the court and all parties involved,

3. be knowledgeable of the facts of the case, and

4. be knowledgeable concerning DCSE policy and procedures.

(1-1-96)(9-1-02)

F. Legal Counsel (09-01-2002)

1. The office of the Attorney General is responsible for the provision of legal services to DCSE. Legal representation is provided by Legal Counsel who represent the Commonwealth, not the CP or NCP.

2. DCSE also contracts for legal services. These contracts are called Cooperative

Agreements. These contracts can be with

a. Commonwealth Attorneys,

b. city and county attorneys, or

c. private attorneys.

3. Attorneys representing DCSE in court represent the Commonwealth; they do not represent the CP or the NCP.

(4-18-94)(9-1-02)

G. Signatures on Court Documents (07-01-2008)

DCSE or Division of Child Support Enforcement is typed or written on court documents under the signature of DCSE staff. This includes the signature of designated non-attorney DCSE staff or attorneys representing the Commonwealth.

(1-1-96)(9-1-02)

H. Legal Fees (09-01-2002)

DCSE assesses and recovers attorneys' fees when we prevail in any court action taken by DCSE to enforce a child or medical support obligation. This applies only to cases presented by DCSE's Legal Counsel in court.

1. Generate a Notice to Obligor when:

a. a Show Cause petition is filed, or

b. an appeal has been made to the court based upon an enforcement action.

2. The fee is $120.00 per action.

3. Enter the legal fee subaccount on the Automated Program to Enforce Child Support (APECS). Refer to Chapter 35, Fees.

(1-1-01)(3-1-02)(9-1-02)

I. Referring Cases to Legal Counsel **(02-03-2010)**

1. The following cases need to be reviewed by Legal Counsel before initiating court action:

a. paternity cases in which the genetic testing results are below 98% probability and the NCP has not been excluded;

b. paternity cases in which the genetic testing results appear to be defective in some way

(chain of custody, lack of identifying information);

c. paternity cases in which there are multiple sexual partners during the period of conception;

d. paternity cases that involve both a legal father and a putative father (PF);

e. all paternity cases in which rape or incest is involved;

f. all paternity cases that involve a bigamous relationship;

g. cases involving a prior legal determination addressing paternity (res judicata);

h. paternity cases where a motion is made to join the child as party and a guardian ad litem is appointed;

i. cases involving a juvenile PF;

j. cases in which the legal father contests paternity;

k. any cases in which discovery (subpoenas duces tecum, interrogatories, depositions or other requests for information) may be involved, either on the part of DCSE or the defendant;

l. cases in which there has been extensive prior litigation between the parties or any prior or present court or administrative proceeding in another state;

m. cases involving separation or property settlement agreements;

n. cases in which Circuit Court has retained jurisdiction;

o. motions by defendants to reduce or vacate mandatory payroll deductions or other administrative actions where the defendant has not followed the administrative appeal process or it is not available;

p. appeals of administrative decisions involving mandatory withholding of income and order to withhold;

q. cases in which decreases may be due to voluntary under-employment or involve

hidden income or assets;

r. cases when bankruptcy is an issue;

s. incarcerated NCPs;

t. when DCSE becomes aware of a situation where an NCP has transferred income or property to avoid paying child support. Legal Counsel will seek to void such transfers.

2. To refer a case to Legal Counsel, generate a Legal Services Case Referral form from APECS.

3. When bankruptcy is an issue in the case, request Legal Counsel to review the case. Do not initiate any new action until Legal Counsel has reviewed the case and provided instructions for working the case. **Take the following steps as soon as the Division receives notice of a new bankruptcy filing in an open case**:

a. Enter the filing date of the bankruptcy into the appropriate field on the APECS screen for AP Supplemental Data (Fast Path 03,20).

b. Generate a *Legal Services Case Referral* and a *Bankruptcy Checklist* on APECS.

c. Send the L*egal Services Case Referral*, the *Bankruptcy Checklist*, the case record information, and a copy of the bankruptcy notice to Legal Counsel within two days of the notification of the initial bankruptcy notice.

d. Legal Counsel will complete the Advice of Legal Counsel section of the *Bankruptcy Checklist* to advise the worker how to handle the case.

e. Seek guidance from the supervisor regarding Legal Counsel's advice if appropriate.

(3-1-1997-Chapter Reformatted)(3-1-98)(7-1-99)(9-1-02)(10-1-06)(1-1-07)(02-03-2010)

A. General Information (01-01-1998)

1. IV-D agencies are required to maintain adequate records for proper and efficient program operation.

2. Documentation is an extremely important requirement. It can determine the future effectiveness of the enforcement process (i.e., deciding additional action needed or for appeals).

3. Automated Program to Enforce Child Support (APECS) documents some events based on disposition codes or document generation. Staff document other events.

4. The APECS Event History displays case and participant information and in combination with the paper file is the official case record auditors recognize.

5. Document objectively, not subjectively, so that anyone can review the case any time and easily understand the reason for the action taken. Document so that anyone can understand how the case developed from the time of application or referral. Documenting objectively means not allowing your personal feelings to interfere. Documenting subjectively means allowing your personal feelings to interfere.

6. Enter case information chronologically. Document so that it is easy to follow the activities that have occurred, particularly if the case is being considered for enforcement action.

7. Do not use slang, derogatory terms, or foul language unless a comment is a direct quotation from a caller or person interviewed and is necessary to the case record.

8. Use only clear language or approved abbreviations.

9. When documenting a case, include the following for each entry:

   a. the full name of the staff person who received the information or took the action, if different from the staff person assigned to the case,

   b. the date, method, location, and names of individuals involved.

10. When a noncustodial parent (NCP) has more than one case, the staff updating participant and demographic data contacts the staff responsible for each case before updating the data. This includes data such as name, address, employment, social security number, etc.

B. Paper File Establishment and Organization (11-01-1996)

1. Establish and maintain a paper file for each case referred to the Division of Child Support Enforcement (DCSE) or for which DCSE receives an application for child support enforcement services.

2. Place a typed or computer-generated label on each file folder. Include the following information in the order listed:

   a. on the top line of the label
      the NCP's or putative father's (PF) surname first, first name, and middle initial,

   b. on the second line of the label
      the custodial parent's name (CP's) surname first, first name, and middle initial, and

   c. on the third line of the label
      the APECS case number.

(11-1-96)(1-1-98)

C. Maintenance of Paper File **(09-03-2010)**

1. At a minimum, the paper file should contain:

   a. Administrative Documents

      1) *Administrative Support Order (ASO)*

      2) *Advance Notice of Lien*

      3) *Consumer Reporting Agency Notice* returned as undeliverable

      4) *Withholding of Income Notice of Proposed Action*

      5) *Income Withholding for Support*

      6) *Affidavit/Certification of NonDisclosure*

   b. Financial Documents

      1) *Financial Statement*

2) *Temporary Payment Agreement*

3) Standard Payment Agreement

4**) Statement of Payments Received**

c. *Application for Child Support Enforcement Services* unless the case is a former Temporary Assistance for Needy Families (TANF) case or Medicaid-only case that continues to receive child support services

d. Acknowledgments of Paternity Documents

1) *Acknowledgment of Paternity*

2) *Paternity Statements*

e. Copies of Legal Documents

1) Court Orders for Support and all records of proceedings

2) Divorce Decrees

3) Motions

4) Petitions

5) Separation Agreements and any other written agreements addressing support

6) Uniform Interstate Family Support Act (UIFSA) Orders

f. IV-D to IV-D Interstate Documents

Child Support Enforcement Transmittal

g. correspondence from Attorneys

h. correspondence that cannot be fully documented in the APECS Case or Participant Event History

1) letters

2) paternity evidence

2. Examples of inadequate documentation are not having copies of the following in the file:

    a. application or Aid to Families with Dependent Children in Foster Care (AFDC/FC) Referrals

    b. documentation of child support actions (i.e., Medical Support Ordered and whether it is available)

    c. record of collections and distributions or payment history or fiscal record

    d. legal documents or references to legal documents

    e. supporting documentation for administrative costs

    f. documentation of fees charged or paid

    g. documentation for statistical, fiscal, and other records maintained for reporting

(11-1-97)(1-1-98)(12-15-98)(1-1-01)(5-1-01)(9-3-10)

D. Paper File Contents and Order (10-01-2008)

1. APECS only generates one copy of a document.

2. Organize case information orderly and efficiently for easy use.

3. Group documents by the following categories to eliminate file searching:

    a. legal documents including all copies of orders, writs and other documents concerning court action or other legal actions

    b. NCP information including all identifying information, documentation of resources, data used for location purposes, and other related information

    c. CP and children information including all documentation on the CP

    d. financial information including records of public assistance received and reimbursed

    e. correspondence and other information such as letters from attorneys, letters from CPs and letters from NCPs

4. File on the left side of the folder, in chronological order with the most recent information on top

    a. Legal Documents

        1) copies of court orders and petitions (Nonsupport, for *Show Cause Summons*, *Motion to Amend*, URESA, UIFSA, divorce decrees, separation agreements, court abstracts, if applicable)

        2) legal documents that support the establishment of paternity such as Acknowledgment of Paternity documents, paternity statements and genetic test results

    b. Administrative Documents

        1) *Advance Notice of Lien*

        2) *ASO*

        3) *Consumer Reporting Agency Notices* returned by the Post Office

        4) *Withholding of Income Notice of Proposed Action*

5. File on the right side of the folder, in chronological order with the most recent information on top:

    a. NCP Information

        1) IV-D to IV-D documents (Child Support Enforcement Transmittals)

    b. CP and dependent child(ren) information

        1) Non-TANF Application for Child Support Enforcement Services

    c. Financial Information

        1) fiscal records

        2) most recent financial statements

        3) payment history

4) *Standard Payment Plan Agreement*

5) *Temporary Payment Plan Agreement*

d. Correspondence

1) correspondence that cannot be fully documented in the APECS Case Event History (letters, paternity evidence, etc.)

2) correspondence from Attorneys

6. Destroy Locate forms after documenting the information in APECS, with the exception of any and all documents evidencing address verification.

7. Do not file loose documents in the paper file. For example, do not file loose notes, telephone messages, envelopes, etc. Document the information in APECS.

8. The local department of social services (LDSS) maintains the Authorization for Child Support Enforcement Services document for TANF cases.

(11-1-97)(1-1-98)(5-1-01)(10-01-08)

E. APECS Case and Participant Event History (01-01-1998)

1. An event history entry is a permanent record of actions taken.

2. APECS has two types of event history entries.

a. APECS-generated

b. self-generated

3. The event history serves as

a. a case review,

b. an official case record,

c. a record of actions taken on a case and participant, and

d. a narrative record.

(11-1-97)(1-1-98)

F. APECS-Generated Event History Entries (11-01-1997)

1. APECS-generated event history entries cannot be modified or deleted.

2. APECS automatically documents the following actions in the event history:

a. documents generated by APECS

b. items updated in APECS

APECS generates a Case Event History entry when the following information is updated including but not limited to:

1) schedules

2) case referrals

3) interstate initiating disposition codes

4) bonds, securities and guarantees

5) liens

6) reassignment of IV-A Cases

7) closure of locate activities

8) manual locate sources

9) hearings/appointments

10) appeals

11) appeal requests

12) adding support orders
(11-1-97)

G. Self-Generated Event History Entries (01-01-1998)

1. Staff use self-generated event history entries to document actions taken on a case or participant.

2. Self-generated event history entries may be revised on the day entered.

3. APECS saves the previous address as an old address when a new address is added. This information appears in the APECS Case Event History. New information replaces any other changes.

4. Document each activity relating to the case as a separate entry. For example, update:

   a. APECS disposition codes to document results of interviews, i.e., updating paternity disposition automatically writes to case events;

   b. every incoming or outgoing contact or attempted contact (i.e., employers with or without results);

   c. each contact or attempted contact (phone calls, attempted phone calls, and interviews);

   d. contacts initiated by DCSE and inquiries to DCSE; and

   e. results of appeal hearings and court hearings.

5. A supervisor can delete self-generated event history entries created in error.

6. Make entries in the event history when activities relating to the case or participants occur. Include not only the results of interviews, but also

   a. telephone conversations,

   b. contacts with NCPs, CPs, attorneys, and other agencies,

   c. information requested or received by individuals or other agencies,

d. actions taken by DCSE to notify the NCP or CP, and

e. correspondence sent or received.

(11-1-97)(1-1-98)

H. Case Event History Entries (03-01-2000)

1. Batch Documents (for example):

Notice of Action Taken by DCSE (license suspension)

a. The Event Class is <0003>.

b. The Event Description is <MAIL NOTICE OF ACTION TAK BY DCSE>.

2. On-line Documents (for example):

a. *Change in Payee Notice*

1) The Effective Date is the date APECS generates the document.

2) The Event Class is <0002>.

3) The Event Type is <ECPN>.

4) The Event Description is <CHANGE IN PAYEE NOTICE>.

5) The Event Notes are <ECPN*THE CP IS NO LONGER RECEIVING CHILD SUPPORT SERVICES>
<ECPN*SEND PAYMENTS, INCLUDING ARREARS, TO THE CP>

b. *Closure Intent Notice*

1) The Effective Date is the date APECS generates the document.

2) The Event Class is <0002>.

3) The Event Type is <CCIN>.

4) The Event Description is <CLOSURE INTENT NOTICE>.

5) The Event Notes are <CCIN*(the reason the case will be closed)>

c. *Legal Services Case Referral*

1) The Effective Date is the date APECS generates the document.

2) The Event Class is <0002>.

3) The Event Type is <JLSC>.

4) The Event Description is <LEGAL SERVICES CASE REFERRAL>.

5) The Event Notes are <JLSC*(followed by a description of the type of case selected on the document generation screen)>.

d. *Motion for Show Cause Summons*

1) The Event Type is <JMS1>.

2) The Event Description is <SHOW CAUSE: FAILURE TO PAY S>.

e. *Notification of Action Taken by DCSE*

1) The Effective Date is the date APECS generates the document.

2) The Event Class is <0002>.

3) The Event Type is <CNAT>.

4) The Event Description is <NOTIFICATION OF DCSE ACTION>.

5) The entry does not have Event Notes.

3. Manual Documents (for example):

a. *Inquiry to Licensing Authority*

1) If the information is obtained from a Control D report,

a) the Effective Date is the date the report is reviewed;

b) the Event Description is <LIC VERIFIED BY (Add the name of the report used)>;

2) If the contact is by telephone,

a) the Effective Date is the date the telephone call is made

b) the Event Type is <SELF>

c) the Event Description is <telephone call to (Add the name of the agency contacted)>.

3) If the *Inquiry to Licensing Authority* is mailed,

a) the Effective Date is the date the document is generated;

b) the Event Type is <SELF>; and

c) the Event Description is <CONTACT LET LICENSE AGENCY>.

b. *Motion and Order to Reinstate Professional License*

1) The Effective Date is the date the document is generated.

2) The Event Type is <SELF>.

c. *Notification of Possible Occupational License Suspension*.

1) The Effective Date is the date the document is generated.

2) The Event Type is <SELF>.

3) The Event Description is <1ST NOTICE RE LICENSE SUSPENSION MA>.

d. *Notice of Intent to Petition the Court to Suspend Occupational or Professional License, Certificate, Registration, or Other Authority*

1) The Effective Date is the date the document is generated.

2) The Event Type is <SELF>.

3) The Event Description is <NOTICE OF INTENT TO SUSP LICENSE>.

e. *Petition for Proposed Professional or Other License Suspension*

1) The Effective Date is the date the document is generated.

2) The Event Type is <SELF>.

f. *Standard Payment Agreement*

1) The Effective Date is the date the agreement is signed.

2) The Event Type is <SELF>.

(11-1-97)(1-1-98)(3-1-2000)

I. Participant Event History Entries (01-01-1998)

1. Batch Documents (for example):

a. *Consumer Reporting Agency Notice*

1) The Effective Date is the date APECS generates the document.
2) The Event Class is <0002>.

3) The Event Type is <FCRA>.

4) The Event Description is <CONSUMER REPORTING AGENCY NOTICE>.

5) Event Notes are not included.

b. *Important Notice about Child Support*

1) The Effective Date is the date APECS generates the document.

2) The Event Class is <0001>.

3) The Event Type is <INCS>.

4) The Event Description is <IMPORT NOTICE ABOUT CHLD SUPPT>.

5) Event Notes are not included.

6) APECS Update Event Record Screen

a) If the post office returns the document to the district office as undeliverable, district office staff type <RTNU> in the Disposition field for the <INCS> Event Type created when APECS generated the document.

b) If the post office returns the document and a new address to the district office, district office staff type <RTNA> in the Disposition field for the <INCS> Event Type created when APECS generated the document. Type the new address on the APECS Update Participant Address screen. Refer to the APECS User Manual, pages 3.4-2 through 3.4-5 and 3.4-8 through 3.4-11, for functional processing steps.

c) Type the date the post office returns the document in the Disp. Effective Date field.

7) Written and Verbal Contacts

Create a Case Event History entry when an NCP contacts DCSE concerning the Important Notice about Child Support. If the contact concerns more than one case, type an APECS Case Event History entry and notes for each case.

a) The Effective Date is the date the NCP contacts DCSE;

b) the Event Class is <0001>;

c) the Event Type is

(1) <DCAL> if the contact is from an NCP and concerns drivers' license suspension, or

(2) <SELF> if the contact does not concern drivers' license suspension or is from someone other than an NCP.

d) The Event Description is the type of contact

(1) <TELEPHONE CALL>, or

(2) <LETTER>, or

(3) <WALKIN>

followed by <INCS>.

e) The Event Notes

(1) explain the reason for the contact and

(2) record actions related to the event.

c. *Notice of Intent to Suspend Driver's License*

1) APECS generates a case event with the following information when The Notice of Intent to Suspend Driver's License is printed:

a) the Effective Date is the date APECS generates the tape of documents.

b) The Event Class is <0002>.

c) The Event Type is <NISD>.

d) The Event Description is <NOTICE OF INTENT TO SUSP DRI>.

e) The Event Notes are <(NISD* TOTAL ARREARS AT TIME OF MAILING: (followed by the amount in the NCP's subaccounts when the document was generated))>.

2) APECS generates a worklist with the following information when a payment, other than an intercept payment, posts in 31days after the date good service is obtained on the Notice of Intent to Suspend Driver's License.

a) the Effective Date is the date APECS determines that a payment on arrears has posted;

b) the Event Class is <>;

c) the Event Type is <RPAY>;

d) the Event Description is <DR LIC SUSP STOPPED DUE TO PAYMENT>.

2. On-line Documents (for example):

a. APECS *Legal Services Case Referral*

b. *Notice of Intent to Suspend Driver's License*

1) The Effective Date is the date APECS generates the documents.

2) The Event Class is <0002>.

3) The Event Type is <NISD>.

4) The Event Description is <NOTICE OF INTENT TO SUSP DRI>.

5) The Event Notes are <(NISD* TOTAL ARREARS AT TIME OF MAILING: (followed by the amount in the NCP's child support subaccounts when the document was generated))>.

c. *Petition and Order for Suspended License*

1) The Event Type is <POSL>.

2) The Event Description is <PET & ORDER FOR SUSP DRV LIC>

d. *Standard Payment Agreement*

1) The Effective Date is the date APECS generates the document.

2) The Event Class is <0002>.

3) The Event Type is <SPAY>.

4) The Event Description is <STANDARD PAYMENT AGREEMENT>.

5) The Event Notes are <SPAY* (Amount for current support) PER (time period) FOR CURRENT SUPPORT>
<SPAY* (Amount for arrears) PER (time period) FOR ARREARAGE AMOUNT>

e. *Temporary Payment Plan Agreement*

1) The Effective Date is the date APECS generates the document.

2) The Event Class is <0002>.

3) The Event Type is <TPAY>.

4) The Event Description is <TEMPORARY PAYMENT AGREEMENT>.

5) The Event Notes are <TPAY* (Amount for current support) PER (time period) FOR CURRENT SUPPORT>
<TPAY* (Amount for arrears) PER (time period) FOR ARREARAGE>

(11-1-97)(1-1-98)

J. Event Notes (01-01-1998)

1. Notes allow staff to type additional information and attach it to an existing screen or event history. Staff may create notes or use the inquiry notes' screen to view attached notes.

2. Notes can be changed or deleted and are not considered a permanent part of the case record. You may enter additional notes to explain changes to previously entered notes.

(1-1-98)

K. Inquire AP Supplemental Screen (11-01-1997)

Important Notice about Child Support

The Important Notice and Date fields are blank until APECS generates the Important Notice about Child Support. When APECS generates the notice, it enters

1. a <Y> in the Important Notice field and

2. the date the notice is generated in the Date field.

3. When district office staff enter <RTNU> or <RTNA> in the Disposition field on the APECS Update Event Record screen, APECS automatically removes the <Y> from the Important Notice field and the date from the Date field.

(11-1-97)

A. General Information (03-01-2005)

DO NOT REVISE OR CREATE DOCUMENTS without the approval of the Management Services Unit (MSU). This Unit and Legal Counsel reviews and approves the documents listed in this chapter. The review and approval process reduces potential liability and audit errors by district and Central Office staff. The hard copy of the Forms Manual is now obsolete as MSU has uploaded all forms to the DCSE website: www.localagency.dss.state.va.us/divisions/dcse/forms/.http://www.localagency.dss.stae.

1. Automated Program to Enforce Child Support (APECS) generates documents when

   a. action is taken on a case or

   b. staff selects an on-line document using the Documents Generation menu.

2. APECS automatically generates documents using the batch generation process.

3. APECS automatically enters data elements, such as a noncustodial parent's (NCP's) name, social security number, and address on documents.

4. Staff enter information not supplied by APECS on supplemental screens. A supplemental screen appears when the data is not in APECS or a document requires data that staff calculates.

5. APECS does not generate the number of copies needed for document distribution and retention. Photocopy the APECS document to obtain the number of copies needed for

   a. posted service,

   b. follow-up mailing, and

   c. paper files.

6. APECS on-line documents print on designated printers in district offices. APECS batch documents print at the Central Office in Richmond or produce tapes that a vendor uses to generate the documents.
7. Change the print location for on-line documents to a different location by entering a new printer ID. Only try to change the print location on documents that print in your office. District office staff cannot change the print location for documents that print in Central Office.

8. APECS document generation (on-line or batch) creates an entry in the Event History.

9. Certain APECS documents generate worklists to notify staff when an action needs to be taken on a case or to follow-up on an action a document requires.

10. All documents are maintained on a PC diskette as a back-up in case APECS is down. Each office has diskettes with all documents and instructions for using the documents.

11. When a PC document is generated because APECS is down, create a self-generated Event History entry. Include the name of the PC document in the entry.

12. When policy, procedures, or regulations change, documents are updated.

13. Updated documents have the revision date on the bottom right side of the form. District and Central Office staff request revisions to documents. Refer to Section G at the end of this chapter for procedures on how to request updated documents.

14. Obtain information about document retention, distribution and purpose by pressing the help key.

(11-1-96)(3-1-05)

B. Worklists (11-01-1996)

1. APECS may generate worklists when it automatically generates a document or when a document is generated by staff using the on-line Document Generation Facility.

2. Worklists notify staff when an action needs to be taken on a case or to follow-up on an action a document requires.

(11-1-96)

C. Documents that Generate a Worklist (01-01-2007)

1. Administrative Appeal Ruling
   30 days check for reply from Corporation

2. Administrative Hearing Decision
   10-day worklist to hearing officer, if decision is "reverse" or "amend" - verify compliance. 30-day worklist to hearing officer - verify service by certified mail. Additional 21 days, if certified mail service is unsuccessful, to hearing officer - verify service by sheriff.

3. Administrative Summons
   1 day before appointment

4. Administrative Support Order
   21 days - check for return of service. 15 days from service date - appeal period expires. Enter obligation.

5. Advance Notice of Lien (ASO/Out-of State Order)
   15 days - check for service; file lien.

6. Advance Notice of Lien (Virginia Court Order)
   15 days after service - appeal period expires; file lien.

7. Affidavit on Check Endorsement

   a. The Due Date is 30 calendar days after the date APECS generates the document.

   b. The Priority is <2>.

   c. The Type is <FACE>.

   d. The Worklist Description is <AFFIDAVIT ON CHECK ENDORSEMENT>.

   e. The worklist does not have Notes.

8. Bankruptcy Checklist

   a. The Due Date is 30 calendar days after the date APECS generates the document.

   b. The Priority is <2>.

   c. The Type is <CBAC>.

   d. The Worklist Description is <BANKRUPTCY CHECKLIST>.

9. Change in Payee Notice

   a. The Due Date is 21 calendar days after the date APECS generates the document.

   b. The Priority is <2>.

   c. The Type is <ECPN>.

   d. The Worklist Description is <CHANGE IN PAYEE NOTICE>.

   e. The worklist does not have Notes.

10. Child Support Enforcement Transmittal

    This document generates two worklists.

    a. First Worklist

        1) The Due Date is 15 calendar days after the date APECS generates the document.

        2) The Worklist Description is <CHECK FOR ACKNOWLEDGMENT>.

    b. Second Worklist

        The Due Date is 90 calendar days after the date APECS generates the document.

    c. The Worklist Description is <CHECK FOR STATUS>.

11. Closure Intent Notice

    a. The Due Date is 65 calendar days after the date APECS generates the document.

    b. The Priority is <2>.

    c. The Type is <CCIN>.

    d. The Worklist Description is <CLOSURE INTENT NOTICE>.

    e. The worklist does not have Notes.

12. Coast Guard Allotment Request

    15 days - Check for service.

13. Compliance Letter
    15 days - check for response.

14. Consent Order of Support (Modification)
    30 days - Check for return from court.

15. Consent Order of Support (Paternity)
    30 days - Check for return from court.

16. Contact Letter to Noncustodial Parent
    15 days - if 1st or 2nd options are selected - check for return of the financial statement.

17. Contact Letter to Non-TANF CP
    15 days - if 1st or 3rd options are checked, worklist on day before appointment. <APPOINTMENT WITH CP TOMORROW>

18. Contact Letter to Temporary Assistance for Needy Families (TANF) Custodial Parent (CP)
    15 days - if 1st option is selected Check for response from the CP. If 2nd or 3rd option is selected, worklist on day before appointment <APPOINTMENT WITH CP TOMORROW>.

19. Corporation Request for Customer Information

    a. The Due Date is 30 days after the date APECS generates the document.

    b. The Priority is <2>.

    c. The Type is <LCRC>.

    d. The Worklist Description is <CORP REQUEST FOR CUSTOMER>.

20. Emergency Stop Payment Request

    a. The Due Date is 15 calendar days after the date APECS generates the document.

    b. The Priority is <2>.

    c. The Type is <FESP>.

    d. The Worklist Description is <EMERGENCY STOP PAYMENT REQUEST>.

    e. The worklist does not have Notes.

21. Employer Information Request

    a. The Due Date is 30 calendar days after the date APECS generates the document.

    b. The Priority is <2>.

    c. The Type is <LEIR>.

    d. The Worklist Description is <EMPLOYER INFORMATION REQU>.

22. Freedom of Information Response
    If first 3 options are selected, no worklist required. 10 calendar days - worklist is

generated if last option is selected - response is due to the NCP and the CP.

23. Genetic Test Appointment Letter

    a. The Due Date is one day after the appointment date.

    b. The Worklist Description is <VERIFY BLOOD DRAWN>.

24. Health Insurance Order Release
    15 days - Verify service.

25. Information Request

    a. The Due Date is 30 calendar days after the date APECS generates the document.

    b. The Priority is <2>.

    c. The Type is <LINF>.

    d. The Worklist Description is <INFORMATION REQUEST>.

    e. This worklist goes to the State Parent Locator Service staff.

26. Interstate Case Problem Letter (Central Registry)
    15 days - worklist to Central Registry staff - check for response.

27. Interstate Contact Letter
    30 days - check for response.

28. Interstate Status Report
    30 days - if item 3 selected, only - check for response. No worklist required if items 1-2 and 4-14 selected.

29. Interstate Status Request
    No worklist required if item 1, only, is selected.

30. Lien for Support Debt
    15 days - check for service.

31. Lien for Support Debt Release
    15 days - check for service.

32. Locate Data Sheet

    a. The Due Date is 60 calendar days after the date APECS generates the document.

b. The Priority is <2>.

c. The Type is <LLDS>.

d. The Worklist Description is <LOCATE DATE SHEET>.

e. This worklist goes to staff who generates the document regardless of location.

33. Locate Request Letter to Immigration/Naturalization Service

a. The Due Date is 10 calendar days after the date APECS generates the document.

b. The Priority is <2>.

c. The Type is <LLRL>.

d. The Worklist Description is <LOCATE REQUEST LETTER TO>.

e. This worklist goes to the State Parent Locator Service staff.

34. Military Allotment Request
15 days - check for service.

35. Motion and Order to Amend Order
21 days - check for court date.

36. Motion for Show Cause Summons
21 days - check for court date.

37. Notice of DCSE Appeal Hearing
1 day before hearing, to responsible staff and hearing officer- <Administrative Appeal hearing tomorrow>.

38. Notice of Intent to Suspend Driver's License

This document may generate two worklists.

a. First Worklist

1) The Due Date is 15 calendar days after the date APECS generates the tape to print the document.

2) The Priority is <1>.

3) The Type is <VRRR>.

4) The Worklist Description is <VERIFY DRL CERT MAIL RECE>.

b. Second Worklist

1) The Due Date is 31 calendar days after the date APECS generates the tape to print the document.

2) The Priority is <1>.

3) The Type is <RDMV>.

4) The Worklist Description is <REVIEW CASE FOR DR LIC SUS>.

5) District office specialists delete the worklist by entering one of the following codes on the APECS Worklist screen:

a) <HDMV> for Driver's License Suspension Hearing Requested,

b) <PAYS> for Payment Agreement Signed, or

c) <SLIC> for Driver's License Suspended.

39. Order to Deliver
15 days - check for service. Check for receipt of assets 10 days after service.

40. Order to Withhold
15 days - check for service on financial institution; mail to sheriff for service on NCP. 15 days after service on financial institution - verify receipt of answer. If a joint account holder is involved, generate Joint Account Holder Notice.
15 days from date of service on NCP - appeal period expires; send the Order to Deliver if no joint account holder.

41. Order to Withhold (Joint Account Holder Notice)
6 days - check for service on a joint account holder, and on financial institution.

42. Petition for Support (Civil)
21 days - check for court date.

43. Postmaster Verification Request

a. The Due Date is 30 days after the date APECS generates the document.

b. The Priority is <2>.

c. The Type is <LPVR>.

d. The Worklist Description is <POSTMASTER VERIFICATION R>.

44. Renewal of Collection and Monitoring Service
30 days - worklist to specialist to check for receipt of fee.

45. Request for Copy of Canceled Check
20 days - worklist to Division of Finance staff - check for response from Treasury.

46. Request for Federal Tax Return Information for Use in Child Support Enforcement

a. The Due Date is 30 days after the date APECS generates the document.

b. The Priority is <2>.

c. The Type is <LFTR>.

d. The Worklist Description is <REQ FOR FEDERAL TAX RETUR>.

e. This worklist goes to the State Parent Locator Service staff.

47. Request for Subpoena Duces Tecum
21 days - verify service. 30 days after service - verify receipt of information requested.

48. Returned Check Letter
15 days - worklist to Division of Finance staff - check for response from NCP and CP.

49. Social Services Application for Vital Record Information

a. The Due Date is 21calendar days after the date APECS generates the document.

b. The Priority is <2>.

c. The Type is <LSSA>.

d. The Worklist Description is <DSS APPL FOR VITAL RECORD>.

e. This worklist goes to the State Parent Locator Service staff.

50. Standard Payment Plan Agreement

a. The Due Date is 10 calendar days after the date APECS generates the document.

b. The Priority is <2>.

c. The Type is <SPAY>.

d. The Worklist Description is <STANDARD PAYMENT AGREEMENT>.

51. Tax Intercept Letter Regarding Excess Money
15 days - check for response from NCP.

52. Withholding of Income (Notice of Proposed Action)
21 days - check for service.

53. Order/Notice to Withhold Income for Child Support
This document generates two worklists.

a. First worklist

1) The Due Date is 15 calendar days after the date APECS generates the document.

2) The Priority is <2>.

3) The worklist description is <CHECK FOR SERVICE>.

b. Second worklist

1) The Due Date is 30 calendar days after the date APECS generates the document.

2) The Priority is <2>.

3) The worklist description is <CHECK FOR PAYMENTS>.

54. Withholding Release

15 days - check for service.

(8-1-97)(11-1-97)(1-1-98)(12-15-98)(3-1-05)(1-1-07)

D. Batch Documents (04-01-2006)

1. APECS automatically generates batch documents or identifies batch documents to be generated when some actions occur.

2. Most batch documents that APECS generates or identifies to be generated cannot be selected by staff using the Document Generation Facility. The documents do not appear on the menu.

3. Batch documents that APECS generates or identifies

    a. do not require an original signature or attachments.

    b. do not require supplemental information. APECS supplies all data and automatically enters the data on the documents.

    c. are automatically documented in the APECS Event History.

    d. print at the Central Office or at the location of the vendor who generates and mails certified mail for DCSE. When the documents are printed at Central Office, the Division of Information Systems forwards the documents to the Office of General Services for mailing.

    e. are mailed in 2-window envelopes with the return address of the district office responsible for responding to questions regarding the document as the return address.

4. Batch Documents

    a. Consumer Agency Reporting Letter

    b. Repayment Options

    c. Important Notice About Child Support

    d. Transition Letter

        1) The Important Notice about Child Support is an informational letter. It is generated monthly, using batch processing, to notify obligated NCPs who meet the criteria in subsection 3 regarding:

            a) the types of enforcement actions DCSE takes,

            b) DCSE charges interest on arrears,

            c) DCSE may charge fees to NCPs, and

            d) the customer may request a review of the amount of their current support obligation.

        2) NCPs receive this document before DCSE

            a) charges a fee other than for genetic testing to the NCP, or

            b) suspends an occupational and professional license, or

c) suspends a driver's license.

3) Criteria for Generating the Document

APECS generates the document for NCPs who

a) have a current support order or an arrears only case with a balance,

b) have a workable case type,

c) have a mail address on APECS, and

d) have not received the document.

4) When APECS generates the document, it also

a) generates a Participant Event History entry at the NCP MPI #. Refer to Chapter 6, Documentation Requirements, Section I, Participant Event History Entries, for information entered and

b) updates the AP Supplemental screen. Refer to Chapter 6, Documentation Requirements, Section K, Inquire AP Supplemental Screen, for information entered.

5) The document is mailed at least 30 calendar days before the Notice of Intent to Petition the Court to Suspend Occupational, Professional or Trade Licenses, Certificate, Registration or Other Authority, or the Notice of Intent to Suspend Driver's License.

6) Documents Returned by the Post Office
Refer to Chapter 6, Documentation Requirements, Section I, Participant Event History Entries.

7) Important Notice About Child Support - Monthly Statistical Report

APECS automatically generates monthly statistical reports by staff, district, and region. Access the reports in Control D using the job name WELUC16 and report names

a) DV81

This report contains the following information:

(1) IV-D staff ID

(2) number of notices generated for period for staff

(3) number of notices generated year to date for staff

(4) number of notices generated for district office this period and year to date

b) WV55

This report contains the following information:

(1) code for district office

(2) number of notices generated for district office for period

(3) number of notices generated year to date for district office

(4) total number of notices generated this period for district office and region

(5) total number of notices generated year to date for district office and region

c. Notice of Intent to Suspend Driver's License

1) APECS generates a Participant Event History entry at the NCP MPI #. Refer to Chapter 6, Documentation Requirements, Section I, Participant Event History Entries, for information entered.

2) DCSE contracts the mailing of the documents to NCPs using certified mail.

d. Notification to CP of Intent to Intercept

e. State Income Tax/Lottery Intercept letter to AP

f. Support Collections Notice to CP

g. Tax Intercept Letter Regarding Excess Money

h. Transition from TANF to Non-TANF Letter

i. Vendor Payment Intercept Notification

j. Notice of Possible Occupational License Suspension

k. Notice of Intent to Suspend Occupational or Professional License, Certificate, Registration, Other Authority

A copy is mailed to the CP using first class mail.

(8-1-97)(11-1-97)(1-1-03)(5-1-03)(3-1-05)(4-1-06)

E. On-line Documents (01-01-2007)

1. Staff select on-line documents using the APECS Document Generation Facility. On-line documents print immediately on local printers.

2. Specific on-line documents require you to enter supplemental information not provided by APECS. If additional information is needed, APECS prompts you to enter the required information.

3. On-Line Documents

   a. Locate

      1) Corporation Request for Customer Information

      2) Employer Information Request

      3) Locate Request Letter to Immigration/Naturalization Service

      4) Postmaster Verification Request

      5) Report of Search

      6) Social Services Application for Vital Record Information

   b. Paternity Establishment

      1) Genetic Test Appointment Letter

      2) Acknowledgment of Paternity

      3) Paternity Certification Notice

      4) Voluntary Agreement for Genetic Test

      5) Genetic Testing Order

   c. Support Obligation Establishment or Modification

      1) Administrative Summons

2) Administrative Support Order

3) Change in Payee Notice

4) Change of Payee Temporary Request

5) Contact Letter to NCP

6) Financial Statement

7) Notice of Intent to Suspend Driver's License

8) Notice of Proposed Review

9) Notice of Results of Financial Review of Administrative Support Order

10) Notice of Results of Financial Review of Court Support Order

11) Notice of Review Withdrawal

12) Request for Subpoena Duces Tecum

13) Review Request Denied

14) Waiver of Formal Service of Process

15) Notice of Emancipation of Dependent

d. Medical Support Obligation Establishment/Enforcement

1) Health Insurance Notice (CP)

2) Health Insurance Order Release

3) Waiver of Formal Service of Process

e. Enforcement

1) Withholding of Income

a) Assignment of Income

b) Coast Guard Allotment Request

c) Compliance Letter

d) Military Allotment Request

e) Waiver of Formal Service of Process

f) Withholding of Income (Notice of Proposed Action)

g) Order/Notice to Withhold Income for Child Support

h) Alternative Payment Arrangement Agreement

i) Release of Income Withholding Order

2) Assets Attachments

a) Advance Notice of Lien (ASO/Out-of-State Order)

b) Advance Notice of Lien (Virginia Court Order)

c) Application for Collection of Delinquent Payments/IRS

d) Lien for Support Debt

e) Lien for Support Debt Release

f) Order to Deliver

g) Order to Withhold

h) Order to Withhold (Joint Account Holder)

i) Waiver of Formal Service of Process

j) Notice of Full or Partial Release of Order to Withhold

3) Driver's License Suspension

a) Standard Payment Plan Agreement-Occupational or Prof. License Suspension

b) Standard Payment Plan Agreement-Driver's License Suspension

c) Notice of Intent to Suspend Driver's License

4) Order to Withhold (Insurance Assets)

5) Order to Deliver (Insurance Assets)

6) Demand for Payment of Child Support

(7) Final Notice

f. Judicial

1) Consent Order of Support (Modification)

2) Consent Order of Support (Paternity)

3) Court Date Notice

4) Legal Services Case Referral

5) Motion and Order to Amend Order

6) Motion for Show Cause Summons

7) Parentage Test Order

8) Payroll Deduction Order for Support

9) Petition for Support (Civil)

10) Petition and Order to Suspend Driver's License

11) Request for Witness Subpoena

12) Summons (Commonwealth of Virginia)

g. Interstate

1) Administrative Subpoena

2) Acknowledgment Memo

3) Answer to Status Request

4) Certificate and Order

5) Child Support Enforcement Transmittal #1- Initial Request

6) Child Support Enforcement Transmittal #2 - Subsequent Action

7) Child Support Enforcement Transmittal #3 - Request for Assistance/Discovery

8) General Testimony

9) Interstate Case Problem Letter (Central Registry)

10) Interstate Contact Letter

11) Interstate Request for Provision of IV-D Services

12) Interstate Status Report

13) Interstate Status Request

14) Notice of Lien

15) Order Transmittal

16) Paternity Affidavit

17) Registration Statement

18) Uniform Support Petition

19) Notice of Determination of Controlling Order

20) Affidavit in Support of Establishing Paternity

21) Locate Data Sheet

h. Administrative Hearings

1) Administrative Appeal Ruling

2) Administrative Hearing Decision

3) Notice of DCSE Appeal Hearing

4) Summary of Facts for Appeal

5) Waiver of Formal Service of Process

i. Payments/Financial

1) Affidavit on Check Endorsement

2) Emergency Stop Payment Request

3) Request for Copy of Canceled Check

4) Returned Check Letter

5) Redirect Letter to NCP/CMU

6) Replacement Check Acknowledgment Letter

7) Return Check for Completion Letter

8) Notice of Fee Payment Due

9) Notice of Payment in Error

10) Second Notice of Payment in Error

11) Final Notice of Payment in Error

j. Case Maintenance

1) Bankruptcy Checklist

2) Closure Intent Notice

3) Contact Letter to Non-TANF -CP

4) Contact Letter to TANF-CP

5) Freedom of Information Response

6) Notification of Action Taken by DCSE

7) Payment Record/Arrearage Letter

8) Coop/NonCooperation Notification

9) Affidavit/Certification of Non Disclosure

10) Subpoena duces Tecum

(8-1-97)(11-1-97)(1-1-98)(5-1-98)(12-15-98)(3-1-2000)(5-1-01)
(1-1-03)(5-1-03)(03-01-05)(01-01-07)

F. Manual Documents (01-01-2007)

1. Documents beginning with "032" are referred to as "warehouse" forms and may be ordered from:

Clemons Courier Services Inc.
4227 Carolina Ave., Bldg. B.
Richmond, VA 23222
or

you may requisition these forms from Clemons through the internet by contacting:

Jennifer Peterson, 804 672-7336, ext. 206, or 800 523-6014, ext 206
or e-mail her at jpeterson@clemonscourier.com or jennifer@powerorbit.com.

Give her your FIPS/Cost Code and your "ship to" address. Once she has this information, she will assign you a user ID and password. Log on to www.powerorbit.com., go to the "forms" link and fill in the order form.

One exception in the list below is 032-11-103. This form may be ordered from the Division of Finance in the home office.

Application-Collection and Monitoring Service (032-11-103)

Application for Child Support Enforcement Services (032-11-200)

Absent Parent Paternity Information (032-03-501)

Batch Control Assignment Sheet (032-11-552)

Good Cause Communication (032-03-277)

Good Cause Determination (032-03-035)

Health Insurance Information (032-11-722)

Medicaid Only Information Transmittal (032-11-520)

Mother's Affidavit of Paternity (032-11-727)

Obligation Worksheet (032-11-714/3)

Official Receipt (032-11-031)

Acknowledgment of Paternity (032-11-VS22)

2. "DCSEP" forms are manual forms. They are located on the DCSE Website at: www.localagency.dss.state.va.us/divisions/dcse/forms . These forms may be downloaded onto a personal computer and photocopied to meet the needs of the office. These forms are not available from Clemons Courier Services. They include:

   a. Appeals and Fair Hearings

      1) Administrative Hearing Decision (Out-of-State) (DCSE-783)
      2) Motion to Approve Proposed Modified Support Order (DCSEP-782)

   b. Case Maintenance

      1) Change in Payee Temporary Request (Cover Letter) (DCSEP-732A/1

      2) Change in Physical Custody (DCSEP-800)

      3) Change of Name/Address Request (DCSEP-821)

      4) Letter to Private Agencies (DCSEP-830)

      5) Letter to CP Regarding Private Collection Agencies (DCSEP-831)

      6) Legal Guardian Affidavit (DCSEP-832)

      7) Nonresident Application Cover Letter (DCSEP-757)

      8) Nonresident Status Letter (DCSEP-755)

      9) Request for Case Closure (DCSEP-823)

      10) Review and Adjustment Notification (DCSEP-827)

      11) Termination of Administrative Support Order (DCSEP-753)

   c. Enforcement

      1) Authorization to Request or Obtain Iinformation (DCSEP-841)

2) Emergency Notice of Withdrawal of Passport Denial (DCSEP-811)

3) Employee Disclosure Referral (DCSEP-771)

4) General Information Relating to the Review of Court-Ordered Support (DCSEP-781)

5) Inquiry to Licensing Authority (DCSEP-776/1)

6) Notice of Intent to Petition the Court to Suspend Occupational, Professional Or Trade License, Certificate, Registration or Other Authority (DCSEP-777)

7) Notice of Results of Challenge of Financial Review Results (DCSEP-770)

8) Notice of Results of Review-Incarcerated NonCustodial Parent (DCSEP-836)

9) Notification of Possible Occupational License Suspension (DCSEP-779)

10) Occupational License Suspension (First Notice) (DCSEP-775)

11) Request for Modification (DCSEP-795)

12) Request for Review and Adjustment (DCSEP-820)

13) Seizure and Sale (Cancellation Notice) (DCSEP-761)

14) Seizure and Sale Checklist (DCSEP-749)

15) Seizure and Sale (RDMV Notice) (DCSEP-760)

16) Seizure and Sale (Fieri Facial Cover Letter) (DCSEP-750)

17) Seizure and Sale (Fieri Facial Request) (DCSEP-751)

18) Seizure and Sale (First Lienholder Notice) (DCSEP-762)

19) Seizure and Sale (Notice of Intent) (DCSEP-754)

20) Seizure and Sale (Sheriff Follow-Up Letter) (DCSEP-763)

21) Supplemental ASO (DCSEP-788)

22) U.S. Attorney's Office Prosecution Checklist (DCSEP-764)

23) U.S. Attorney's Office Referral for Prosecution (DCSEP-765)

24) U.S. Attorney's Office Update Form (DCSEP-766)

d. Establishment

1) Contact Letter to Non-Applicant CP (DCSEP-774)

2) Interim Application for Child Support Enforcement Services (Foster Care Cases Only) (DCSEP-791)

3) Paternity Acknowledgment Rights and Responsibilities Statement (DCSEP-719)

e. Financial

1) Affidavit of Payments (DCSEP-816)

2) Child Support Payment Processing Procedures (DCSEP-818)

3) Daily Payment Transaction Report (DCSEP-531/C)

4) Daily Payment Transaction Report-Fees (DCSEP-531/F)

5) Emergency Payment Authorization (DCSEP-767)

6) Request for Payment Transfer/Refund (DCSEP 826)

7) Stop Payment Request Affidavit (DCSEP-834)

f. Interstate

1) Agreement to Transfer Jurisdiction (DCSEP-809)

2) Confirmation to Transfer Jurisdiction (DCSEP-813)

3) Jurisdiction Consent Form (DCSEP-828)

4) Long Arm Jurisdiction Affidavit (DCSEP-829)

g. Locate

1) Application for Location Info. (DCSEP-825)

2) Case Referral (DCSE-842)

h. Miscellaneous

These forms are for internal use only.

1) Application for Child Support Services Log (DCSEP-721)

2) Conflict of Interest Guidelines for DCSE Employees (DCSEP-835)

3) Turnaround (Procedural Inquiry and Answer) Form (DCSEP-837)

(11-1-97)(5-1-98)(12-15-98)(11-1-99)(1-1-01)(7-1-02)(1-1-03)(5-1-03)(3-1-05)(4-1-06)(1-1-06)(1-1-07)

G. Request to Create or Revise a Document (12-15-1998)

1. District office staff forward requests to develop or revise documents to the appropriate DCSE Assistant Director's office .

2. DCSE Assistant Director's Office Regional office staff

   a. review the request, and

   b. notify the district office staff, within five business days of receipt, that the request was not forwarded to MSU or that the request was forwarded to MSU.

   c. forward the request to MSU.

   d. receive a response from MSU and forward the response to the district office staff within five working days of receipt.

3. Central Office staff forward requests to develop or revise documents to their supervisor with an explanation of need for the document. Refer to item 2 above for the supervisor functions.

4. MSU staff

   a. decides if changes need to be made to an APECS document and submit a change order to the APECS User Support Unit.

   b. decides if a document needs to be developed and generated by APECS and submit a

change order to the APECS User Support Unit.

c. decides if changes need to be made to a manual document, issue the revised document, and add the revised document in Appendix A, DCSE DOCUMENTS.

d. issues the revised or new document in a Clearinghouse directive.

e. provides a response to the submitting staff within 10 working days from the date MSU receives the request.

(11-1-97)(12-15-98)

H. Procedures for Updating Documents (11-01-1996)

1. A Clearinghouse issuance provides information about new or revised documents and an explanation of the changes.

2. All DCSE staff receive a copy of Clearinghouse issuances.

3. When documents are revised, the revision date appears on the bottom right side of the document.

4. Replacement pages are provided for manual documents.

(11-01-96)

I. Record Retention (04-01-2006)**(07-01-2008)**

When preparing records for warehousing refer to the Library's General Records Retention and Disposition Schedules for State Agencies and Specific Schedule No. 765-02, Department of Social Services, for the retention periods for any given records. These Schedules are:

1) Specific Schedule 765-02 - This schedule number is used for DCSE's closed case records - Obligated Legal Parent;
2) General Schedule 101 - Administrative Records;
3) General Schedule 102 - Fiscal Records;
4) General Schedule 103 - Personnel Records; and
5) General Schedule 108 - Fire, Safety and Security Records.

Please note on DCSE's Specific Schedule 765-02 that the retention period for closed cases regarding obligated and unobligated legal parents is 10 years after the last child turns 19. Since there is no way of knowing the youngest child in a given box of records, these records should be housed 29 years. Also, be aware that tax information from case files is considered part of the case file, and should be retained according to the type of case it is, even if the tax

information is filed separately.

In reference to financial documents, please retain these records for at least 5 years or until audited.

Following are instructions for warehousing:

a. Complete a Library Records Transfer List form (RM-17) when records are identified for warehousing. Photocopied RM-17s are acceptable for submission, but remember to keep a copy for your records.

b. Place the same records in the same box. Do not mingle different kinds of records in the same box.

c. Place records to be warehoused in approved, standard size "Records Center" boxes. Do not use other boxes.

d. Send the completed and approved RM-17 form to DSS's Records Officer in General Services in the Home Office. For more information call 804-726-7181.

e. The Records Officer will sign and forward the RM-17 to the Library of Virginia.

f. The Library of Virginia processes, creates labels, and sends labels to the Records Officer who then forwards back to the requesting staff.

g. Affix labels to the boxes to be warehoused.

h. At this point, if the boxes are within Richmond city limits, the Library will pick up boxed records and deliver them for free to its new facility. If the boxes are outside Richmond's city limits, the customer is responsible for delivering them to the Library's facility. In both cases, please notify the Library in advance. Call Records Center Supervisor at (804) 692-3600.

   Make copies of the RM-17, and document what has been warehoused. After retention periods have expired, the DSS's Records Officer will receive a notice from the Library of Virginia.

   Notices will be forwarded to the appropriate Records Coordinator. Refer to your files in order to respond to the notice and complete the eventual disposition of the records in question.

Records files should be permanent office files, and anyone responsible for maintaining them must follow the same procedures.

Retain a copy of these guidelines, the Library's schedules and all RM-17s in the same file.

(11-1-97)(11-1-99)(4-1-06) (07-1-08)

Appendix A, DCSE Documents (01-01-2007)

The key for coding the "Type of Service" is as follows: 1 - Waiver of Service, 2 - First Class Mail, 3 - Certified Mail, Return receipt requested, 4 - Posted Service, 5 - Substituted Service, 6 - Hand delivery in person, 7 - File with Court 8 - Fax, and 9 - Last Known Address.

The key for coding the "Dist" (distribution) is as follows: M-mother, F-father, OVR-Office of Vital Records, DO-district office, CP-custodial parent, NCP-noncustodial parent, PF-putative father, Desig. Gov. Offcl.-designated government official, Cent. Reg.-Central Registry, HCR-hearings case record, Atty.-attorney, Chk Maker-maker of the check.

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Acknowledgment Memo (non-IV-D)	Y	N	N	Y	N	1		
Acknowledgment of Paternity	Y	N	N	Y	N	4	M, F, OVR, DO	N/A
Administrative Appeal Ruling	Y	Y	N	Y	N	4	NCP, CP, DO HCR	3
Administrative Hearing Decision	Y	Y	N	Y	N	5	NCP, CP, DO Atty, HCR	3
Administrative Hearing Decision (Out-of-State) (DCSEP-783)	N	N	N	N	Y	3	NCP, CP, DO	
Administrative Subpoena	Y	N	N	Y	N	1	Corp.	3
Administrative Summons	Y	Y	N	Y	N	2	CP, PF	2, 3, 4, 5, 6
Administrative Support Order	Y	Y	N	Y	N	2	NCP, CP	1, 3, 4, 5, 6

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Advance Notice of Lien (ASO/Out-of-State) Order	Y	Y	N	Y	N	2	NCP, CP	2
Advance Notice of Lien (Virginia Court Order)	Y	Y	N	Y	N	2	NCP, CP	3
Affidavit/Certification of NonDisclosure	N	N	N	Y	N	2	Requesting Party, DO	NONE
Affidavit in Support of Establishing Paternity	Y	N	N	Y	N	1	(perchild) Other St. IV-D, Cent. Reg.	2
Affidavit of Payments (DCSE-816)	N	N	N	N	Y	1	DO	NONE
Affidavit on Check Endorsement	Y	Y	N	Y	N	2	Treasurer, Bank	NONE
Agreement to Transfer Jurisdiction	N	N	N	N	Y			
Alternative Payment Arrangement Agreement	Y	N	N	Y	N	2	CP, NCP	2
Answer to Status Request	Y	N	N	Y	N	1		
Application for Child Support Enforcement Services	N	N	N	N	Y	1	DO	NONE
Application for Child Support Enforcement Services Log	N	N	N	N	Y	1	DO	NONE
Application for Collection and Monitoring Service	N	N	N	N	Y			

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Application for Collection of Delinquent Child Support By IRS	Y	Y	N	Y	N	4		
Application for Location Information (DCSEP-825)	N	N	N	N	Y			
Assignment of Income	Y	N	N	Y	N	2		
Authorization to Request or Obtain Information (DCSEP-841)								
Bankruptcy Checklist	Y	Y	N	Y	N	1	Legal Counsel	
Case Referral (DCSEP-842)	N	N	N	N	Y	1	District Office	None
Certificate and Order	Y	N	N	Y	N	5		
Change in Payee Notice	Y	Y	N	Y	N	2	NCP, Sheriff, CP	3
Change of Name/Address Request (DCSEP-821)	N	N	N	N	Y		On the Internet	
Change of Payee Temporary Request	Y	N	N	Y	N	2	CP	2
Change of Payee Temporary Request Cover Letter (DCSE-732A)	N	N	N	N	Y	1	CP	2
Change in Physical Custody	N	N	N	N	Y			
Child Support Enforcement Transmittal #1	Y	Y	N	Y	N	5	IV-D Agency	2
Child Support Enforcement Transmittal #2	N	N	N	N	Y	1	Other State IV-D Ofc.	2

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Child Support Enforcement Transmittal #3	N	N	N	N	Y	1	Other State IV-D Ofc., Central Reg.	2
Child Support Payment Processing procedures (DCSEP-818)	N	N	N	N	Y			
Closure Intent Notice	Y	Y	N	Y	N	1	CP	2
CMU Change in Payee Notice (DCSE-797)	N	N	N	N	Y			
Coast Guard Allotment Request	Y	Y	N	Y	N	2	Desig. Gov. Offcl	
Compliance Letter	Y	Y	N	Y	N	2	Employer	2
Confirmation to Transfer Jurisdiction	N	N	N	N	Y			
Conflict of Interest Guidelines for DCSE Employees (DCSEP-835)`	N	N	N	N	Y			
Consent Order of Support (Mod)	Y	Y	N	Y	N	3		
Consent Order of Support (Pat)	Y	Y	N	Y	N	3		
Consumer Reporting Agency Notice	Y	N	Y	N	N	1	NCP	2
Contact Letter to TANF CP	Y	Y	N	Y	N	1	CP	2
Contact Letter to Non-TANF CP	Y	Y	N	Y	N	1	CP	2

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Contact Letter to Non-Applicant CP (DCSEP-774)	N	N	N	N	Y	1	CP	2
Contact Letter to NCP	Y	Y	N	Y	N	1	NCP	2
Cooperation/Noncooperation Notification	Y	N	N	Y	N	3	file, LDSS CP	NONE
Corp. Request for Customer Information	Y	Y	N	Y	N	1		2
Court Date Notice	Y	N	N	Y	N	1		
Daily Payment Transaction Report (DCSEP-531/C)	N	N	N	N	Y			
Daily Payment Transaction Report-Fees (DCSEP-531/F)	N	N	N	N	Y			
Demand for Payment of Child Support	Y	Y	N	Y	N	1	NCP	2
Document Transfer Cover Sheet	N	N	N	N	Y			
Emergency Payment Authorization Form	N	N	N	N	Y			
Emergency Stop Payment Request	Y	Y	N	Y	N	1	Treasurer	NONE
Employee Disclosure Referral	N	N	N	N	Y			
Employer Information Request	Y	Y	N	Y	N	1	Employer	2
Financial Statement	Y	N	N	Y	N	1	NCP, CP	2

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Final Notice of Payment in Error			Y	N				
Freedom of Information Response	Y	Y	N	Y	N	1	Person Req. Info	2
General Information Relating to the Review of Court-Ordered Support (DCSEP-781)	N	N	N	N	Y			
General Testimony for URESA	Y	N	N	Y	N	5	IV-D Agency	7
Genetic Test Apt. Letter	Y	Y	N	Y	N	2	PF, TANF CP	2
Genetic Testing Order	Y	Y	N	Y	N	2	NCP, CP	1,3,4,5,6
Good Cause Communication	N	N	N	N	Y	BENEFIT PROGRAMS' FORM		
Good Cause Determination	N	N	N	N	Y	BENEFIT PROGRAMS' FORM		
Health Insurance Information Form	N	N	N	N	Y			
Health Insurance Notice (CP)	Y	N	N	Y	N	1	CP	2
Health Insurance Order Release	Y	Y	N	Y	N	2	Employer	3
Important Notice About Child Support	Y	N	Y	N	N	1	NCP	2
Inquiry to Licensing Authority (DCSEP-776)	N	N	N	N	Y			
Intent to Close Non-IVD Cases								

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Interim App. for Support Enforcement Services (FC Cases)	N	N	N	N	Y			
Interstate Case Problem Letter (Central Registry)	Y	Y	N	Y	N	1		
Interstate Contact Letter	Y	Y	N	Y	N	1	Responding State	2
Interstate Request for Provisions of IV-D Services	Y	N	N	Y	N	1		2
Interstate Status Report	Y	Y	N	Y	N	1	Initiating State	2
Interstate Status Request	Y	Y	N	Y	N	1		2
Jurisdiction Consent Form (DCSEP-828)								
Legal Guardian Affidavit (DCSEP-832)	N	N	N	N	Y			
Legal Services case Referral	Y	Y	N	Y	N	1		
Letter to Private Agencies (DCSEP-830)	N	N	N	N	Y			
Letter to CP Regarding Private Collection Agencies (DCSEP-831)	N	N	N	N	Y			
Lien for Support Debt	Y	Y	N	Y	N	3		
Lien for Support Debt Release	Y	Y	N	Y	N	3		
Locate Data Sheet	Y	Y	N	Y	N			

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Locate Request Letter to INS	Y	Y	N	Y	N	1		2
Long Arm Jurisdiction Affidavit (DCSEP-829)								
Medicaid Only Information Transmittal	N	N	N	N	Y			
Military Allotment Request	Y	Y	N	Y	N	2	Desig. Gov. Offcl	3, 6
Mother's Affidavit of Paternity	N	N	N	N	Y			
Motion to Approve Proposed Modified Support Order (DCSEP-782/1)	N	N	N	N	Y			
NonCustodial Parent Paternity Information	N	N	N	N	Y			
NonResident Application Cover Letter (DCSEP-757)	N	N	N	N	Y			
NonResident Status Letter	N	N	N	N	Y			
Notice of DCSE Appeal Hearing	Y	Y	N	Y	N	4	NCP,CP, FCR, ATT	2
Notice of Determination of Controlling Order	Y	N	N	Y	N	5	CP, NCP, Initiating IV-D Agency, Issuing Tribunal, Any other IV-D Agency Involved	2
Notice of Emancipation of Dependent			N	Y	N			
Notice of Fee Payment Due	N	N	N	Y	N			

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Notice of Full or Partial Release of Order to Withhold				Y	N			
Notice of Full or Partial Release of Order to Withhold-Insurance Assets								
Notice of Intent to Petition the Court to Suspend Occupational, Professional, or Trade License, Certificate, Registration, or Other Authority (DCSEP-777)	N	N	N	N	Y			
Notice of Intent to Suspend Driver's License	Y	Y	Y	Y	N	1	NCP	3
Notice of Lien	Y	N	N	Y	N	2	CP, NCP	2
Notice of Payment in Error								
Notice of Proposed Review	Y	Y	Y	Y	N	2	CP, NCP	3,6
Notice of Recoupment (APECS515)								
Notice of Results of Challenge of Financial Review Results	N	N	N	N	Y			
Notice of the Results of Financial Review of Administrative Support Order	Y	Y	Y	N	N	2	NCP, CP	2
Notice of the Results of Financial Review of Court Support Order	Y	Y	Y	N	N	2	NCP, CP	2
Notice of Results of Review of Incarcerated NCP	N	N	N	N	Y			

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Notice of Review Withdrawal	Y	N	Y	N	N	1	Requesting Party	2
Notice of Withdrawal of Passport Denial	N	N	N	N	Y			
Notice to Court of a Change in Court Status								
Notification of Action Taken by DCSE	Y	N	N	Y	N	1	CP	2
Notification of Possible Occupational License Suspension	N	N	N	N	Y			
Obligation Worksheet Sole/Split Custody	N	N	N	N	Y			
Occupational License Suspension First Notice (DCSEP-775)	N	N	N	N	Y			
Order/Notice to Withhold Income for Child Support	Y	Y	Y	Y	N	3	Employer, NCP, DO	
Order to Deliver	Y	Y	N	Y	N	2	Holder of Assets, DO	3
Order to Deliver Insurance Assets								
Order to Withhold	Y	Y	N	Y	N	2	Holder of	3, 6
Order to Withhold Insurance Assets							Assets, NCP	

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Order to Withhold (Joint Acct)	Y	Y	N	Y	N	3	Holder of Assets Joint Account Holder, DO	3, 6
Order Transmittal	Y	N	N	Y	N	5		
Paternity Acknowledgment Rights & Responsibilities Statement	N	N	N	N	Y	1	NCP	
Paternity Affidavit	Y	N	N	Y	N	5		7
Paternity Certification Notice	Y	N	N	Y	N	1	PF, NCP	3
Payment Record/Arrearage Letter	Y	N	N	Y	N	1	CP OR NCP	2
Petition for Support (Civil)	Y	Y	N	Y	N	4		
Postmaster Verification Request	Y	Y	N	Y	N	2	Post Office	
Registration Statement	Y	N	N	Y	N	2-3	NCP, CP, Court	2,3,4 5,6,7
Release of Income WithholdingOrder				Y	N			
Renewal of Collection and Monitoring Services	Y	Y	Y	N	N	2		
Repayment Options			Y		N			
Replacement Check Acknowledgment Letter	Y	N	N	Y	N	1	Chk Maker	2
Report of Search	Y	N	N	Y	N	1		

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Request for Administrative Hearing	HEARINGS OFFICE FORM					On the Internet		
Request for Case Closure (DCSEP-823)	N	N	N	N	Y		On the Internet	
Request for Copy of Canceled Check	Y	Y	N	Y	N	1	Treasurer	2
Request for Information from the Court								
Request for Modification (DCSEP-795)	N	N	N	N	Y	1	Requesting Party	2
Request for Payment Transfer/Refund DCSEP-826	N	N	N	N	Y	1		
Request for Review and Adjustment (DCSEP-820)	N	N	N	N	Y		On the Internet	
Request for Subpoena Duces Tecum			N	Y	N			
Return Check for Completion Letter	Y	N	N	Y	N	1	Payor	2
Return Check Letter	Y	Y	N	Y	N	3	DO, CSU MAKER CHECK	2
Review and Adjustment Notification (DCSEP-827)	N	N	N	N	Y			
Review Request Denied	Y	N	N	Y	N	1	REQUESTING	
Second Notice of Payment in Error							PARTY	2
Seizure & Sale (Cancellation Notice)	N	N	N	N	Y			

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Seizure & Sale Checklist	N	N	N	N	Y			
Seizure & Sale (DMV Notice)	N	N	N	N	Y			
Seizure & Sale (Fieri Facias Cover Letter)	N	N	N	N	Y			
Seizure & Sale (Fieri Facias Request)	N	N	N	N	Y			
Seizure & Sale (First Lien Holder Notice)	N	N	N	N	Y			
Seizure of Property (Intent Notice)	N	N	N	N	Y			
Seizure & Sale (Sheriff Follow-Up Letter)	N	N	N	N	Y			
Social Services Application for Vital Records Information	Y	Y	N	Y	N	1		
Standard Payment Plan Agreement-Drivers' License Suspension (APECS-401)	Y	Y	N	Y	N	1	NCP	
Standard Payment Plan Agreement Occupational or Professional License Suspension (DCSEP-778)	N	N	N	N	Y			
State Income Tax/Lottery Winnings Intercept Letter to NCP	Y	N	Y	N	N	1	NCP	2
Stop Payment Request Affdidavit (DCSEP-834)	N	N	N	N	Y			

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Subpoena Duces Tecum	Y	Y	N	Y	N	3		6
Summary of Facts for Appeal	Y	N	N	Y	N	4		
Supplemental ASO (DCSEP-788)	N	N	N	N	Y			
Support Collections Notice to CP	Y	N	Y	N	N	1	CP	
Tax Intercept Letter Re: Excess Money	Y	Y	Y	N	N	1	NCP	2
Transition from TANF to Non-TANF Letter	Y	N	Y	N	N	1	CP	2
Termination Administrative Support Order (DCSE-753)	N	N	N	N	Y	3	NCP, CP, DO	
Turnaround Form (DCSEP-837)	N	N	N	N	Y			
Uniform Support Petition	Y	N	N	Y	N	5		
USAO Prosecution Checklist	N	N	N	N	Y			
USAO Prosecution Referral	N	N	N	N	Y			
USAO Prosecution Referral Update	N	N	N	N	Y			
Vendor Payment Intercept Notification	Y	N	Y	N	N	1		

DOCUMENT NAME	EVENT	WRKLST	BATCH	ONLINE	MANUAL	COPIES	DIST	TYPE OF SERVICE
Virginia Parent Locator Service Application	N	N	N	N	Y			
Voluntary Agreement for Genetic Testing	Y	N	N	Y	N	2	PF, DVR	2
Waiver of Formal Service of Process	Y	N	N	Y	N	2	NCP	2
Withholding of Income (Notice of Proposed Action)	Y	Y	N	Y	N	4		

(7-1-98)(11-1-99)(3-1-01)(5-1-01)(3-1-02)(1-1-03)(5-1-03)(3-1-05)(1-1-07)

CHAPTER 8 SERVICE OF PROCESS AND NOTARIZATION **(07-07-2010)**

A. When Service of Process is Needed (08-01-1997)

Service of child support documents is required when child support orders are established either administratively or through court action. Many other child support actions require service of process including most actions to enforce obligations.

1. Service of process is the delivery of a child support document to the person for whom the document is intended. In some cases more than one party must be served prior to taking an action. Both sheriffs and private process servers refer to a person upon whom process is to be served as a subject. For consistency, this term is used in the following discussion of service of process. Although the subject is most often the noncustodial parent (NCP), NCPs are not the only parties upon whom child support documents are served. The instructions for each form used to initiate a child support action indicates the type of service required and what parties must be served.

2. The service should give the subject reasonable notice of the action being taken by the

   Division of Child Support Enforcement (DCSE) and an opportunity to appeal the action.

3. When child support documents need to be served, diligent efforts must be made to accomplish service, as follows:

   a. determine subject(s) to be served and what type of service is required. Unless specifically prohibited, a higher level of service may be used, when necessary. For example, personal service may be used for an action that only requires certified or registered mail. A lower level of service than required, however, may not be used;

   b. repeat service of process attempts at least quarterly in cases in which previous attempts to serve process have failed, but where there is reason to believe that the last known address of the subject is correct, and

   c. provide a process server or sheriff, if they are being used to accomplish service, with any additional or new information concerning the whereabouts of the subject.

4. Service is valid when the subject waives formal service or the “proof of service” copy of the child support document is returned, properly documented to indicate that service has been accomplished as prescribed by law.

5. Service cannot be accomplished on Sundays or holidays.

(08-01-1997)

B. Methods of Service(07-01-2003)

Successful service of process can be accomplished in several ways. None of these methods are necessary if the subject waives the formal service requirements. This waiver must be done in writing. If a waiver is not obtained, the following methods of service are available and must be used in accordance with instructions for use of the document to be served.

1. Resident Subject

   a. Hand delivery to the subject in person, constitutes one method of service. This may be done at the subject's usual place of abode, place of employment or any other place within the Commonwealth.

   b. Substituted Service is another method of service and may occur either of two ways when the subject cannot be found at his or her usual place of abode:

      1) hand delivering a copy of the document to a member of the subject's family who is not a guest and is age 16 or older; or

      2) posting a copy of the child support document to the front door of the subject's usual place of abode. When this method is used, a copy of the document must also be mailed to the subject at least 10 days before the applicable time period expires. The date of mailing must be added to the Automated Program to Enforce Child Support (APECS) Case Event History.

      Service of Process may be accomplished by the sheriff of the jurisdiction where the subject is to be served, by a uniformed police officer or court official, or by an otherwise disinterested person, known as a process server, who is age 18 or older and is not a party involved in the matter. In order to constitute valid service of process, the document served must be documented by the sheriff or process server as to the order of attempted service and method of final service. For purposes of service of process, all Division employees are considered involved in each matter of child support, and therefore not disinterested parties.

   c. Service by Registered or Certified Mail

      Certified or registered mail with a return receipt requested is an appropriate method of accomplishing service.

   d. Service by First Class Mail at Subject's Last Known Address

      First class mail is an appropriate method for serving child support documents in some situations. Refer to following sections.

2. Nonresident Subject

a. For a Nonresident subject, the following methods can be used to accomplish service:

   1) Certified, registered or first class mail; or

   2) Process server who satisfies the requirements of the appropriate jurisdiction; or

   3) IV-D Agency of the appropriate jurisdiction in accordance with the service rules of that jurisdiction.

b. Nonresident subjects may be served if they:

   1) have previously been ordered to pay child support by DCSE or a court of the Commonwealth; or

   2) have conceived a child in the Commonwealth; or

   3) have maintained a matrimonial domicile in the Commonwealth. This method is only appropriate where the subject's spouse has continued to reside in the Commonwealth.

3. Incarcerated Subject

   For an incarcerated subject, service can be accomplished by any of the appropriate methods at the jail or correctional facility upon the officer in charge of the jail who has been given the duty of receiving service. The officer will deliver the document to the subject. In the event this officer does not effect service, service by a sheriff or process server directly on the incarcerated subject is also valid.

4. Employers and Entities Paying Attachable Non-Wage Income/Benefits or Providing Health Insurance

   a. Income withholding or health insurance orders may be served by first class mail or any of the other methods of service on employers or other agencies/entities who pay or provide wages or non-wage income or benefits that are subject to withholding or medical support order. These may include government agencies and public or private entities paying retirement, disability benefits or other attachable income, or providing health insurance.
   b. Income withholding orders may also be served on employers or other entities paying wages or attachable non-wage income by electronic means, including facsimile.

   c. If the employer does not honor the income withholding or health insurance order, send the order again using certified mail, and requesting a return receipt.

(8-1-97)(1-1-98)(3-1-98)(7-1-98)(12-15-98)(03-01-01)(07-01-03)

C. How to Accomplish Service **(07-07-2010)**

1. General Information

   a. The purpose of all methods of service is to provide the subject with a true copy of the child support document. However, each method of service is accomplished in a different manner. Generate the child support document from APECS or prepare manually, if necessary. When the required method of service is not successful, utilize the next appropriate method, and document the APECS Case Event History, including new information that may be noted on the document or on the return receipt by the sheriff, process server or U.S. Mail Service personnel.

   b. If the subject cannot be located, refer the case to locate. If new information is found regarding the subject's location, repeat attempts to serve process at the new location. Upon accomplishment of successful service, document the APECS Case Event History to indicate the date and method of service used.

   c. Each child support document must be served upon the subject or otherwise delivered in a prescribed manner. When accessing APECS to generate document copies to be sent for service, go to the document submenu. Place the cursor on the document name and press F1 for the Help Screen to secure information about service requirements. For non-APECS documents, refer to the "Instructions for Use" section of each document to be served.

2. Service by Waiver

   a. The subject has the right to waive the formal service of any document to be served on him/her by DCSE. This right to waiver shall not be offered to a subject by a hearing officer who is conducting a telephonic appeal.

   b. When the subject chooses to waive the service requirements, generate the Acceptance of Service of Process and Waiver of Formal Service of Process documents from APECS.

   c. Have the subject sign the document.

   d. Retain the Waiver document.

3. Hand Delivery to the Subject

   a. The process server or sheriff must be given a true copy of the child support document to be served (generated by APECS or prepared manually, if necessary). The subject's last known address must also be provided.

   b. Where this method of service is required upon an nonresident subject, a process server who satisfies the requirements of the foreign jurisdiction may be used.

c. The process server or sheriff must deliver a copy of the child support document to the subject in person and note the date of such service.

4. Substituted Service

a. If the subject is not present at his or her normal place of abode, service is made upon a member of the subject's family age 16 or older. For valid service, the family member served cannot be a guest at the subject's residence, but must also reside there.

1) The family member must be given a copy of the child support document.

2) The family member must be made aware, generally, of the contents of the child support document.

b. If no one is present at the subject's normal place of abode, but there is reason to believe that the subject currently resides at the address, service is made by posting the child support document.

1) The document must be posted, by a process server or sheriff, to the front door or what appears to be the main entrance to the subject's place of abode; and

2) A true copy of the child support document must be mailed to the subject at least 10 days before the expiration of the applicable time period.

3) If the child support document being served is pursuant to a court action, the appropriate court must be notified that the subject has been mailed a copy of the document.

5. Service by Registered or Certified Mail

a. If a document may be served by certified mail, check to ensure that the proper steps are followed:

1. Certified mail is delivered to the addressee and no signature is required.

2. Certified mail, return receipt requested is delivered to the addressee and a signature is requested. If a "domestic return receipt" is returned to DCSE with a signature or electronically, or the mailing is returned with the receipt unsigned, the service is successful unless the law requires "actual receipt." If the mailing is returned with an indication that the address is not valid or the recipient has moved, the service is not successful. Proof of actual receipt of the mailing is required when certified mail is used to serve the following documents:

- **Notice of Review of ASO;**
- **Notice of Review of Court Order;**
- **Notice of Intent to Petition Court to Suspend Professional or Occupational License.**

b. Registered mail is sent to the post office which in turn sends a notice to the addressee to pick up the mailing at the post office.

c. If the law requires actual receipt of a certified mailing and the return receipt is signed by a person other than the subject, or the mailing is returned not signed, determine whether a private process server or other method should be used for service.

6. Service by First Class Mail at Subject's Last Known Address

   a. Each party is required (subject to privacy safeguards) to file residential and mailing addresses, and his/her employer's name and address with DCSE or courts upon entry of an order establishing paternity or a child support obligation. Refer to Chapter 16, Establish, Review and Adjust Orders. In all cases handled by DCSE, each party must notify DCSE of changes in these addresses.

   b. In any subsequent child support enforcement action involving the same parties, upon showing that diligent effort has been made to locate a party to be served, DCSE may accomplish service of a document by first class mail to the most recent residential or employer address filed by the subject with DCSE or court.

   c. This method of service may be used only as a <u>last</u> resort when all locate efforts are unsuccessful, resulting either in insufficient information available to attempt service by other methods, or other methods of service have failed. Any subsequent action taken following this type of service may be challenged by the subject in court on the grounds that he/she did not receive the notice and enforcement of the order would constitute manifest injustice.

7. Service by Electronic Means, Including Facsimile

   a. Orders for income withholding and health insurance may be served by electronic means, including facsimile, on employers or other entities paying wages or attachable non-wage income or providing health insurance.

   b. Documentation must be attached to the file copy of the served document and must include at a minimum the date; time; facsimile numbers of the sender and receiver; and name of the employer, business or other agency on whom the withholding order was served. When possible, an activity report of the transmission shall provide this documentation. Because not all facsimile machines are capable of or programmed to produce activity reports, other written documentation of this information is required.

Such other written documentation may include the facsimile cover sheet used in the transmission, but must include, along with the other required information, documentation that no activity report was available.

8. IV-D Agency of the Appropriate Jurisdiction

   In an interstate case, the IV-D agency in the other state may serve the document. Generate the Child Support Enforcement Transmittal document from APECS to send to the Central Registry of the IV-D agency in the other state along with the document to be served.

(8-1-97)(7-1-98)(03-01-01)(7-7-10)

D. Notarization (10-01-2007)

1. Certain documents used by DCSE require that a notary public witness the signature and verify the identity of the noncustodial or custodial parent.

2. In performing their notarial duties, a notary must not be a party or have a direct beneficial interest in the matter.

3. Notarial duties include administering oaths, attesting and certifying certain classes of documents, and taking and certifying acknowledgments.

4. Each district office has at least one notary available for such services. When a document requires notarization, these staff members should be used.

4. Staff members shall not notarize documents relating to cases in which they have been actively involved. Such notarization could possibly be seen as a violation of the principle that a notary not have an interest in the notarial act they are performing. If it is determined that a notary has an interest in a case or has been actively involved in working the case, another notary from the district must be used.

6. Because notarization adds credibility to any document, it is good practice to have any child support document notarized when practical. However, the following documents must be notarized:

   a) Federal Interstate Forms

   b) *Mother's Affidavit of Paternity*

   c) *Voluntary Agreement of Genetic Testing*

   d) *Paternity Rights and Responsibilities Statement*

   e) *Acknowledgment of Paternity*

f) *Waiver of Service*

7. Virginia has made some changes to the Notary Public law which requires a registration number be used as part of all notarial statements. The number is assigned and sent to all notaries from the Commonwealth of Virginia.

8. In order for a notarization to be valid, the registration number must be clearly written on each statement that is being notarized, either above the commission expiration date, or beside the notary's name. If you have the new notary stamp, the registration number is included.

9. If using an old notary seal, write the registration number under the seal, and shade the embossed seal only or use carbon paper to enhance the image of the seal.

10. The notary seal is not required in Virginia, but if you use the seal, it must be a legible, permanent and photographically reproducible image.

11. The notarial certificate must be on the same page as the signatures being notarized.

12. The signer of the document must be in the presence of the notary at the time of the signing and notarization.

13. Notaries can now charge up to a $5 fee. An employer may require an employee who is a notary not to charge a fee when performing notarization during employment.

14. A $45 application fee is now required for applying to become a notary, and for renewing a notary commission.

(8-1-97)(8-01-97)(10-01-07)

E. Documents (07-15-1996)

1. *Waiver of Formal Service of Process*

(07-15-1996)

DIVISION OF CHILD SUPPORT ENFORCEMENT
CHAPTER 9 ELIGIBILITY FOR SERVICES **(01-01-2007)**

A. Description of Full IV-D Child Support Services (09-01-1999)

The Division of Child Support Enforcement (DCSE) provides the following services in full IV-D service cases:

1. locating noncustodial parents (NCPs), their employers, income and assets,
2. establishing paternity,
3. establishing and adjusting child support obligations (upward or downward),
4. establishing health care orders,
5. enforcing child support and medical support obligations, and
6. collecting and disbursing child support payments including court ordered medical support payments for a specific dollar amount

(09-01-1999)

B. Exceptions to Full IV-D Child Support Services **(01-01-2007)**

1. IV-D partial services:

   a. Locate only services may be requested by:

      1) a custodial parent (CP), legal guardian, attorney or agent of a child who is not receiving Temporary Assistance for Needy Families (TANF) benefits;

      2) a court;

      3) a IV-D agency in another state; or

      4) an authorized person for the following reasons:

         a) to enforce state or federal kidnaping laws, and

         b) to enforce a child custody or visitation determination.

         "Authorized persons" include Commonwealth or District Attorneys or agents of the court. Private attorneys are <u>not</u> considered agents of the court for this purpose, thus are not authorized persons.

         The authorized person or other entity applies to the State Parent Locator Service (SPLS) Unit which provides these services.

2. Non-IV-D Services

The following non-IV-D services are available to persons who do not want full IV-D services or are ineligible for them:

a. Non-IV-D Income Withholding

b. Collection and Monitoring Services

c. Incoming or outgoing UIFSA petitions identified as non-IV-D.

These services are handled by Central Registry staff in Central Office. Refer to Chapter 38, Non-IV-D Services.

(09-01-1999)(01-01-2007)(01-01-2007)

C. Rules for Providing Child Support Services **(01-01-2007)**

1. **IV-D services are available upon application for services if the applicant:**

   a. is a parent, guardian, or an agency having legal custody of a child,

   b. is a caretaker with physical custody of a child,

   c. is a legal parent having neither legal nor physical custody of a child, or

   d. is a putative father (PF) who asserts that he is the biological father of a child and is seeking to establish his status as the child's legal father.

2. Service recipients receiving TANF **or** AFDC/FC are automatically eligible for child support enforcement services. A separate child support application is not required.

3. Child support services may be requested for children under 18 years of age.

4. Child support services may be requested for a child over 18 years of age when,

   a. there is a support order specifying that current support continues until a later age and the child lives with the CP, or

   b. a support order existed before the child's 18th birthday, and arrears exist. The child does not have to live with the CP to whom the money is owed.

5. An applicant who is a minor is not eligible to receive support for him/herself when either current support or accrued arrearage for the minor child is owed to the child's parent as payee in the case.

   a. Court action is required to determine whether the parents are legally responsible for the minor, and if so, the amount of their support obligation(s), and whether or not a payee other than the child should be set up.

b. If the court changes the order to make the applicant (former child or dependent) the payee, then DCSE sets the case up with the applicant shown as both "client" and "child."

6. If DCSE is enforcing a case and learns that the payee no longer has physical custody of the child and an application has not been received from anyone else, mail the *Change of Payee Temporary Request* and the cover letter to the payee. Place a hold on the case until the CP signs the *Change of Payee Temporary Request* or a court rules on who the payee is.

7. If the *Change of Payee Temporary Request* is not returned within 10 days or a payee is not named, petition the court to have a payee named or the current arrangements affirmed.

8. If an out-of-state order does not specify that the order continues past age 18, DCSE continues to enforce the order according to the age of emancipation in the other state. Refer to the Interstate Roster and Referral Guide to determine the age of majority for termination of support.

9. Upon receipt of an application, DCSE must pursue all legally responsible noncustodial parents as well as PFs of each child for whom application was made. Applicants may not elect for DCSE to pursue one legal parent, but not the other when both are noncustodial, or choose not to pursue a parent or PF of any child in a IV-D case.

(3-1-1997)(9-1-1999)(07-01-2000)(01-01-2007)
D. Instate Public Assistance Cases **(01-01-2007)**

1. Acceptance of child support services is a condition of eligibility for TANF **or** AFDC/FC. Local Department of Social Services (LDSSs) refer these cases to DCSE unless the LDSS decides that good cause exists.

2. Eligibility for services continues for the service recipient without the need for an application when the TANF, AFDC/FC, or Medicaid-only case, **opened prior to January 1, 2007**, closes.

a. While an application is not required, financial information is needed to establish or adjust a support order.

b. Eligibility continues until the CP states in writing or verbally that services are no longer desired.

c. Former Medicaid-only recipients who opted for partial services do not have the option to continue to receive partial services after the Medicaid-only case closes. They must receive full services or request case closure.

3. Close the case when the LDSS determines that good cause exists for not cooperating with DCSE in pursuing child support.

(3-1-1997)(09-01-1999)(01-01-2007)

E. Out-of-State Public Assistance Cases (05-01-2000)

1. Persons receiving public assistance in another state may not directly apply for services from DCSE.

2. The child support agency in the state where the public assistance recipient lives may refer the case to DCSE for services, which is set up and handled in Virginia as a non-TANF case with the other state's IV-D agency as the applicant.

3. Refer to Chapter 11, Central Registry and Interstate Rules, for information about interstate cases.

(9-1-1999)(05-01-2000)

F. Instate Nonpublic Assistance Cases **(01-01-2007)**

1. Recipients of TANF and AFDC/FC do not need to file an application for IV-D services. All others living in Virginia may apply for services.

2. An application for services is required from applicants not receiving public assistance except when the case is transferred from a Virginia court to DCSE on or after October 1, 1985.

(01-01-1996)(01-01-2007)

G. Out-of-State Nonpublic Assistance Cases (05-01-2000)

1. Interstate Cases

   a. Applicants may apply for services through the child support agency in the state where they live.

   b. The IV-D agency in the state where the applicant lives may request the services of DCSE for the applicant.

   c. Refer to Chapter 11, Central Registry and Interstate Rules, for information about interstate cases.

2. Nonresident Cases

   a. Individuals or custodial agencies may apply directly to DCSE for services without going through the IV-D agency in the state where they live.

   b. As a general rule, DCSE must provide services to nonresident applicants on the same basis as services are provided to resident applicants.

c. If the nonresident applicant is not eligible for Virginia IV-D services, the Central Registry or district office sends a *NonResident Status letter* to the nonresident applicant, explaining that the application does not meet the requirements for IV-D services in Virginia. Refer to Chapter 11, Central Registry and Interstate Rules.

(3-1-1997)(05-01-2000)

H. International Child Support Enforcement **(01-01-2007)**

1. An international case is a case where

   a. one parent lives with the child in a foreign country and the other parent lives in Virginia, or

   b. one parent lives in Virginia with the child and the other parent lives in a foreign country.

2. An individual who lives in a foreign country is eligible to receive IV-D services:

   a. if the individual submits an *Application for Child Support Enforcement Services* directly to Virginia, or

   b. if the foreign reciprocating child support agency submits a UIFSA package to Virginia.

3. The UIFSA package serves as an application when it comes from a foreign reciprocating child support agency.

4. Treat a request for services from a foreign reciprocating child support agency the same as a request received from a child support agency in another state.

5. An individual is not eligible for IV-D services if the UIFSA request is sent by anyone other than that country's child support agency. These cases are non-IV-D and are forwarded to the court for action. Refer to Chapter 38, Non-IV-D Cases.

6. Refer to Chapter 11, Central Registry and Interstate Rules, for instructions on how to process international cases.

(3-1-1997)(05-01-1998)(01-01-2007)

I. Other Agencies May Apply for Child Support Services (07-01-2004)

Agencies who have obtained custody of a child may apply for child support services, including the following agencies in Virginia:

1. the Department of Juvenile Justice,

2. local departments of social services, and

3. private agencies with custody of a child.

(9-1-1999)(05-01-2000)(07-01-2004)

J. IV-D Spousal Support (05-01-2003)

1. DCSE does not establish spousal support orders or initiate court action to establish spousal support orders.

2. DCSE enforces IV-D spousal support obligations when a current child support order or child support arrearage that accrued pursuant to the order is being enforced.

3. DCSE does not collect or enforce spousal support only. IV-D spousal support enforcement services end when neither current child support nor arrearage is due in the case. Generate a *Change in Payee Notice* to the NCP directing that future payments be made to the payee directly, and release any enforcement action(s) for the collection of spousal support.

4. If the case meets case closure criteria, refer to Chapter 37, Case Closure.

(3-1-1997)(09-01-1999)(5-1-2003)

K. Documents (09-01-1999)

1. *Absent Parent Paternity Information form*

2. *Non-resident Status letter*

3. *Change of Payee Temporary Request letter*

4. *Change of Payee Temporary Request Cover Letter*

1. *Change in Payee Notice*

(09-01-1999)

DIVISION OF CHILD SUPPORT ENFORCEMENT
CHAPTER 10 APPLICATION PROCESS **(09-03-2010)**
A. General Rules About the Application Process **(09-03-2010)**

1. An application package consists of the *Application for Child Support Enforcement Services*, ***Statement of Payments Received,*** and the "Child Support and You" handbook. Preparing the package is a manual process. The documents are not available through document generation on the Automated Program to Enforce Child Support (APECS).

2. The local department of social services (LDSS) gives public assistance applicants a copy of the "Child Support and You" handbook when they apply for Temporary Assistance for Needy Families (TANF), Aid to Families with Dependent Families/Foster Care (AFDC/FC), or Medicaid.

3. Make application packages easily accessible to the public.

   a. When a person comes into the office to request an application, give them the application package that day.

   b. When a person requests an application in writing or by telephone, mail the application package within five business days of receiving the request.

   c. Indicate the date the application was requested and the date the form was provided in the right corner of the first page of the application.

4. The application is considered filed on the day the completed and signed application is received in the district office.

5. Each district office shall maintain a database tracking all requests for applications (whether in person, by telephone, in writing). Do not include referrals from LDSSs. Include the following information:

   a. name of applicant

   b. date of request

   c. method of request (in-person, by telephone, in writing)

   d. date the application package given

6. If a request for services is received in court, the court provides an application if they have applications available. If not, the court is to inform the customer to call the district office to have an application package mailed to him/her. The district office mails the application and records it on the log.

B. The Application Process **(09-03-2010)**

1. TANF and AFDC/FC recipients residing in Virginia are not required to complete an application for child support services. LDSS refers them when the case is approved for public assistance. The referral is made through the IV-A/IV-D interface between the ADAPT (IV-A) and APECS (IV-D) automated systems.

2. Provide non-TANF , non-AFDC/FC and Medicaid parents residing in Virginia an application package upon request.

   a. The applicant completes, signs, and returns the appropriate sections of the *Application for Child Support Enforcement Services* **and the *Statement of Payments Received*** with the necessary documents (i.e., copies of court orders, etc.) to the district office. If there are no attachments, accept the application and begin working the case. Contact the court to obtain a copy of the court order if one exists.

   b. Applications received in the Central Office are forwarded to the appropriate district office.

   c. Minor parents may apply for services for their children.

      1) The application may be completed by the CP, noncustodial parent (NCP), or alleged father.

      2) The signature of the minor's guardian or parent is not required on the application.

   d. A minor may not apply for services to establish or collect his or her "own" child support without a court order outlining the amount of arrears, if any, owed to the minor (which may or may not have been previously ordered to be paid to one of the minor's parents or a caretaker, and specific payments of either current support or arrears that are to be made to the minor.

3. In cases where there are two children with the same parents and one child is on TANF and one child is off TANF, the child not on TANF is not eligible for services unless the CP applies for services. Set up the case where the child is off TANF as non-TANF, and disburse the money to the CP. The TANF CP reports this money to the LDSS.

4. Agencies in Virginia may apply for child support services for children in their custody. They use the same process as non-TANF applicants residing in Virginia.

5. Applicants for "locate only" services complete the *Virginia Parent Locator Service Application* and mail it to the Virginia Parent Locate Unit in Central Office. Refer to

Chapter 9, Eligibility for Services and refer to Chapter 12, Case Initiation.

6. Persons having physical custody of a child and do not receive TANF or AFDC/FC may apply for child support services. They do not need to be named in an existing support order. If a person other than the obligee (former CP) named in a support order applies for child support services, send the former CP and NCP

   a. the *Change in Physical Custody* (DCSEP-800), and

   b. a *Financial Statement*.

(3-1-1997)(9-1-1999)(05-01-2000)(07-01-2001)(7-1-07)(9-3-10)

C. Accepting Out-of-State Applications **(09-03-2010)**

1. Interstate Cases

   a. Child support agencies in other states complete the UIFSA forms package and mail it to the Central Registry.

   b. The UIFSA forms package serves as the application for child support services when it comes from a IV-D agency in another state. Refer to Chapter 11, Central Registry and Interstate Rules, for more information.

2. Nonresident Cases

   a. Applicants not living in Virginia who do not receive child support services or public assistance in another state may apply directly to Virginia for services without going through the child support agency in the state where they live.

   b. Mail these applicants

      1) the application package, and

      2) the *NonResident Application Cover Letter.*

   c. The nonresident applicant completes the appropriate sections of the *Application for Child Support Enforcement Services* **and the *Statement of Payments Received*** and forwards it to the Central Registry or district office.

   d. When the nonresident application is received in the district office or Central Registry,

      1) call the child support enforcement agency or local social services agency in the

nonresident's state to verify that the applicant is not receiving child support enforcement services, TANF or AFDC/FC in that state. Refer to the Interstate Roster and Referral Guide to obtain the Central Registry's telephone number in the other state,

2) set the case up on APECS if the nonresident applicant is not receiving child support enforcement services, TANF or AFDC/FC in another state,

3) mail the *Nonresident Status Letter* to the nonresident applicant,

4) forward the application to the district office where the noncustodial parent lives or has assets in Virginia, and

5) assign or transfer the case to the Central Registry if the noncustodial parent does not live in Virginia or have assets here.

e. Follow procedures in Chapter 36, Case Transfer, to transfer a case

1) to Central Registry if the noncustodial parent does not live in Virginia or have assets here, or

2) to another district office if the case should be assigned to a different office.

(3-1-1997)(03-01-2001)(9-3-10)

D. Accepting NCP Applications (07-01-2001)

1. The Division of Child Support Enforcement (DCSE) accepts applications for services from NCPs using the same application handling procedures as with any other application for the same services. Refer to Chapter 9, Eligibility for Services.

2. Send the CP the *Contact Letter to Non-Applicant CP* (DCSEP-774) advising of the case number and requesting any information needed to process the case.

3. If an application has already been received and the other party wishes to apply for services,

a. accept the application;

b. explain to the other party that a IV-D case has already been established and services are being provided, and

c. note in the file that a second application was received.

4. If there is a second application in the file and one applicant requests case closure, inform the requestor that the case must remain open unless there is another allowable reason for closing the case, due to the fact that the other parent is also a service recipient.

5. An NCP's application for services does not override a finding of good cause in a TANF-related case. In good cause cases, the NCP does not receive services.

   a. Take the application and contact the LDSS.

   b. If the LDSS says that good cause still exists, explain to the NCP that services cannot be provided at this time.

6. In a NADC case, if you suspect that there is potential for family violence, including if the CP brings it to your attention, set the family violence indicator (FVI) in APECS, refer to Chapter 12, Case Initiation. Alert the district manager to the situation, due to the fact that DCSE will be withholding all locate information related to the CP from the applicant.

(3-1-1997)(9-1-1999)(03-01-2000)(07-01-2001)

E. Alleged Parent Applicant and Paternity (07-01-2001)

1. The time periods and procedures are the same for establishing paternity in cases where the applicant alleges that he is the father of a child as for establishing paternity when the CP is the applicant. An alleged parent applicant in these circumstances is responsible for the cost of genetic testing and any legal fees involved in determining his paternity of the child for whom he has applied for IV-D services. Refer to Chapter 15, Paternity for information on establishing paternity.

2. Do not establish paternity in cases

   a. involving incest or forcible rape, or

   b. in which legal proceedings for adoption are pending, or

   c. when DCSE feels that it would not be in the best interest of the child.

3. If you suspect that there is potential for family violence in the case, including if the CP brings it to your attention, set the family violence indicator (FVI) in APECS, refer to Chapter 12, Case Initiation. Alert the district manager to the situation, due to the fact that DCSE will be withholding all locate information related to the CP from the applicant.

4. Schedule and conduct an interview with the applicant and the CP.

5. Explain to the applicant that DCSE attempts to establish paternity and a child support order.

6. Tell the applicant that

   a. he may be required to submit to a genetic test to provide evidence of paternity, and

   b. support payments are based on the needs of the child, the ability of parents to pay support, and the child support guideline of the state where the child resides.

7. Explain to the applicant that if he closes his case after paternity is established, the CP may apply for services. If the CP applies, DCSE continues all efforts to establish a child support order.

8. Explain to both the applicant and the CP what the various options are in getting paternity established, both administratively and judicially.

   a. When the CP agrees that the applicant is the biological father of the child for whom application has been made, follow steps outlined in Chapter 15, Paternity, for securing affidavits of acknowledgment from both parents, including notifying them of their rescission rights.

   b. When the CP does not agree that the applicant is the father of the child for whom application was made

      1) inform the CP that she can request genetic tests to determine if the applicant is the biological father of the child, and

      2) explain to the non-TANF CP that failure to voluntarily submit to genetic testing will result in DCSE petitioning the court for a determination of paternity.
      3) refer TANF, AFDC/FC and Medicaid-only cases for court action if the CP is uncooperative with efforts to establish paternity, and cooperation is required. Notify the LDSS of the CP's noncooperation in the matter.

9. If the worker determines in cross referencing cases that the CP already has a case with another putative father (PF) for the child for whom the applicant has applied, the worker

   a. takes the application from the applicant,

   b. ensures that a case is set up for the applicant and any other PFs of the child, and

   c. pursues paternity establishment for the applicant and all PFs of the child

simultaneously.

(9-1-1999)(01-01-2001)(07-01-2001)

F. Application Fees (01-01-1996)

The application fee for child support services is $1.00 for non-TANF customers. DCSE pays this fee for applicants for child support enforcement services.

(01-01-1996)

G. Reapplying for Child Support Services **(09-03-2010)**

1. Applications for services are not required when a TANF or AFDC/FC case closes. Continue to enforce the case unless the former public assistance recipient notifies DCSE that services are not wanted.

2. APECS generates a worklist when a TANF case closes. It also automatically changes the case type from TANF to MAOF and sets up the appropriate subaccounts.

3. When AFDC/FC cases close, APECS notifies the specialist of closure, but does not automatically change the case type. The worker contacts the LDSS to determine who has custody of the child.

4. A new *Application for Child Support Enforcement Services* is required when a former non-TANF service recipient wants to reopen his/her non-TANF case. Ensure that there is a complete and legible ***Statement of Payments Received*** covering any period that the case was obligated and not open for IV-D services. Refer to Chapter 12, Case Initiation, Section E, Steps in Manually Establishing a Case.
5. A $25 fee will be charged for services when an applicant reapplies for child support services within six months of the applicant requesting case closure with a closure reason of CDIS. This is effective for cases closed Oct. 1, 2007 and forward. If an applicant requests case closure and the case type will change to MAOP or ARRP, no fee will be due if the applicant requests the current support of the case to be reopened within six months of requesting closure.

6. If another party requests the same case to be reopened within six months of the applicant requesting closure, no reapplication fee is due because this would be a new application.

7. No reapplication fee will be charged on Department of Juvenile Justice (DJJ) and State and Local Foster Care (SLFC) cases. All state agencies are exempt from the reapplication fee.

8. When a Medicaid-only case closes full services are available and will be provided unless the service recipient notifies DCSE that he/she does not want full child support enforcement services. An application is not required.

9. Refer to Chapter 12, Case Initiation, for procedures to establish a case.

(9-1-99)(1-1-01)(7-1-04)(1-1-08)(10-01-08)(9-30-10)

H. Documents and Brochures **(09-03-2010)**

1. Documents

   a. *Application for Child Support Enforcement Services*

   b. *NonResident Application Cover Letter*

   c. *NonResident Status*

   d. ***Statement of Payments Received***

   e. *Contact Letter to Non-Applicant CP* (DCSEP-774)

2. Brochures

   "Child Support and You" Handbook

(3-1-1997)(09-01-1999)(7-1-04)(9-3-10)

DIVISION OF CHILD SUPPORT ENFORCEMENT
CHAPTER 11 CENTRAL REGISTRY AND INTERSTATE RULES **(09-01-2009)**

A. Overview (10-21-1994)

1. The Uniform Interstate Family Support Act (UIFSA) was drafted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) to replace the original and Revised Uniform Reciprocal Enforcement of Support Act (RURESA).

2. UIFSA contains a number of provisions that implement key recommendations of NCCUSL. For example, UIFSA contains:

   a. an expanded long-arm statute,

   b. provisions that implement direct income withholding,

   c. special evidentiary rules in interstate cases by providing for;

      1) the admissibility of verified petitions and affidavits;

      2) certified copies of records of child support payments;

      3) copies of bills for paternity testing, prenatal, and postnatal health care of the mother and child;

      4) the use of faxed documents and telephonic hearings;

      5) communication between tribunals in different states to obtain information about laws of other states or orders of other tribunals; and

      6) the assistance in discovery.

   d. One of the major revisions to URESA is the adoption of the one order, one time principle. Orders entered under URESA have been defined as in addition to, and not replacements of, prior support orders. This means that several conflicting child support orders governing the same noncustodial parent (NCP), custodial parent (CP) and child can exist at the same time.

   e. Under UIFSA, an NCP or CP may file an initial child support action in any state with jurisdiction over the opposing party. If one states are both validly asserting jurisdiction, UIFSA establishes rules for determining which assertion has priority to establish a support order.

3. Reciprocity of laws between states is no longer required because currently all states have

similar laws, and UIFSA states should enforce a support obligation regardless of another state's laws. URESA, RURESA and all substantially similar state laws are considered equivalent to UIFSA for purposes of interstate actions. This means that any of these acts can be used if different states have different versions in effect, which should help ease the transition to UIFSA.

(10-21-1994)

B. General Provisions of UIFSA (10-21-1994)

1. The district office takes all appropriate actions on interstate cases within the same time periods that apply to instate cases.

2. DCSE is required to provide the full range of support enforcement services to a case referred by another state. This interaction ensures that support enforcement services are provided for all cases, regardless of where the NCP lives. These services include, but are not limited to the following:

   a. the establishment of child support in accordance with Virginia's child support guideline;

   b. enforcement of a support order and income withholding order of another state without registration;

   c. registration of another state's child support order for enforcement;

   d. modification of a Virginia child support order or;

   e. registration of another state's child support order for modification;

   f. establishment of paternity;

   g. assert jurisdiction over the NCP;

   h. establishment and enforcement of health care coverage, and

i. collecting, monitoring, and forwarding payments to the initiating state within 10 business days after receipt of the payment, except certain federal tax refund intercepts. Include the following on each payment:

1) sufficient information to identify the case

2) when the payment was received

3) the responding state's FIPS code

3. When acting as the initiating state, process interstate cases according to the following program standards:

a. Access all appropriate sources, including Federal Parent Locator Services (FPLS), and ensure that location information is sufficient to take the next appropriate action within no more than 75 calendar days of determining that location is necessary.

b. Follow this priority of action when determining what remedy to use in a case:

1) Use administrative processes whenever possible.

a) administrative Long Arm

b) income withholding directly to the NCP's employer.

2) Initiate an interstate request to the other state's IV-D agency, or

3) File a UIFSA petition.

c. Refer a case to the other state's central registry within 20 calendar days of determining that the NCP or putative father is in that state's jurisdiction.

d. Provide the responding state with sufficient and accurate information to act on the case.

e. Provide the responding state with requested additional information or notify the responding state that information will be provided within 30 calendar days of receipt of the request for information.

f. Notify the responding state within 10 business days of receipt of new information.

g. Forward three copies of the petition and its accompanying documents to the responding state's central registry.

h. When requesting IV-D services from another state, district offices send the request to the central registry in that state.

4. When acting as the responding state, process requests initiated by another state according to the following program standards.

a. Within 75 calendar days of receipt of a request

1) provide location services;

2) notify the initiating state of additional documents or information needed or corrections to the request; and

3) process the interstate case to the extent possible pending receipt of additional information requested from the initiating state.

b. Cases received by a district office directly should be forwarded to the central registry within one business day.

c. When a UIFSA petition is received in the district office in error, forward it to the appropriate DCSE office or central registry in the other state. Notify the initiating state where and when the UIFSA petition was sent.

d. When receiving a petition from another state, one or more of the following may be done:

1) issue or enforce a support order;

2) modify a child support order;

3) establish paternity;

4) order an NCP to comply with a support order, specifying the amount and manner of compliance;

5) order income withholding;

6) determine the amount of any arrearage, and specify a method of payment;

7) enforce orders by civil or criminal contempt, or both;

8) seize and sale property;

9) place liens on the NCP's property;

10) order an NCP to keep DCSE informed of his/her current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

11) issue a capias (issued by the court) for an NCP who failed after proper notice to appear at a hearing ordered by the tribunal and enter the capias in any local and state computer systems for criminal warrants;

12) award reasonable attorney's fees and other fees and costs;

13) suspend professional licenses, and

14) any other available remedy.

e. Visitation cannot be made a part of a support petition.

5. Send the *Interstate Status Report* to the CP, NCP, and initiating state to inform them about actions taken on the case. If a support order is issued, attach copies of the order and send it by first class mail.

6. Notify the initiating state of the receipt of new information within 10 business days.

7. Notify the central registry when the case closes. Refer to Chapter 37, Case Closure, for closure of interstate cases.

8. Use administrative remedies when responding to a request from an initiating state.

9. A NCP cannot raise paternity as an issue when paternity has already been determined in another state.

10. File the petition with the court only when administrative action cannot be taken or in conjunction with an administrative action.

(10-21-1994)(1/1/97)

C. Central Registry Responsibilities (09-01-2002)

1. The interstate central registry is responsible for receiving, distributing, and acknowledging receipt of all incoming interstate IV-D cases, except when another state sends an income withholding order directly to a NCP's employer.

2. The interstate central registry is responsible for forwarding non-IV-D cases to the appropriate court. Non-IV-D cases are generally

   a. spousal only,

   b. cases received directly from an individual (i.e., attorney), and there is no application for services included,

   c. cases received directly from a Virginia court to be forwarded to the other state's court, or

   d. cases received directly from another state's court to be forwarded to a Virginia court.

3. Inquiries from other states include initial requests for IV-D action, UIFSA petitions, locate only requests, and requests for interstate income withholding in IV-D cases.

4. All cases initiated by another IV-D child support agency or foreign country should pass through the central registry in Virginia, except when an income withholding request is sent directly to the NCP's employer.

5. Cases initiated by a foreign reciprocating country should be coded IV-D and forwarded to the appropriate district office for processing. An application for services is not required when Virginia has a reciprocal agreement with the foreign country. Refer to Section O, of this chapter, for a list of foreign countries with which Virginia has a reciprocal agreement.

6. Within 10 business days of receiving a case, the central registry,
   a. reviews the documentation submitted with the case to ensure that it is complete;

   b. requests any missing documents or information;

   c. forwards the case to the state parent locate service, if the NCP's address information is insufficient;

d. determines whether Virginia is the correct state to modify the order when modification is requested;

   1) If it is determined that Virginia is not the correct state to modify:

      a) determine which is the correct state, and

      b) forward the request to appropriate state.

   2) Notify the initiating state that under UIFSA principles, Virginia would not be the correct state to modify the order and that its request has been forwarded to the appropriate state for modification.

   3) Indicate in section II "Acknowledgments" of the Child Support Enforcement Acknowledgment which state the case was forwarded to.

e. adds the case to the Automated Program to Enforce Child Support (APECS) within 2 days or updates the case if the case already exists;

f. sets the family violence (FV) indicator if the other state has checked the box for “Nondisclosure Finding Attached” on the *Child Support Enforcement Transmittal* or the General Testimony;

g. sets up paper file;

h. forwards the paper file along with the Interstate Request for Provision of IV-D Services to the appropriate district office for action;

i. sends the Child Support Enforcement Acknowledgment to the initiating state giving the initiating state the name of the district office to which the case was assigned.

j. requests missing documentation or information from the initiating state and processes the case to the extent possible pending receipt of that documentation or information.

7. If the initiating state fails to send documentation necessary for registration, forward the case to the appropriate district office for enforcement as DCSE is able to take enforcement action without registration.

8. Request the initiating state to complete the *Acknowledgment of Paternity* when it has requested paternity establishment but has not provided a sworn statement from the mother.

9. Do not ask the initiating state to complete the *Acknowledgment of Paternity* when it has provided the mother's sworn statement.

10. Respond to inquiries from other states within five business days of receipt of a request for a case status review.

11. Work incoming UIFSA *Transmittal #3* requests(Limited Services cases).

    a. A Limited Services case results when an Initiating State asks another State to take one or two specific actions that will allow the case to still be worked as a one state case (e.g. by long-arm jurisdiction). Generally, in a limited services case, the Initiating State just needs a small, but often crucial, part of the case processing activity completed by another IV-D agency. The idea is to help the Initiating State process its case by providing a one-time service. There is no intention of involving the Responding State throughout the life of the case.

    b. Virginia will act as a Responding state in response to an incoming *Transmittal #3* request. Virginia may also choose to ask another state IV-D agency for assistance with a case by sending a *Transmittal #3* request. Refer to Section N, Instructions for Using Interstate Forms.

    c. The Initiating State can ask the Responding State to conduct or help secure one of the following:

        1) a “quick locate”

        2) service of process

        3) genetic testing

        4) assistance with discovery for court or hearing purposes

        5) certified payment records

        6) seizure of assets

        7) order copies

8) lien filings

d. When a *Transmittal #3* is received, it will be handled by the Central Registry as follows:

1) The following *Transmittal #3* Requests will require that a case be set up on APECS. These cases will be closed a soon as the action is completed and the Initiating State notified:

a) genetic testing

b) lien filings

c) seizure of assets

2) The following *Transmittal #3* Requests will not result in a case being set up on APECS:

a) "quick locates"

b) service of process

c) assistance with discovery

d) certified payment records

e) order copies

3) When we do build a Limited Services case on APECS, it will be identified by:

a) using case type Non-IVD

b) using locality code 900

c) using worker code HQSPLOS4

d) creating a self-generated case event of "Limited Services Case" with information in the notes stating what action the Initiating State asked for assistance with.

4) Requirements for Accepting the Limited Services Request

a) Receipt of a *Transmittal form #3.*

b) If the request is for assistance with genetic testing, lien filing or seizure of assets, complete *Transmittal #1* information is necessary.

c) If the request is for lien filing or seizure of assets, a certified arrears balance/payment history is necessary.

d) If the request is for the seizure of a bank account, the other state must provide the FIDM financial institution and account information. In addition to the existing criteria for filing an *OWD*, Virginia will not process the request unless there is a minimum balance of $500 in the account. Refer to Chapter 24, Enforcement by Other Means, for the other criteria.

5) All actions resulting from receipt of a *Transmittal #3* request will be taken according to existing procedures for working intrastate and interstate full services cases. Refer to the appropriate section of the Program Manual for procedures on specific actions.

(1-1-1997)(12-15-1998)(05-01-2000)(05-01-2001)(09-01-2002)

D. Paternity Establishment (11-01-2001)

1. Virginia as Initiating State

a. Long Arm Jurisdiction

1) District offices attempt to use Long Arm whenever possible. If Long Arm cannot be used, consult the National Roster and Interstate Referral Guide to determine if the other state can enforce administratively or if judicial action is required.
2) UIFSA does not require the use of Long Arm.

3) Long Arm jurisdiction to establish paternity requires service on the NCP and sufficient minimum contacts between the NCP and Virginia.

4) Use Long Arm to establish paternity when one or more of the following occur:

a) the NCP can be located and personally served in Virginia; this may include a nonresident who is temporarily in Virginia;

b) the NCP voluntarily gives Virginia jurisdiction by consent. The *Jurisdiction Consent Form* must be completed and signed by the NCP, notarized and returned along with the *Acknowledgment of Paternity*;

c) the NCP lived in Virginia with the child;

d) the NCP lived in Virginia and paid prenatal expenses or provided support for the child.

e) the child lives in Virginia as a result of an act or directive of the NCP (for example, the NCP tells the CP to go to Virginia and he/she will join them but never comes, the NCP helps the CP move to Virginia, etc.);

f) there is evidence that sexual intercourse occurred in Virginia that resulted in the conception/fathering of the child.

g) The parents of the child(ren) maintained a matrimonial domicile (lived together as husband and wife) in Virginia at the time they separated, or at the time a cause of action arose or was commenced for divorce or separate maintenance, if one party to the marriage lives in Virginia.

5) Long Arm reasons c through g must be documented by having the CP complete the *Long-Arm Jurisdiction Affidavit*. The CP's notarized signature on this form alleges that Virginia has jurisdiction over the nonresident NCP.

6) Assertion of Long-Arm jurisdiction over a NCP results in a one-state proceeding, notwithstanding the fact that the NCP and CP live in different states.

7) UIFSA allows Virginia to seek stand-alone paternity establishment or paternity and support order establishment.

8) DCSE establishes paternity without establishing a support order when it is requested by another IV-D agency.

b. UIFSA Petition to Establish Paternity

1) If Long Arm is not available or not advised, forward a UIFSA petition and supporting documentation to the central registry in the state where the other parent lives.

2) Send the other state a copy of Virginia's paternity laws regarding the effect of paternity acknowledgments and blood testing results if requested.

3) Complete federal forms to request paternity establishment. Refer to instructions on how to request a UIFSA state establish paternity.

2. Virginia as Responding State

a. The presence of the petitioner is not required.

b. If the putative father denies paternity and presents a prior order of nonparentage, refer the case to Legal Counsel. If Legal Counsel determines that there is privity, the putative father has raised a valid defense and the order is res judicata on issue of paternity.

c. If paternity has not been previously established, follow procedures in Chapter 15 to establish paternity administratively or judicially.

d. DCSE does not establish temporary child support orders.

e. Virginia paternity law applies regarding the admissibility of genetic testing when Virginia is asked to establish paternity and child support.

(09-01-01) (11-01-01)

E. Support Establishment (07-01-2009)

1. Virginia as the Initiating State

a. Long Arm Jurisdiction

1) Use Long Arm to establish a child support obligation when one or more of the following occur:

a) the NCP can be located and personally served in Virginia; this may include a nonresident who is temporarily in Virginia;

b) the NCP voluntarily gives Virginia jurisdiction by consent. *The Jurisdiction Consent Form* must be completed and signed by the NCP, notarized and returned along with the financial statement;

c) the NCP lived in Virginia with the child;

d) the NCP lived in Virginia and paid prenatal expenses or provided support for the child.

e) the child lives in Virginia as a result of an act or directive of the NCP (for example, the NCP tells the CP to go to Virginia and he/she will join them but never comes, the NCP helps the CP move to Virginia, etc.);

f) there is evidence that sexual intercourse occurred in Virginia that resulted in the conception/fathering of the child.

g) The parents of the child(ren) maintained a matrimonial domicile (lived together as husband and wife) in Virginia at the time they separated, or at the time a cause of action arose or was commenced for divorce or separate maintenance, if one party to the marriage lives in Virginia.

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2) Long Arm reasons c through g must be documented by having the CP complete the *Long-Arm Jurisdiction Affidavit*. The CP's notarized signature on this form alleges that Virginia has jurisdiction over the nonresident NCP.

3) Long Arm jurisdiction to establish a child support order requires service on the NCP and sufficient minimum contacts between the NCP and Virginia.

b. UIFSA Petition to Establish Child Support

1) If Long Arm is not available, send a UIFSA petition and supporting documentation to the central registry in the state where the NCP lives.

2) Refer to instructions on how to request a UIFSA state establish a support order.

2. Virginia as Responding State

a. Do not request the out-of-state party to appear for a hearing.

b. If paternity has previously been determined, a parent cannot raise paternity as a defense to a UIFSA proceeding.

c. Do not establish a new child support order if there is an existing child support order for the same NCP and child regardless of whether a URESA or UIFSA state issued the order, unless no state can exercise continuing, exclusive jurisdiction.

d. If more than one state has issued a child support order and none of the states have continuing exclusive jurisdiction (CEJ), establish a new order.

e. A parent cannot raise visitation as a reason for not paying child support in a UIFSA proceeding.

f. Issue a child support order if:

1) a child support order does not exist;

2) a divorce decree is silent on the issue of support;

3) a court order states that support is reserved because of lack of personal jurisdiction;

4) the petitioner lives in another state; or

5) there is a duty to support.

g. If the order sets an obligation at zero ($0.00) dollars (e.g., finding of inability to pay), modify the court order. Do not issue an *Administrative Support Order*.

h. If an interstate referral is sent to Virginia and Virginia cannot acquire personal jurisdiction over the NCP, forward the interstate referral to the state which has jurisdiction and advise the initiating state.

I. When receiving a petition to establish a child support order

1) Use Virginia's child support guideline to determine the obligation amount and duration of support;

2) Attach a copy of the Calculation Worksheet to the child support order to show how the obligation amount was calculated, and

3) Mail a copy of the child support order by first class mail to the initiating state and NCP.

(09-01-2001) (11-01-01)(07-01-09)

F. Support Enforcement (03-01-2001)

1. There are four ways to enforce a child support order under UIFSA:

   a. Direct Income Withholding,

   b. Administrative Enforcement,

   c. Interstate Income Withholding, or

   d. Registration for Enforcement.

2. One Support Order

   If there is only one child support order, enforce that order. Do not request another state to enter a new order when there is already an order.

3. Multiple Child Support Orders

   a. Determining the Controlling Order for Prospective Enforcement

      1) Apply the following rules to decide which order to recognize and enforce when one or more states have issued child support orders for the same NCP, CP, and child:

         a) If one or more states have issued child support orders and only one of them has continuing, exclusive jurisdiction, enforce the order of the continuing, exclusive jurisdiction state.

Example:	VA order	SC order	TX NCP CP/Child

         The South Carolina order is the controlling order for enforcement.

         b) If more than one state has issued a child support order and more than one of them has CEJ, enforce the order issued by the state which is the current home state of the child.

Example:	VA order CP/child 6 mo	SC order NCP

The Virginia order is the controlling order for enforcement because the child has lived in VA for 6 months.

c) If more than one state has issued a child support order and more than one of them has CEJ, and there is no home state of the child, enforce the most recent order.

Example:	VA 1 mo CP/Child Order (1990)	SC NCP Order (1994)

The South Carolina order is the controlling order for enforcement of current support.

d) If more than one state has issued a child support order and none of the states have CEJ, establish a new order.

Example:	WV CP/Child	VA NCP
	SC Order (1994)	MT Order (1990)

The new Virginia order is the controlling order and must be recognized by all states.

2) For interstate cases that existed prior to July 1, 1994, determine the controlling order for enforcement when a request for new action is made if the controlling order has not already been determined.

3) Determination of the controlling order is not necessary for enforcement of arrears only.

4) Send the *Determination of Controlling Order* form to

a) the NCP,

b) the CP,

c) the initiating IV-D agency if Virginia is the responding state,

d) any tribunal that issued a child support order for the same parties, and

e) any IV-D agency with an open or closed IV-D case for the same parties.

5) If a IV-D agency is representing a NCP or CP, send the *Determination of Controlling Order* form to the central registry in that state.

6) Do not enforce a Virginia order prospectively when DCSE is notified that the Virginia order is not the controlling order.

b. Arrears

1) Arrears are entitled to full faith and credit.

2) If a higher order was entered first, calculate arrears based on the highest existing order up to the point that the controlling order is determined.

Example:	TX	VA
	1985 order	1990 order
	(500)	(200)
	NCP	CP/Child

Calculate the arrears using the TX order up to the point that the controlling order is determined (VA order). Use the VA order to calculate arrears from that point on.

3) If a lower order was entered first, calculate the arrears on the lower order until the higher order was entered, then calculate from the higher order to the point that the controlling order was entered.

Example:	TX	VA
	1985 Order	1993 Order
	(200)	(500)
	CP/CH	NCP

Calculate the arrears using the TX order up to the point VA order was entered. Use the VA order from 1993 up to the point the controlling order is determined (TX order). Use the TX order from that point on.

4) When calculating arrears and there is more than one order for the NCP to pay support to the same family, give him credit for a current month's payment made on one order against the same TIME on the other order, up to the full amount of the payment due.

Example:	OR	AR	WA	
	400		200	300

NCP pays 400 to Oregon.

The NCP gets credit in Oregon for the current month's payment (400) and credit for the same month's payment in Arizona (200) AND credit for the same month's payment in Washington (300).

There would be no arrears for the current month.

5) Once an arrears determination has been made, distribute collections in excess of the current support amount to Virginia first if arrears are owed to Virginia, then to the initiating state for distribution to other states.

4. Enforcement of Support Order Without Registration

a. Direct Income Withholding
1) Virginia as Initiating State

a) The requirement for sending a direct income withholding to an employer in another state is that the NCP's employer does business in a UIFSA state that has a direct income withholding provision.

b) The following states did not pass the direct income withholding provision.

(1) Maine

(2) Montana

(3) South Dakota

c) An income withholding order may be mailed directly to an employer in a second state without filing any pleading or registering the order with the tribunal of the second state.

d) If an interstate case exists with a IV-D agency in another state, do not send a direct income withholding without first notifying the responding state and requesting that the existing interstate case be closed.

e) Employers are required to honor income withholdings regardless of whether Virginia has jurisdiction over the employer.

f) Send two copies of the income withholding order to the employer. One copy is for the employer and one copy is for the employer to give to the NCP.

g) If the NCP contests the income withholding, he/she notifies Virginia of the contest.

h) The district office staff responsible for the case tries to resolve the contest informally.

i) If the contest cannot be resolved with the NCP informally, release the income withholding order and mail a IV-D Interstate Petition to the central registry in the NCP's state.

j) Follow instructions on how to complete federal forms for enforcement.

2) Virginia as the State where the employer is located

a) An income withholding order issued by any state can be mailed directly to an employer in Virginia without going through the central registry.

b) Virginia employers are required to honor the income withholding order regardless of whether the issuing state has jurisdiction over the employer.

c) Virginia employers apply Virginia law when receiving an income withholding order directly from another state regarding such issues as

(1) garnishment limits,

(2) definition of income,

(3) time period for a contest,

(4) time period that an employer has to forward money, and

(5) administrative fees that an employer can charge.

d) The employer promptly gives the NCP a copy of the income withholding.

e) The NCP may contest the income withholding to the

(1) state providing services to the CP, and

(2) person or agency designated to receive payments in the income withholding order, or

(3) CP if there is no IV-D agency or agency designated to receive payments.

f) Virginia does not know about the contest unless the initiating state requests assistance from Virginia.

g) When another state request Virginia conduct a hearing when it cannot resolve the contest informally, request the other state send an Interstate IV-D petition to the central registry in Virginia requesting enforcement.

b. Administrative Enforcement

1) Virginia as Initiating State

a) Follow instructions on how to complete federal forms to request a UIFSA state enforce an order.

b) Send the Interstate Forms package to the central registry in the other state.

c) It is not necessary to complete the *Certificate and Order* when requesting action from a UIFSA state.

d) If you are requesting action from a URESA state, the district manager's signature is required on the *Certificate and Order* as the presiding officer.

e) Do not request the responding state enforce current support under its own

order if another UIFSA state has modified the order.

f) You may ask the UIFSA state to enforce current support under its order if the order has not been modified by another UIFSA state.

2) Virginia as Responding State

a) Use administrative remedies when responding to a request for enforcement prior to registering the order with the court for enforcement.

b) When there is an appeal of an administrative enforcement action (i.e., *Notice of Proposed Review*), the hearing officer hears the case.

c) Once the hearing has been held, the hearing officer sends the *Administrative Hearing Decision (out-of-state)* form to the parties.

d) If either party does not agree with the decision of the hearing officer, he/she sends written notice to the Manager of Appeals and Fair Hearings at the central office.

e) The Manager of Appeals and Fair Hearings faxes the request for an appeal of the hearing officer's decision to the district office staff responsible for the case.

f) Within five business days of receipt of written notice of the request for an appeal of the hearing officer's decision, responsible staff

(1) sends the *Request for Registration of Foreign Support Order*, and

(2) any other court forms necessary to take enforcement action to the juvenile court.

g) The juvenile court notifies both parties that the order has been registered.

5. Registration for Enforcement

a. Virginia as Initiating State

1) Virginia may register another states order for enforcement in the responding state.

2) Once an order is registered in the responding state, it becomes enforceable in the

same manner as an in-state order, but may not be modified.

3) The following information and documents are required:

   a) Three copies of the petition and its accompanying documents;

   b) The *Child Support Enforcement Transmittal* requesting registration;

   c) One copies, including one certified copy, of all orders to be registered including any modification of an order;

   d) The petitioner's sworn statement or certified statement by staff showing the amount of any arrears;

   e) Name, social security number, and address of the NCP;

   f) Name and address of NCP's employer and any source of income;

   g) Description and location of property subject to seizure and sale; and

   h) Name and address of the CP and entity to whom payments should be sent;

4) Enter the above required information on the *Child Support Enforcement Transmittal* and the *Uniform Support Petition*.

5) There is no space on the *Child Support Enforcement Transmittal* for the NCP's source of income or description and location of property, therefore to include this information, you may either

   a) include the information on the *Child Support Enforcement Transmittal* in section VI "Additional Case Information";

   b) check the "Comments Attached" box near the bottom right hand corner on the second page of the *Uniform Support Petition* and include the information on a separate sheet attached to the petition; or

   c) include the information on the General Testimony and attach that form.

   d) Refer to instructions on how to complete federal forms.

b. Virginia as Registering State

1) Court Registration

   a) After you have exhausted all administrative enforcement remedies and it is necessary to register the order for enforcement, register the order with the juvenile court using the Request for Registration form.

   b) Send the one copies, including one certified copy of all the orders to be registered and accompanying documents to the juvenile court.

   c) When a support or income withholding order issued by another state is registered, the juvenile court sends the Notice of Registration to the nonregistering party.

   d) The juvenile court may send the Notice of Registration by:

      (1) first class mail,

      (2) certified mail,

      (3) registered mail, or

      (4) delivery in person, substituted service, or posted service.

   e) The notice informs the NCP that:

      (1) he or she has 20 calendar days after the date of mailing or service of process of the notice to contest the validity or enforcement of the registered order. Refer to Chapter 8, Section B., Method of Service

      (2) failure to timely contest the registered order results in confirmation of the order and enforcement of the order and arrears. A further appeal is precluded;

2) Contest to Registration

   a) If either party contests the registered order, the juvenile court notifies the parties and DCSE of the date, time and location of the hearing.

   b) The contest of the registered order is based on one or more of the following:

(1) The issuing state lacked personal jurisdiction;

(2) The order was obtained by fraud;

(3) The order has been vacated, suspended, or modified by a later order;

(4) The issuing state has stayed the order pending appeal;

(5) Full or partial payment has been made;

(6) The applicable statute of limitations precludes

3) Virginia law applies except:

a) the law of the issuing state governs interpretation of the order being enforced (i.e., nature, extent, amount and duration of support obligation and payment arrearage).

b) if the issuing state and Virginia have different statutes of limitation, the longer time period applies. Virginia's statute of limitation would apply because Virginia does not have a statute of limitation.

c) The court may stay enforcement if the NCP presents evidence of full or partial defense.

d) The court may continue the proceeding to permit additional relevant evidence.

e) The court may enforce any uncontested portion of the registered order during a stay or continuance.

4) Confirmation of a Registered Order

a) An order is confirmed when the NCP does not request a hearing in a timely manner, or

b) The NCP does not establish a valid defense.

G. Jurisdiction Principles (03-01-1998)

1. Continuing, Exclusive Jurisdiction (CEJ)

a. Continuing, exclusive jurisdiction means a party plus an order in the issuing state (CEJ = Party + Order in issuing state).

b. Under continuing, exclusive jurisdiction provisions, if Virginia issued a support order first, Virginia retains continuing exclusive jurisdiction over the order until one of the following occurs:

1) The CP, NCP, and child all take up permanent residency in one or more other states. However, CEJ remains with Virginia if one of the parties or the child continues to live in Virginia, or

2) The CP and NCP file a written consent with DCSE for another state to modify the order and assume continuing, exclusive jurisdiction.

a) If the parents of a child agree that a state having personal jurisdiction over the other parent should modify the order and assume CEJ, the request to transfer jurisdiction must be signed by both parents and confirmed in the state which has CEJ over the order.

b) Virginia as responding state (other state has CEJ)

(1) The agreement to allow Virginia to modify the order and assume CEJ must be signed by both parents and confirmed by the state with CEJ.

(2) Obtain a copy of the confirmation (not the agreement) from the parties or the other state which allows Virginia to modify the order and assume CEJ prior to modifying the order.

c) Virginia as initiating state (Virginia has CEJ)

(1) For Virginia court orders

(a) Send the *Agreement to Transfer Jurisdiction* form to the parents.

(b) File a copy of the signed agreement with the appropriate court that issued the order.

(c) Maintain a copy of the signed *Agreement to Transfer Jurisdiction* form in file until the court confirms the transfer of jurisdiction.

(d) The court sends the *Confirmation to Transfer Jurisdiction* form to the

parties and DCSE informing them that CEJ has been transferred to the state with jurisdiction over the other parent.

(e) Document on APECS in the case events that CEJ has been transferred to the state with personal jurisdiction over the other party.

(2) For Virginia Administrative Support Orders

(a) Send the *Agreement to Transfer Jurisdiction* form to the parents.

(b) Do not file a copy of the *Agreement to Transfer Jurisdiction* form with the court.

(c) The district office worker will confirm that CEJ has been transferred to the state with jurisdiction over the other parent.

(d) The district office worker sends confirmation to both parties and the IV-D agency in the state that is to assume CEJ.

(e) File a copy of the *Confirmation to Transfer Jurisdiction* form in the case file.

(f) Document APECS that jurisdiction has been transferred.

c. When continuing, exclusive jurisdiction is lost, the support order continues to be enforceable and remains in effect until it is properly modified by another state with jurisdiction to do so.

d. If a Virginia order is modified by another state consistent with the provisions of UIFSA, Virginia loses its CEJ with regard to prospective enforcement of the Virginia order, and may only:

1) enforce the order that was modified as to amounts accruing before the modification;

2) enforce nonmodifiable aspects of the order e.g., contractual obligation to provide college education trust fund, etc.); and

3) provide appropriate relief for violations of the order that occurred prior to the modification;

e. Virginia may not exercise its continuing jurisdiction to modify an order issued in

Virginia if the order has been modified by a tribunal of another state pursuant to a law substantially similar to UIFSA.

f. After losing continuing, exclusive jurisdiction, a state continues to have authority to enforce arrearage that accrued prior to the order being modified by another state.

g. If another state, with jurisdiction to do so, modifies the support order, that state has CEJ over the support order. That state retains continuing, exclusive jurisdiction until the support order is again modified by another state with jurisdiction to do so.

h. A temporary support order issued by another state pending resolution of a jurisdictional conflict, does not create continuing, exclusive jurisdiction.

2. Recognition of Modified Order

Recognize a modification of a Virginia order when the modification was done by another state consistent with UIFSA principles.

3. Spousal Support

The issuing state of a spousal support order retains continuing, exclusive jurisdiction for the life of the spousal support obligation and is the only state that can modify the order.

(8-1-1997)(3-1-1998)

H. Registration for Modification (07-01-1995)

1. Virginia as Initiating State

a. The petitioner does not live in the state where registration is requested.

b. Virginia has jurisdiction over the person that is not making the motion.

c. The original issuing state lacks continuing, exclusive jurisdiction either because the NCP and CP or child does not live there or both parents have agreed in writing for the registering tribunal to exercise jurisdiction to modify.

d. File a petition requesting registration and modification.

e. The Petition specifies the grounds for the modification. The grounds for the modification are put on the *Uniform Support Petition*.

f. Attach one copies (one certified) of the support order to be registered to the petition.

g. Submit a sworn or certified statement of any arrearage.

h. Submit the name of the NCP and if known;

1) The NCP's address and social security number;

2) The name and address of the NCP's employer and source of income; and

3) A description and location of property subject to seizure.

i. Submit the name and address of the CP and, if applicable, the agency or person to whom support payments should be sent.

j. Refer to instructions on completion of interstate forms.

k. Within 30 days after receiving the modification, send a certified copy of the modified order to:

1) the original issuing state which had CEJ over the earlier order; and

2) each tribunal where DCSE knows that the earlier order was registered.

2. Virginia as Registering State

a. Virginia may modify a support order issued by another state only as provided below:

1) The NCP, CP, and child do not live in the state that issued the order.

2) The NCP lives in Virginia and neither the child or the CP lives in the state which issued the order, and the a parent or support enforcement agency located in another state requests interstate services.

3) A party still lives in Virginia and there is a Virginia order.

4) The NCP and CP file a written agreement with the tribunal in the other state for Virginia to modify the support order.

b. When you receive a request to modify an order

1) Determine if the case meets the criteria for review and adjustment.

2) If it is determined that the case does not meet the criteria for review and adjustment, send the case back to the initiating state. Indicate in the remarks section on *Child Support Enforcement Acknowledgment* form that the case does not meet Virginia's criteria for review and adjustment.

3) If it is determined that the case meets the criteria for review and adjustment, register the order with the juvenile court prior to conducting the review.

4) Do not file any court forms with the court requesting modification until you have conducted the review.

5) Follow the review and adjustment procedures for deviations.

6) The following documents should be attached to the petition for a hearing:

   a) *The Child Support Enforcement Transmittal* requesting registration.

   b) One copy (one certified) of the support order to be registered.

   c) A sworn statement or a certified statement showing the amount of any arrears.

   d) The name, social security number, and address of the NCP.

   e) The name and address of the NCP's employer and source of income.

7) The grounds for the modification are put on the *Uniform Support Petition*.

8) After modifying a support order issued by another state, Virginia has CEJ over the order. Another UIFSA state can only modify the order when it can meet requirements which are consistent with UIFSA principles.

9) When Virginia registers another states order for modification, Virginia can only modify the amount and not the age to which the order is to be enforced.

10) The original issuing state is required to recognize the modification.

11) When another UIFSA state sends you a copy of a modified order that it was modified according to UIFSA principles, change the obligation amount on

APECS to reflect the new amount.

12) File the modified order in the case file.

13) Do not change the obligation amount on APECS if the order was modified by a state that should not have modified the order according to UIFSA principles.

I. Simultaneous Multistate Jurisdiction (10-21-1994)

1. When asserting personal jurisdiction over a NCP, it is possible that one or more states may also assert personal jurisdiction over the same NCP.

2. For example, DCSE claims Long Arm jurisdiction because the NCP once lived in Virginia with the child. State A also claims Long Arm jurisdiction because the child was conceived in that state. State B claims jurisdiction because the NCP caused the child to live there. When there are conflicting or competing jurisdictional claims over the same NCP, UIFSA provides a method for establishing priorities between the states:

   a. When there are one or more states competing with Virginia for jurisdiction over the same NCP, defer to the state which is the child's home state. If Virginia is the child's home state, other states should defer to DCSE.

   b. When none of the competing states is the child's home state, the state which first initiated a legal action against the NCP has priority.

3. An administrative action is initiated by serving notice. A judicial action is initiated by filing a petition.

4. For the purposes of determining priority between competing jurisdictional claims, the home state is the state in which the child lived with a parent for at least 6 months immediately prior to initiating the action.

5. If the child is less than six months old, the home state is the state where the child lived from birth with a parent. Periods of temporary absence are counted as part of the 6 month or other period.

6. When you initiate an action and when at least one other state also initiates action against the same NCP with regard to the same child, priority between the competing states is established as follows:

   a. Determine which state, if any of them, is the home state of the child.

b. Determine which state first initiated the legal action. In making this determination also determine whether the action in our state was initiated within the time allowed for challenging jurisdiction in the other state. For example, in most states a person has 20 to 30 days in which to challenge personal jurisdiction.

c. If the NCP fails to timely challenge jurisdiction, the right to object to jurisdictional issues is lost forever.

d. In administrative actions, the time period for challenging jurisdiction is the same time allowed for requesting a hearing.

e. If neither Virginia nor the other state is the child's home state, the state which initiated the legal action first has priority. If the other state is first, stop all child support actions and defer to the other state. If DCSE is first, continue the action and inform the other state that Virginia has priority.

f. If Virginia is the child's home state and DCSE initiated the legal action first, Virginia has the highest priority. Inform the other state that Virginia has priority.

g. If the other state is the child's home state and the legal action was initiated in that state first, the other state has the highest priority. Stop all actions and defer to the other state.

h. When the other state initiates an action first, and Virginia is the child's home state, DCSE has priority provided that the following exist:

   1) DCSE initiated its action within the time for challenging jurisdiction in the other state, and

   2) the NCP timely challenged the other state's jurisdiction.

i. If both of the above conditions occur, inform the other state of Virginia's priority. If one or both of the above conditions occur, stop all actions and defer to the other state.

j. When DCSE initiates an action first and the other state is the child's home state, DCSE has priority unless:

   1) the other state initiated its action within 20 days after service to establish paternity or to establish an obligation or within 10 days after service of a Notice of Proposed Action; and

2) the NCP timely challenged DCSE's jurisdiction.

k. If either of the above conditions occur, stop all actions and defer to the other state.

l. If Virginia can acquire personal jurisdiction over the parties and the child lives in Virginia, but Virginia has no priority, request the other state to voluntarily defer to the Commonwealth because Virginia is the most convenient state in which to establish paternity or to establish or modify a support order.

J. Tribunal Communication and Cooperation (07-01-2004)

1. UIFSA allows for much broader communication between states to expedite establishment, enforcement or modification of a support order.

2. A request for information about the laws of another UIFSA state, the legal effect of a judgment, decree, order of that tribunal, or the status of a proceeding in the other state may be made in writing or by telephone.

3. Provide the same information to another state when a request for information concerning Virginia's laws, legal effect of a judgment, decree, or child support order is made in writing or by telephone.

4. Use the *Child Support Enforcement Transmittal #1,#2 or # 3* for referring a case and/or for providing new information.

5. Use the *Interstate Contact Letter* or the *Interstate Status Letter* to provide information about specific actions taken on a case (e.g. the status of a case).

6. Provide assistance to another state when

   a. asked to assist in obtaining discovery; and

   b. upon request, request the NCP to respond to a discovery order issued by another state.

7. Our offices will cooperate with other state IV-D agencies by providing appropriate locations for depositions or testimony of parties by telephone, audiovisual or other electronic means.

(10-01-1994)(07-01-2004)

K. Review and Adjustment under UIFSA (07-01-2004)

1. Under UIFSA, for purposes of review and adjustment, initiating state is defined as the state with the assignment of rights or the state where the request has been made.

2. If the order was established by Virginia, send out notice of right to review to every state that has an order.

3. If Virginia is only enforcing the order, do not send out the notice of right to a review.

4. The initiating state decides whether the review will be conducted and where the review will take place.

5. Apply continuing, exclusive jurisdiction principles when looking at where you can request a review.

6. If a state requests a review in Virginia and Virginia does not have continuing, exclusive jurisdiction, do not conduct the review.

(7-1-1995)(7-1-2004)

L. Nondisclosure of Information (11-01-1996)

Refer to Chapter 2, Confidentiality/Information Release, Section G, Information Released - Restrictions.

M. Reciprocal Enforcement **(09-01-2009)**

Reciprocal laws are in effect in all states, the District of Columbia, and the territories of the United States. The Central Registry assigns petitions initiated by other jurisdictions and identified as IV-D to district offices. Petitions initiated by district offices are sent to the responding states central registry.

1. Virginia has also established reciprocal agreements with certain foreign countries that have a similar concept of justice and a substantially similar law. These agreements are established through the Office of the Attorney General. The countries with which Virginia has reciprocity are as follows:

   a. Australia

   b. Austria

c. Canadian Provinces:

1) Alberta
2) British Columbia
3) Manitoba
4) Newfoundland/Labrador
5) Nova Scotia
6) Ontario
7) New Brunswick
8) Northwest Territories
9) Nunavut

d. Czech Republic

e. England and Wales

f. France

g. Hungary

h. Northern Ireland

i. Norway

j. Poland

k. Scotland

l. Sweden

m. Switzerland

n. Germany

o. Zimbabwe

2. When the NCP or putative father lives in one of the above countries, the district office may initiate petitions to these countries by following the same procedures used in filing a petition to another state. However petitions initiated by these countries are classified as Non/IV-D cases.

3. The district office is not responsible for working these cases, unless an application for services is received.

4. If an application for services is not received, the central registry forwards these cases to the appropriate juvenile court.

5. The Federal Office of Child Support Enforcement (OCSE) has also established federal level reciprocity agreements on child support with certain countries. The following countries have been declared a "foreign reciprocating country" for child support purposes pursuant to 42 U.S.C. 659A.

   a. Australia

   b. Canadian Provinces

      Alberta
      British Columbia
      Manitoba
      New Brunswick
      Newfoundland
      Northwest Territories
      Nova Scotia
      Ontario
      Saskatchewan
      Yukon Territory
      Nunavut

   c. Czech Republic

   d. Ireland

   e. El Salvador

   f. Finland

g. Hungary

h. Slovak Republic

i. Netherlands

j. Norway

k. Poland

l. Portugal

m. Switzerland

n. Finland

o. United Kingdom

England
Wales
Scotland
Northern Ireland

p. Israel

6. Contact information for the Central Authorities for these jurisdictions is available online through the OCSE Intergovernmental Referral Guide at [http://ocse3.acf.hhs.gov/ext/irg/sps/selectastate.cfm].

(3-1-98)(12-15-98)(1-1-2000)(9-1-02)(5-1-03)(7-1-04)(1-1-05)(1-1-08)(7-1-08)(9-1-09)

N. Instructions for Using Interstate Forms (03-01-2005)

1. *CHILD SUPPORT ENFORCEMENT TRANSMITTAL #1-INITIAL REQUEST*

PURPOSE OF THE FORM: The *Child Support Enforcement Transmittal #1-Initial Request* form is a "cover letter" required to refer IV-D interstate cases to any responding State's central registry. The form can also be used in non-IV-D cases. It contains basic case information and space for indicating which services are requested. The form can be used to request administrative or legal action, including establishment of paternity and/or support obligation, modification, or enforcement. It does not take the place of, and therefore must be accompanied by, the appropriate standard interstate forms (e.g.

Uniform Support Petition, *General Testimony*, etc.) and supporting documentation. A registration statement is needed for each order that the initiating State is requesting be registered by the responding State. Transmittal #1 may be sent electronically using the appropriate CSENet transaction.

HEADING/CAPTION (Pages 1 & 3): The Initiating Jurisdiction determines the heading. Note that the heading appears on both page 1 of the *Child Support Enforcement Transmittal #1* and on page 3, the Acknowledgment page.

Identify the petitioner and respondent in the appropriate spaces.

Check the appropriate space to identify the type of case: TANF; IV-E Foster Care, Medicaid only; former assistance, never assistance, or Non-IV-D. TANF means the obligee's family receives IV-A cash payments. A Medicaid only case is a case where the obligee's family receives Medicaid but does not receive TANF (IV-A cash payments).

In the space marked "To:", list the name and address (street, city, State, and zip code) of the central registry, court, or agency where you are sending the *CSE Transmittal #1*. In IV-D cases, initial referrals must be sent to the responding State's central registry. In non-IV-D cases, contact the responding State central registry to determine appropriate procedures.

In the appropriate spaces, if applicable and if known, enter the responding jurisdiction's FIPS code, State, IV-D case number, and docket number. The responding FIPS code is not essential for an initial IV-D referral since you will be sending the case to the responding central registry. Under "IV-D case number", enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15 character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number that the responding State may use to identify the case, if known.

In the space marked "From:", list a contact person, agency name, address (street, city, State, zip code), phone number (including extension), fax number, and e-mail address.

In the appropriate spaces, enter the initiating jurisdiction's FIPS code, State, IV-D case number, and tribunal number. Under "IV-D case number ", enter the number/identifier submitted to the Federal Case Registry, which is left-justified 15-character alphanumeric field, allowing all characters except asterisks and backslash, and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number which the initiating tribunal or agency has

assigned to the case.

In the space marked "Send Payments To:" enter the address to which payments should be sent, if the address is different from the agency address provided in the space labeled "From". Specify the case identifier if you want the responding jurisdiction to use an identifier other than the initiating IV-D case number when remitting payments.

In the appropriate spaces, enter the FIPS code and State where payments should be sent.

If funds can be transmitted electronically via Electronic Funds Transfer (EFT), enter the bank account number under "Bank Account" and the bank routing code under "Routing Code".

SECTION I (page 1), ACTION: Check the appropriate box(es) to indicate which actions are requested. Multiple actions may be requested, as appropriate.

In IV-D cases, the responding jurisdiction should provide the full range of appropriate services. For example, even if the initiating IV-D agency only checks box 1 "Establishment of Paternity", the responding jurisdiction should establish paternity, establish a support order, and enforce the support order.

Check item 1 "Establishment of Paternity" where paternity has not been determined. In a IV-D case, ask another State to establish paternity only if use of long-arm jurisdiction is not available or not appropriate. Be sure to attach an "Affidavit in Support of Establishing Paternity" for each child whose paternity is at issue.

Check item 2 "Establishment of Order" to request that an order be established. Indicate the type of order by checking the appropriate box.

Check item 2A "Current Child Support, including Medical Support" to request the initial establishment of a new child support order. If an order governing the same obligor, obligee, and child(ren) already exists, you should only request establishment of a new order if:(1) there is more than one existing order, (2) the obligor, obligee, and child have all moved out of the issuing States, and (3) the parties have not filed written consent allowing an issuing State to assert jurisdiction..

Check item 2B "Retroactive Child Support" if seeking support for a prior period. States may establish child support awards covering a prior period, but such awards must be based on the guideline and take into consideration either the current earnings and income at the time the order is set, or the obligor's earnings and income during the prior period. The award of back support is not required under Federal rules but may be appropriate in

accordance with State law. Not all States have authority to establish support orders for prior periods. Medical support must be requested in all IV-D establishment cases. Check item 2C "Medical Support Only" in a Medicaid case where a child support order does not exist and is not sought. If seeking to add medical support to an existing child support order, check item 4, “Modification of Responding Tribunal Order”.

Check item 2D "Spousal Support" to request establishment of a spousal support order. Do not check this item in a IV-D case; establishment of spousal support is not a IV-D function. When requesting establishment of spousal support, contact the support enforcement agency for he appropriate procedure.

Check item 2E "Costs and Fees" to request an order for cost and fees such as: costs of the delivery of the child, other medical costs not covered by insurance, genetic testing, and attorney's fees. Describe the costs in section VII "Additional Case Information".

Check item 3 "Enforcement of Responding Tribunal Order" to request enforcement of an existing order that was issued by the responding tribunal.

If multiple orders governing the same obligor, obligee, and child(ren) exist, do not ask a responding UIFSA State to prospectively enforce (or modify) an order unless that order is the "controlling order" that has priority under UIFSA.

UIFSA contains rules for determining which order is recognized when multiple orders exist. Under these rules:

1. The order issued by a tribunal with continuing, exclusive jurisdiction (CEJ) has priority. An issuing tribunal retains CEJ as long as the issuing State remains the residence of the obligor, obligee, or child, or until all parties file written consent with the tribunal allowing another State to assume CEJ.

2. If more than one issuing tribunal would have CEJ, the order issued by the child's current home State has priority. “Child Home State” is the State where the child has lived for the prior consecutive 6 months before filing the UIFSA action or, if the child is under 6 months of age, since birth.

3. If more than one tribunal would have CEJ but there is no order in the child's current home State, the most recently issued order has priority.

4. If no tribunal would have CEJ, the responding State may issue a new support order and it becomes the CEJ State.

Check item 4 "Modification of Responding Tribunal Order" to request modification (or review and adjustment) of an existing order that was issued by the responding tribunal.

Do not request a responding State to modify its own order if the obligor, obligee, and child(ren) have all moved out of that State, or if the parties have filed written consent with the issuing tribunal in that State allowing another State to modify the order.

If multiple orders exist, do not ask a responding State to modify an order unless that order is the "controlling order" that has priority under UIFSA. UIFSA contains rules for determining which order is recognized when multiple orders exist.

Generally, you need to attach a completed *General Testimony*.

Check item 5 "Change of IV-D Payee of Responding Tribunal Order" to request a change of IV-D payee. Describe your request in Section VII "Additional Case Information". This is an administrative action used when the person or agency entitled to receive funds has changed. It may occur with a change in public assistance or foster care status or a change in custody. In some States, court action, such as a modification, may be required if there is a change in custody or foster care status.

Check item 6 "Redirect Payment to Obligee State" is an administrative action used when the custodian has moved. In some States a court action may be required if the_custodians move compels transfer of documents or funds to another jurisdiction. risdiction.to request registration of a support order.

Check item 7 "Registration of Foreign Support Order(s)" to request registration of one or more support orders. Orders from one State may be registered in another State. Also check item 7A "For Enforcement Only", item 7B "For Modification and Enforcement" or item 7C "For Modification Only". Check either item 7B or 7C if you are requesting review and adjustment of a foreign order. Check item 7D "For Tribunal Determining of Controlling Order Including Arrears Reconciliation" if you are requesting a determination of controlling order and an arrears reconciliation. Check the appropriate box to indicate whether registration is requested by the obligor, obligee, or state enforcement agency.

To modify another State's order, a responding State must first register the order. To enforce another State's order, a responding State may have to register the order; UIFSA allows for administrative enforcement without registration (but requires registration for other enforcement actions).

To request registration of an order, you must include:

A letter of transmittal to the tribunal requesting registration for enforcement and/or modification. The CSE Transmittal #1 serves this function. Check the appropriate boxes in item 7 of section I to indicate the action requested.

Unless a controlling order determination has been made by a tribunal, a certified order copy of all orders to be registered, including any modification of an order.

A registration statement for each order that the initiating State is requesting to be registered by the responding State.

A sworn statement by the party seeking registration or a certified statement by the custodian of records showing the amount of any arrearage. At State option, page 6a of the *General Testimony* may be used for this purpose. In section VIII "Attachments", check the first box ("Arrears Statement/Payment History") to indicate that a sworn statement of arrears is attached.

The name of the obligor and, if known: the obligor's address and Social Security Number; the name and address of the obligor's employer and any other source of income of the obligor; and a description and the location of property of the obligor in the responding State not exempt from execution. Space for most of this information is provided on the *CSE Transmittal #1*. If you have information about the obligor's other sources of income or property, include the information in section VII or an attachment. In section VIII, check the box labeled "Description of Real/Personal Property" if a description is attached.

The name and address of the obligee. Space for this information is provided on the CSE Transmittal #1.

If applicable, the agency or person to whom support payments are to be remitted. Space for this information is included in the heading of the *CSE Transmittal #1*.

In addition, to allow the responding State to establish a IV-D case, you will probably need to complete all other information on the *CSE Transmittal #1*, particularly information regarding the children.

Furthermore, when requesting registration for modification, you generally need to attach a completed *Uniform Support Petition* and *General Testimony*.

Do not ask a responding State to modify another State's order unless:

(1) the child(ren), obligee, and obligor do not live in the State that issued the order; (2) the party seeking modification does not live in the responding State; and (3) the responding State has personal jurisdiction over the other party (the party not requesting modification).

OR

The responding State has personal jurisdiction over the obligor, obligee, or child(ren), and the obligor and obligee have filed written consent in the tribunal that issued the order providing that the responding State may modify the support order and assume continuing, exclusive jurisdiction over the order.

If multiple orders governing the same obligor, obligee, and child(ren) exist, do not ask a responding State to prospectively enforce or modify an order unless that order is the "controlling order" that has priority under UIFSA. UIFSA contains rules for determining which order is recognized when multiple orders exist.

Generally, the *CSE Transmittal #1* is used to send initial case referrals and the *CSE Transmittal #1* is used to send/request additional information or action after the initial referral. However, since the *CSE Transmittal #1* does not contain the necessary information needed to request registration of a foreign order, you may use the CSE Transmittal #1 to request registration even in a case that has previously been referred to the responding jurisdiction. If you are requesting registration in a case that has previously been referred to the responding jurisdiction, you may send the request directly to the responding entity working the case rather than to the responding central registry.

Check item 8 "Collection of Arrears Only" to request collection of arrears only. You should request enforcement of arrears under all known orders.

Check item 9 "Income Withholding" to request interstate income withholding.

Check item 10 "Administrative Review for Federal Tax Offset" to request an administrative review in the responding State if a Federal income tax refund offset has been challenged.

Check item 11 "Other" if you are requesting a service other than those listed, such as a lien or levy or an administrative remedy, such as license revocation. Describe the service on the blank line.

SECTION II (page 1), CASE SUMMARY: If you know that a tribunal has already determined the controlling order, only enter information about the controlling order and check “Tribunal-Determined Controlling Order”. Otherwise, where multiple orders exist, provide complete information for all court/administrative actions regarding support for dependents. If there are more than three orders, use additional page(s) or Section VII. For "Period of Computation", enter the month, day, and year for both the beginning and ending dates. The information in this section will be used to aid in verifying calculated arrearages or reconciling arrears under multiple orders and to assist in determining/verifying which order is controlling and which State has continuing exclusive jurisdiction.

If you believe a particular order is controlling but there is no tribunal-determined controlling order, check the box beside "Presumed Controlling Order"; otherwise leave the box blank.

Under UIFSA, a State that issues a child support order maintains CEJ as long as the obligor, individual obligee, or child(ren) reside in that State, or until each party files written consent in that State allowing another State to CEJ. If there are multiple orders governing the same obligor, obligee, and child(ren), UIFSA contains rules for determining which order is controlling. The tribunal that issued the controlling order has CEJ as long as the conditions for CEJ are met. CEJ means the authority to modify the order.

Attach the required number of copies of all pertinent orders that relate to support. You will generally need to attach a certified copy of any support order. Note, however, that some responding States may be able to take certain administrative enforcement actions (e.g., interstate wage withholding) without having a certified copy of the order, although a regular copy is necessary.

SECTION III (page 2), MOTHER INFORMATION: This section provides basic information about the child(ren)'s mother. Check the appropriate box to indicate if the mother is the obligor or obligee. Provide the mother's full name (first, middle, last) as well as aliases or maiden name, and all other information. List additional information (i.e., phone number changes, relatives' phone numbers, multiple employers or assets) in section VII. In cases where the mother is the respondent, the information can be used for location purposes if necessary. If the mother's address has been confirmed or verified, check the "Address Confirmed" box and indicate the date the address was confirmed.

If the employer/employer's address has been confirmed or verified, check the "Employer Confirmed" box and indicate the date the information was confirmed. Verified, current information expedites processing of any child support case. However, if information cannot be verified, provide last known information.

SECTION IV (page 2), FATHER INFORMATION: This section provides basic information about the child(ren)'s father. In a case where paternity has not been established, use this section to provide information about the alleged father. Check the appropriate box to indicate if the father is the obligor or obligee. Provide the father's full name (first, middle, last) as well as aliases, and all other information. List additional information (i.e., phone number changes, relatives' phone numbers, multiple employers or assets) in section VII. In cases where the father is the respondent, the information can be used for location purposes if necessary. If the father's address has been confirmed or verified, check the "Address Confirmed" box and indicate the date the address was confirmed. If the employer/employer's address has been confirmed or verified, check the "Employer Confirmed" box and indicate the date the information was confirmed. Verified, current information expedites processing of any child support case. However, if information cannot be verified, provide last known information.

SECTION V (page 2), CARETAKER (IF NOT A PARENT): Complete this section only if the child(ren)'s caretaker is not the child(ren)'s parent. In the space labeled "Relationship to Child(ren)", indicate the relationship of the caretaker to the child(ren). Provide the caretaker's full name (first, middle, last) as well as aliases or maiden name, and all other information. Note: if the caretaker does not have a legal obligation to contribute to a child's support, information regarding the caretaker's employment may be privileged.

SECTION VI (page 2), DEPENDENT CHILDREN INFORMATION: List all children for whom support is owed or being sought. For each child, provide full name (first, middle, last), date of birth, sex, Social Security Number, and State of residence for last 6 months. If additional space is needed, use section VII.

SECTION VII (page 2), ADDITIONAL CASE INFORMATION: In this section, provide additional information which may be useful to the responding jurisdiction in working the case, such as pending action, amounts reported to credit bureaus, or prior attempts of long-arm action. If additional space is needed, attach page(s).

If there is an order preventing disclosure of a party's or child's address/identifying information, check the box for "Nondisclosure Finding Attached" and attach a copy of the

finding. In accordance with the finding, do not provide the address/identifying information; you may provide a substitute address. A nondisclosure finding means a finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by disclosure of identifying information (e.g., residential address). UIFSA provides that interstate petitions must include certain identifying information regarding the parties and child(ren) unless a tribunal (court or agency) makes a nondisclosure finding by ordering that the address or identifying information not be disclosed. The procedures for obtaining a nondisclosure finding vary from State to State.

If a State has reason to believe that information should not be released because of safety concerns, please note it in item VII and ensure the petition requests a nondisclosure finding under section 312 of UIFSA.

SECTION VIII (page 2), ATTACHMENTS: Check the appropriate box(es) to indicate all documents attached. For attachments other than those listed, check "Other Attachments" and explain in section VII.

Attach the required number of copies of all pertinent orders that relate to support. You will generally need to attach a certified copy of any support order. Note, however, that some responding States may be able to take certain administrative enforcement actions without having a certified copy of the order, although a regular copy is necessary. You may include a copy of that State statute if assignment is by operation of law.

At the bottom of page 2, provide a specific worker's name, a direct telephone number (with extension if necessary) and fax number and email address to expedite communications between jurisdictions.

PAGE 3, ACKNOWLEDGMENT: The initiating jurisdiction should always include the “acknowledgement of receipt” page with Transmittal #1.. The initiating State completes the Heading /Caption on the acknowledgement page. The rest of the acknowledgement should be completed by the responding State and returned to the intiating State. An automated acknowledgment may be sent through CSENet.

2. *CHILD SUPPORT ENFORCEMENT TRANSMITTAL #2 - SUBSEQUENT ACTIONS*

PURPOSE OF THE FORM: This transmittal form is for use by either the initiating or responding jurisdiction for requesting or providing additional information or services in previously-referred cases. *The Child Support Enforcement Transmittal #2* should not be used for making initial referrals, but should only be used for subsequent requests and communication. This form need not be sent when the Notice of Controlling Order form is sent. The *The Child Support Enforcement Transmittal #2* should be sent to the local entity working the case (rather than the State's central registry) unless the local entity

working the case is unknown. Transmittal #2 may be sent electronically using the appropriate CSENet transaction.

HEADING/CAPTION (Pages 1 & 2): The jurisdiction which sends the *CSE Transmittal #2* determines the heading. Note that the heading appears on both page 1 of the *Child Support Enforcement Transmittal #2* and on page 2, the Acknowledgment page.

Identify the petitioner and respondent name and Social Security number in the appropriate spaces.

Check the appropriate space to identify the type of case: TANF; IV-E Foster Care, Medicaid only; former assistance, never assistance, or Non-IV-D. TANF means the obligee's family receives IV-A cash payments. A Medicaid only case is a case where the obligee's family receives Medicaid but does not receive TANF (IV-A cash payments).

In the space marked "To:", list the name and address (street, city, State, and zip code) of the court or agency where you are sending the *CSE Transmittal #2*. Once an initial referral in a IV-D case has been made to the responding State's central registry (using *CSE Transmittal #1*), subsequent communication can occur with the local agency/court/jurisdiction that is actually working the case (using *CSE Transmittal #2*).

In the appropriate spaces, if applicable and if known, enter the responding jurisdiction's FIPS code, State, IV-D case number, and Tribunal number. Under "IV-D case number", enter the number/identifier to the one submitted on the Federal Case Registry, which is a left-justified 15 character alphanumeric field , allowing all characters except asterisk and backslash and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number that the responding State may use to identify the case. The Responding jurisdiction is the jurisdiction that is working the case at the request of the initiating jurisdiction.

In the space marked "From:", list a contact person, agency name, address (street, city, State, zip code), phone number (including extension), fax number, and email address.

In the appropriate spaces, enter the initiating jurisdiction's FIPS code, State, IV-D case number, and tribunal number. Under "IV-D case number", enter the number/identifier to the one submitted on the Federal Case Registry, which is a left-justified 15 character alphanumeric field , allowing all characters except asterisk and backslash and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number which the initiating tribunal or agency has assigned to the case. The initiating jurisdiction is the jurisdiction that referred the case to the responding jurisdiction for services. In the space marked "Send Payments

To:" enter the address to which payments should be sent, if the address is different from the agency address provided on the form in the space above.

In the appropriate spaces, enter the FIPS code and State where payments should be sent.

If funds can be transmitted electronically via Electronic Funds Transfer (EFT), enter the bank account number under "Bank Account" and the bank routing code under "Routing Code".

SECTION I (page 1), ACTION: Check the appropriate box(es) to indicate which actions are requested or what information is being provided. Multiple boxes may be checked, as appropriate.

Check item 1 "Status Request" if you are asking for a status update. Describe the request in Section II.

Check item 2 "Status Update" if you are providing a status update. Provide the update in Section II.

Check item 3 "Notice of Hearing" if you are providing notice of an upcoming hearing. Provide dates and other information in Section II.

Check item 4 "Notice of Case Forwarding" if you are providing notice that you have forwarded a misdirected case to the appropriate jurisdiction. Explain in Section II.

Check item 5 "Document Filed" if you are providing notice that a document has been filed. Explain in Section II.

Check item 6 "Order Issued/Confirmed" if you are providing notice that an order has been issued or confirmed. Attach a copy of the order. If using CSENet, mail or fax as separate item.

Check item 7 "Notice of Arrearage Reconciliation/Determination of Sum-Certain" if you are providing notice of an arrearage reconciliation or determination of sum-certain. Attach any calculations or worksheets used. If using CSENet, mail or fax separate item.

Check item 8 “Change IV-D Payee of Responding Tribunal Order”to request a change of payee in a IV-D case. This is an administrative action used when the person or

agency entitled to receive funds has changed. It may occur with a change in Public Assistance or Foster Care status or a change in custody. "Redirection of Payment" is an administrative action used when the custodian has moved. In some States, court action, such as modification, if there is a change in custody or foster case status.

Check item 9 "Redirect Payment to Obligee State"when the custodian has moved. This is an administrative action, but in some States a court action may be required if the custodian's move compels transfer of documents of funds to another jurisdiction.

Check item 10 "Other" if you are requesting a service or providing information other than the types listed. Describe the service or information in Section II.

Check the box beside "Please Return the Acknowledgment Attached" if an acknowledgment is needed. This is used only if requesting information or action.

SECTION II (page 1), ADDITIONAL INFORMATION: In this section, provide additional information which may be useful.

If there is an order preventing disclosure of a party's or child's address/identifying information, check the box for "Nondisclosure Finding Attached" and attach a copy of the finding. You do not need to resend a finding that was sent before. Note in Section II that the finding has already been sent. In accordance with the finding, do not provide the address/identifying information; you may provide a substitute address. A nondisclosure finding means a finding that the health, safety, or liberty of a party pr child would be unreasonably put at risk by disclosure of identifying information(e.g. residential address).

UIFSA provides that interstate petitions must include certain identifying information regarding the parties and child(ren) unless a tribunal (court or agency) makes a nondisclosure finding by ordering that the address or identifying information not be disclosed. The procedures for obtaining a nondisclosure finding vary from State to State.

At the bottom of page 1, provide a specific worker's name, a direct telephone number (with extension if necessary) and fax number to expedite communications between jurisdictions.

PAGE 2, ACKNOWLEDGMENT: When a jurisdiction sends a *Transmittal #2* to another jurisdiction, it should include Page 2 Acknowledgment only if the jurisdiction is requesting information or action. The sending State completes the Heading/Caption on this page. If the jurisdiction is sending Transmittal #2 to provide notice or information, the Acknowledgment is not needed.

Upon receiving a request for action or information on a *Transmittal #2*, the receiving State completes the rest of the acknowledgment. The acknowledgment can be used to provide any information requested on the *The Transmittal #2* or to indicate when (how many days or on what date) the requested information will be provided. The jurisdiction sending the Acknowledgment must indicate where the case has been referred for action, and the name, telephone and fax number and email address of a contact person.

3. *CHILD SUPPORT ENFORCEMENT TRANSMITTAL #3 - REQUEST FOR ASSISTANCE/DISCOVERY*

PURPOSE OF THE FORM: *The Child Support Enforcement Transmittal #3-Request for Assistance/Discovery* is designed for use when the requesting jurisdiction is working its case locally (e.g., by long-arm jurisdiction) and needs limited assistance from another jurisdiction, but does not want the other jurisdiction to open a IV-D case. Sections 316 and 318 of the model version of UIFSA contain specific provisions that allow a tribunal to receive evidence from another State and to obtain discovery through a tribunal of another State.

When a jurisdiction receives a *The Child Support Enforcement Transmittal #3* from another jurisdiction, it should not open a IV-D case; it should only provide the limited assistance requested. By contrast, the *Child Support Enforcement Transmittal #1-Initial Request* is designed for use when the initiating State is requesting the responding State to open a IV-D case.

Note that under current Federal policy, a State is not required to provide assistance requested via a *The Child Support Enforcement Transmittal #3*. However, a State may choose to provide such assistance, particularly in the interest of avoiding an interstate referral that would require the State to work the whole case.

HEADING/CAPTION (Pages 1 & 2): The jurisdiction requesting assistance/discovery determines the heading. Note that the heading appears on both page 1 of the *The Child Support Enforcement Transmittal #3* and on page 2, the Acknowledgment page.

Identify the petitioner and respondent in the appropriate spaces. Include full name and Social Security Numbers for both parties. Include a verified address for the respondent.

Check the appropriate space to identify the type of case: IV-D Non-Public Assistance; IV-D Non-Public Assistance Medicaid (indicate whether receiving Full Services or

Medical Services Only); IV-D Public Assistance; IV-E Foster Care; or non-IV-D. IV-D means the case is being worked by the State or local child support enforcement agency (i.e., IV-D agency). Public Assistance means the obligee's family receives IV-A cash payments [IV-A was formerly called Aid to Families with Dependent Children (AFDC) and is now called Temporary Family Assistance]. A IV-D Non-Public Assistance Medicaid case is a case where the obligee's family receives Medicaid but does not receive Public Assistance (IV-A cash payments).

In the space marked "To:", list the name and address (street, city, State, and zip code) of the agency or court where you are sending the CSE Transmittal #3.

In the appropriate spaces, if applicable and if known, enter the rsponding jurisdiction's FIPS code, State, IV-D case number, and docket number. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number that the responding State may use to identify the case, if known. The "responding" jurisdiction is the jurisdiction that receives the request for assistance.

In the space marked "From:", list a contact person, agency name, address (street, city, State, zip code), phone number (including extension), fax number, and Internet address.

In the appropriate spaces, enter the initiating jurisdiction's FIPS code, State, IV-D case number, and docket number. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number which the initiating tribunal or agency has assigned to the case. The "initiating" jurisdiction is the jurisdiction that is requesting assistance.

Check the appropriate box to indicate whether the initiating jurisdiction uses the Uniform Reciprocal Enforcement of Support Act (URESA) or the Uniform Interstate Family Support Act (UIFSA).

In the designated space, note the State which you believe has CEJ, if known. Under UIFSA, a State that issues a child support order maintains CEJ as long as the obligor, obligee, or child(ren) reside in that State, or until each party files written consent allowing another State to assume CEJ. If there are multiple orders governing the same obligor, obligee, and child(ren), UIFSA contains rules for determining which order is controlling. The tribunal that issued the controlling order has CEJ as long as the conditions for CEJ are met. CEJ means the authority to modify the order.

In the space marked "Response Needed by" enter the date by which a response is needed.

SECTION I, ACTION: Check the appropriate box(es) to indicate which actions are requested. Multiple actions may be requested, as appropriate.

Check item 1 "Provide/Obtain Copies of Documentation" to request copies of documentation. Check appropriate box(es) to indicate the type of documentation: certified copies of orders, payment records, financial statement, or other (describe on blank line). In Section II "Additional Information", describe your request and provide background information necessary to identify the requested documents. If you are requesting documents issued by a tribunal, contact the tribunal directly rather than the IV-D agency.

Check item 2 "Provide Assistance with Service of Process" if you are requesting assistance with service of process. You may directly contact (via phone, fax, or other means) the sheriff, or other appropriate official, in another jurisdiction to request service of process. Send *Transmittal #3, Request for Assistance/Discovery* only if such attempts have been unsuccessful.

Check item 3 "Provide Assistance with Genetic Testing" if you are requesting assistance with genetic testing. Include in section II or attach any necessary information or materials, including names of genetic testing laboratories, protocols to be followed, testing kits, etc.

Check item 4 "Obtain Answers for Interrogatories" if you are requesting completion of interrogatories. Attach the interrogatories.

Check item 5 "Provide Assistance with Teleconference for Hearing or Deposition" if you are requesting assistance in scheduling a Teleconference for a hearing or deposition. Attach copy of hearing notice or deposition.

Check item 6 "Obtain Financial Data/Proof of Respondent's Income" if you are requesting financial data or proof of the respondent's income. Explain your request in Section II or an attachment.

Check item 7 "Obtain Party Signature on Attached Form" if you are requesting assistance in obtaining a signature. Attach forms which require signatures. Request assistance with obtaining a signature only after you have attempted and failed to obtain the signature yourself.

Check item 8 "Other" if the reason you are requesting assistance or discovery is not listed

above. On the blank line, indicate the assistance needed; be as specific as possible.

If you are requesting only "quick locate", do not use this form. Instead, use the Locate Data Sheet, or CSENet if you are using an electronic format.

If you are requesting that the tribunal in the other State compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another State (in accordance with section 318 of the model version of UIFSA), attach certified copies of the discovery order.

SECTION II, ADDITIONAL INFORMATION: In a narrative format, indicate any other information that will be useful in processing your request. Provide any necessary identifying information and background information about why the request is being made, including: (1) information on the nature of the pending action (e.g., paternity, support, modification, enforcement, etc.) and (2) the reason assistance from the other jurisdiction is needed.

At the bottom of page 1, provide a specific worker's name, a direct telephone number (with extension if necessary) and fax number to expedite communications between jurisdictions.

PAGE 2, ACKNOWLEDGMENT: Upon receiving a request for assistance on a CSE Transmittal #3, the receiving State completes the Acknowledgments section on page 2. The Acknowledgment can be used to provide information in response to a request received via the the *Child Support Enforcement Transmittal #3*, or to indicate when (how many days or on what date) the requested information/action will be provided. The jurisdiction sending the Acknowledgment should indicate where the case has been referred for action, and the name, telephone and fax number of a contact person.

4. UNIFORM SUPPORT PETITION

PURPOSE OF THE FORM: The *Uniform Support Petition* is a legal pleading needed for the responding State to initiate action. Its purposes are to show how the tribunal has jurisdiction, to show enough facts to notify the respondent of the claim being made, and to provide the petitioner with a means to request specific action or relief. Additional information can be provided in the accompanying affidavits and other attachments.

HEADING/CAPTION:

Identify the Petitioner and Respondent in the appropriate spaces.

Check the appropriate space to identify the type of case: IV-D Non-Public Assistance; IV-D Non-Public Assistance Medicaid (indicate whether receiving Full Services or Medical Services Only); IV-D Public Assistance; IV-E Foster Care; or non-IV-D. IV-D means the case is being worked by the State or local child support enforcement agency (i.e., IV-D agency). Public Assistance means the obligee's family receives IV-A cash payments [IV-A was formerly called Aid to Families with Dependent Children (AFDC) and is now called Temporary Family Assistance]. A IV-D Non-Public Assistance Medicaid case is a case where the obligee's family receives Medicaid but does not receive Public Assistance (IV-A cash payments).

Under "Responding IV-D Case No." and "Responding Docket No.", enter appropriate case and docket numbers that the responding State uses to identify the case, if applicable and if known. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number.

Under "Initiating IV-D Case No." and "Initiating Docket No.", enter appropriate case and docket numbers which your IV-D agency or local tribunal has assigned to the case. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number.

SECTION I, ACTION: List the children on whose behalf the action in the petition is requested. Include each child's full name (First, Middle, Last), date of birth, and Social Security Number.

Check the appropriate boxes to indicate which actions are requested. Multiple actions may be requested, as appropriate.

Check "Establishment of Paternity" to request that paternity be established. In a IV-D case, ask another State to establish paternity only if use of long-arm jurisdiction is not appropriate. Be sure to attach an *Affidavit in Support of Establishing Paternity* for each child whose paternity is at issue.

Check "Establishment of Order" to request that an order be established. Indicate the type of order by checking the appropriate box.

Check "Child Support" to request the initial establishment of a new child support order. If the responding State uses UIFSA and an order governing the same obligor, obligee, and child(ren) already exists, you should generally only request the establishment of a new order if: (1) there is more than one existing order, (2) the obligor, obligee, and child have all moved out of the issuing States, and (3) the parties have not filed written consent allowing an issuing State to assert jurisdiction.

Check "Spousal Support" to request establishment of a spousal support order. Do not check this item in a IV-D case; establishment of spousal support is not a IV-D function. When requesting establishment of spousal support, contact the support enforcement agency for the appropriate procedure.

Check "Support for a Prior Period" to request establishment of support for a prior period. On the "From" and "To" lines, enter the beginning and ending dates of the prior period. If support for multiple prior time periods is being requested, enter the beginning date of the first period in the "From" line, and enter the closing date of the last time period in the "To" line. States may establish child support awards covering a prior period, but such awards must be based on the guideline and take into consideration either the current earnings and income at the time the order is set, or the obligor's earnings and income during the prior period. The award of back support is not required under Federal rules but may be appropriate in accordance with State law. Not all States have authority to establish support orders for prior periods.

Check "Paternity Testing Costs" to request an order for reimbursement of costs incurred as a result of genetic testing for paternity establishment purposes. If the initiating State has already incurred costs for genetic testing, enter the amount of the costs on the blank line. If reimbursement of previously paid genetic tests is not sought, but genetic tests may be ordered, enter "actual" on the blank line.

Check "Medical Coverage" to request establishment of an order that provides for the provision of medical insurance or other health care coverage. Medical support must be requested in all IV-D Public Assistance cases, all IV-D Non-Public Assistance Medicaid cases, and in other IV-D Non-Public Assistance cases where health coverage is sought.

Check "Reasonable Attorney Fees, Other Fees and Costs" to request an order for attorney fees or other costs such as costs of the delivery of the child and other medical costs not covered by insurance. Provide testimony regarding the type and amount of these costs.

Check "Modification of a Support Order" to request modification of an existing order.

If you are requesting modification of an order that was issued by the responding State, in most instances you do not need to complete a Uniform Support Petition. On the other hand, if you are requesting modification of an order that was issued by a State other than the responding State, a Uniform Support Petition is usually necessary.

If multiple orders exist, do not ask a responding UIFSA State to modify an order unless that order is the "controlling order" that has priority under UIFSA. UIFSA contains rules for determining which order is recognized when multiple orders exist.

Check "Other Remedy Sought" if you are requesting an action not listed in section I. Specify in the space provided what remedy you are requesting.

The *Uniform Support Petition* is generally not needed to request enforcement action from a UIFSA State.

SECTION II, GROUNDS FOR REMEDY SOUGHT:

In those cases where the respondent is the noncustodial parent of the children named in the petition, check the first box in section II of the petition.

Grounds (reasons) for remedy sought are required in actions to register an out-of-state child support order for modification. If you are using the petition to request a modification, check the second box under section II of the petition.

Grounds for remedy sought are also required when seeking a remedy that must be affirmatively sought under the responding State's law.

SECTION III, ADDITIONAL SUPPORTING INFORMATION:

Check the appropriate boxes to indicate which documents are being sent with the petition. If you are sending forms with the petition that are not specifically identified in this section, mark the "Other" box and list the additional forms in the space provided.

SECTION IV, VERIFICATION:

The petition must be verified by the petitioner. Check the box under this part and have the petitioner (obligee, guardian, putative father, or authorized IV-D representative) sign and date the form.

Only the verification (petitioner's) signature requires a notary. (If petitioner retains an independent (non-IV-D) attorney who also signs the petition, the attorney's signature is not notarized.)

UIFSA allows a party to retain independent counsel. If the petitioner is represented by a private attorney, obtain the attorney's signature and Bar Number (if applicable) in the space provided in this part.

The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 45 CFR 303.7 of the child support enforcement program. Standard forms are designed to provide uniformity and standardization for interstate case processing. Public reporting burden for this collection of information is estimated to average one hour per response. The responses to this collection are mandatory in accordance with 45 CFR 303.7. This information is subject to State and Federal confidentiality requirements; however, the information will be filed with the tribunal and/or agency in the responding State and may, depending on State law, be disclosed to other parties. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

5. INSTRUCTIONS FOR GENERAL TESTIMONY
PURPOSE OF THE FORM: The *General Testimony* provides a framework for stating the detailed information and evidence necessary to support the action requested in the petition. Its eleven sections may or may not apply to all cases. Before completing the form, carefully consider the status of the individual petitioner completing the testimony and his/her relationship to the respondent, the relief you plan to request in the petition, and other case characteristics to determine what information should be provided. (Note: all section headings contain a checkbox to be used when additional comments/remarks are desired or required. These comments/remarks should be placed in Section X.) As a general rule, requests for relief require completion of the following sections:

Section No.	Description	Case Type Requiring Completion
I	Personal Information About Child(ren)'s Mother	All
II	Personal Information About Child(ren)'s Father	All
III	Caretaker's Personal Information	Cases where the caretaker is an individual other than the child(ren)'s parent
IV	Legal Relationship of Parents	All

V	Dependent Child(ren) in this Action	All
VI	Medical Insurance	All, except non-Public Assistance, non-Medicaid cases where applicant requests that medical support not be sought
VII	Support Order and Payment Information	All cases where an order for support has been entered
Page 6a		Obligor's Payment History All cases where an order for support has been entered; however, a certified copy of the court or agency payment history may be attached in lieu of Page 6a
VIII	Obligee's Public Assistance Status	Cases where the obligee received public assistance
IX	Financial Information as required by States' guidelines	Establishment and modification cases,
X	Other Pertinent Information	When needed (Note: all section headings contain a checkbox to be used when additional comments/remarks are desired or required)
XI	Verification	All

HEADING/CAPTION:

Identify the petitioner and respondent in the appropriate spaces.

Check the appropriate space to identify the type of case: IV-D Non-Public Assistance; IV-D Non-Public Assistance Medicaid (indicate whether receiving Full Child Support Services or Medical Services Only); IV-D Public Assistance; IV-D Foster Care (IV-E); or Non-IV-D. IV-D means the case is being worked by the State or local child support enforcement agency (i.e., IV-D agency). Public Assistance means the obligee's family receives IV-A cash payments [IV-A was formerly called Aid to Families with Dependent Children (AFDC) and is now called Temporary Family Assistance].

IV-D Non-Public Assistance means that the obligee applied for child support enforcement services but is not receiving public assistance (IV-A cash payments). IV-D Non-Public Assistance Medicaid means that the obligee is not receiving public assistance (IV-A cash payments) but is receiving Medicaid. Medicaid is a federally-funded program that provides medical support for low income families. These cases can receive "Full Services" or "Medical Services Only".

IV-D Public Assistance means the obligee is receiving IV-A cash payments [IV-A was formerly called Aid to Families with Dependent Children (AFDC) and is now called Temporary Family Assistance]. In exchange for receiving benefits, a person receiving public assistance agrees to "assign her support rights" or to turn over to the State any right to child support payments paid by the obligated parent.

IV-E Foster Care means the child is in IV-E foster care and the case has been referred to the State/local child support agency to obtain support from the parents.

Non-IV-D means the case is a private case that is not being worked by the State or local child support enforcement or IV-D agency.

Under "Responding IV-D Case No." and "Responding Docket No.", enter appropriate case and docket numbers that the responding State uses to identify the case, if applicable and if known. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number.

Under "Initiating IV-D Case No." and "Initiating Docket No.", enter appropriate case and docket numbers which your IV-D agency or local tribunal has assigned to the case. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number.

Check the appropriate boxes to indicate whether the petitioner is the "Obligee", "Obligor", or "Caretaker Other than Parent", or whether this is a "Foster Care" case. Check the appropriate boxes for the Respondent as well.

Obligee is the individual or State agency who is owed or is alleged to be owed support. If an obligee receives public assistance, she assigns her support rights to the State.

Obligor is the individual who owes or is alleged to owe support. This term includes alleged or putative fathers whose paternity of the child(ren) has not yet been established.

Caretaker Other than Parent is an individual who is custodian of the child(ren) but who is not the mother or father of the child(ren).

Foster Care indicates that the child is in foster care. In such cases, a State or political subdivision may seek support from both parents.

In the name-block immediately above section I, fill in the name (First, Middle, Last) of the individual providing the testimony and signing the form. In most cases this

will be the individual obligee. However, it could also be an obligor seeking paternity establishment or modification of a support order, or an authorized child support worker if the form is completed with information from the file. Note that verification by an individual petitioner is required for information personally known to him/her, and that testimony is given under penalty of perjury.

SECTION I, PERSONAL INFORMATION ABOUT CHILD(REN)'S MOTHER:
This section asks for information about the child(ren)'s mother. If the mother is the respondent in this action, this information will be used to identify her, locate her, discover income and assets, begin the process of determining her ability to pay, and/or effect collection actions. If the mother is the respondent and needs to be located, also attach a completed *Locate Data Sheet*.

If the individual completing this form is not the child(ren)'s mother, that individual may not be able to provide all of the requested information. Provide as much information as possible.

Part A

Item 1: Indicate whether the child(ren)'s mother is the "Obligee" or "Obligor".

Item 2: Check this box if a nondisclosure finding pursuant to the Uniform Interstate Family Support Act (UIFSA) or an existing protective order excuses disclosure of the mother's address or other identifying information. Attach a copy of any nondisclosure finding. If a nondisclosure finding exists, do not enter the mother's address/identifying information on the form; you may enter a substitute address.

Item 3: Enter the mother's full name (First, Middle, Last), including nickname or alias.

Item 4: Enter the mother's home or residential address (Street, City, State, Zip Code). If this address has been confirmed/verified by the initiating State agency, check the box indicating that the information has been confirmed and the date it was confirmed. If the address cannot be confirmed, provide last known address.

Item 5: Enter the mother's Social Security Number.
Item 6: Enter the mother's date of birth (Month, Date, Year).

Item 7: Enter the mother's home phone number. Include the area code.

Item 8: Enter the mother's work phone number. Include the area code.

Item 9: Enter the name and address of the mother's employer. If this information has been confirmed/verified by the initiating State agency, check the box indicating that the information has been confirmed and the date it was confirmed. If the employer name and address cannot be confirmed, provide last known information.

Item 10(a): Enter the mother's occupation, trade, or profession.

Item 10(b): Enter the mother's highest attained level of education. If the mother is the obligor, the educational level can be used by some responding States to impute the income of an unemployed or underemployed obligor.

Item 11: Enter the dollar amount of the mother's estimated gross monthly earnings.

Item 12: Enter the dollar amount of the mother's monthly income other than earnings. Indicate the source of the income.

Item 13: List any real or personal property owned by the mother. Include type and location.

Part B: Physical Description of Child(ren)'s Mother

Items 1 - 5: Provide a physical description of the mother by listing her race, height, weight, hair color, and eye color. This information may be helpful in locating or serving the mother if she is the respondent in this action. Optional: attach a recent photo if available. A photo may be useful if the mother is the respondent and identification or service of process is necessary.

When listing the mother's race, select from the following: 1) White (non-Hispanic), 2) Black (non-Hispanic), 3) Hispanic, 4) American Indian - Alaskan Native, or 5) Asian - Pacific Islander.

Part C: Present Marital Status of Child(ren)'s Mother

Items 1 - 7: Check the appropriate box(es) which describe the mother's present marital status. This information may be considered in determining the obligor's ability to pay or the obligee's need for support when a support order is established or modified. Check "single" only if the mother has never been married to anyone; if the mother has previously been married, check divorced, legally separated, or separated, as appropriate.

Part D: Information about Current Spouse or Partner of Child(ren)'s Mother. Complete part D only if the mother currently has a spouse or non-marital partner. Otherwise, enter "Not Applicable".

Item 1: Enter the name of the mother's current spouse or non-marital partner.

Item 2: Check the appropriate box to indicate whether the mother's current spouse/partner is employed.

Item 3: If the answer to item 2 is "Yes", enter the name and address of the spouse's/partner's employer.

Item 4: Enter the spouse's/partner's estimated gross monthly earnings.

Part E: Check the appropriate box to indicate whether the mother is responsible for dependents other than the child(ren) in this action (listed in Section V). If the answer is "yes", provide information about each dependent under items 1 through 3. If there are more than three dependents, provide information about the other dependents in Section X: Other Pertinent Information.

Item a: Enter the full name of the dependent (First, Middle, Last).

Item b: Enter the dependent's date of birth (Month, Date, Year).

Item c: Enter the dependent's relation to the child(ren)'s mother.

Item d: Indicate who the dependent is living with.

Item e: Enter the dependent's source of support or income.

Item f: Enter the monthly amount (both gross and net) of that support or income.

SECTION II, PERSONAL INFORMATION ABOUT CHILD(REN)'S FATHER:
This section asks for information about the child(ren)'s father. This includes an alleged father if paternity has not yet been established. If the father is the respondent in this action, this information will be used to identify him, locate him, discover income and assets, begin the process of determining his ability to pay, and/or effect collection actions. If the father is the respondent and needs to be located, also attach a completed *Locate Data Sheet*.

If the individual completing this form is not the child(ren)'s father, that individual

may not be able to provide all of the requested information. Provide as much information as possible.

Part A

Item 1: Indicate whether the child(ren)'s father is the "Obligee" or "Obligor".

Item 2: Check this box if a nondisclosure finding pursuant to the Uniform Interstate Family Support Act (UIFSA) or an existing protective order excuses disclosure of the father's address or other identifying information. Attach a copy of any nondisclosure finding. If a nondisclosure finding exists, do not enter the father's address/identifying information on the form; you may enter a substitute address.

Item 3: Enter the father's full name (Full, Middle, Last), including nickname or alias.

Item 4: Enter the father's home or residential address (Street, City, State, Zip Code). If this address has been confirmed/verified by the initiating State agency, check the box indicating that the information has been confirmed and the date it was confirmed. If the address cannot be confirmed, provide last known address.

Item 5: Enter the father's Social Security Number.

Item 6: Enter the father's date of birth (Month, Date, Year).

Item 7: Enter the father's home phone number. Include the area code.

Item 8: Enter the father's work phone number. Include the area code.

Item 9: Enter the name and address of the father's employer. If this information has been confirmed/verified by the initiating State agency, check the box indicating that the information has been confirmed and the date it was confirmed. If the employer name and address cannot be confirmed, provide last known information.

Item 10(a): Enter the father's occupation, trade, or profession.

Item 10(b): Enter the father's highest attained level of education. If the father is the obligor, the educational level can be used by some responding States to impute the income of an unemployed or underemployed obligor.

Item 11: Enter the dollar amount of the father's estimated gross monthly earnings.

Item 12: Enter the dollar amount of the father's monthly income other than earnings. Indicate the source of the income.

Item 13: List any real or personal property owned by the father. Include type and location.

Part B: Physical Description of Child(ren)'s Father

Items 1 - 5: Provide a physical description of the father by listing his race, height, weight, hair color, and eye color. This information may be helpful in locating or serving the father, if he is the respondent in this action. Optional: attach a recent photo if available. A photo may be useful if the father is the respondent and identification or service of process is necessary.

When listing the father's race, select from the following: 1) White (non-Hispanic), 2) Black (non-Hispanic), 3) Hispanic, 4) American Indian - Alaskan Native, or 5) Asian - Pacific Islander.

Part C: Present Marital Status of Child(ren)'s Father

Items 1 - 7: Check the appropriate box(es) which describe the father's present marital status. This information may be considered in determining the obligor's ability to pay or the obligee's need for support when a support order is established or modified.

Part D: Information about Current Spouse or Partner of Child(ren)'s Father. Complete part D only if the father currently has a spouse or non-marital partner. Otherwise, enter "Not Applicable".

Item 1: Enter the name of the father's current spouse or non-marital partner.

Item 2: Check the appropriate box to indicate whether the father's current spouse/partner is employed.
Item 3: If the answer to item 2 was "Yes", enter the name and address of the spouse's/partner's employer.

Item 4: Enter the spouse's/partner's estimated gross monthly earnings.

Part E: Check the appropriate box to indicate whether the father is responsible for dependents other than the child(ren) in this action (listed in Section V). If the answer is "yes", provide information about each dependent under items 1 through 3. If there are more than three dependents, provide information about the other dependents in Section X: Other Pertinent Information.

Item a: Enter the full name of the dependent (First, Middle, Last).

Item b: Enter the dependent's date of birth.

Item c: Enter the dependent's relation to the child(ren)'s father.

Item d: Indicate who the dependent is living with.

Item e: Enter the dependent's source of support or income.

Item f: Enter the monthly amount (both gross and net) of that support or income.

SECTION III, PERSONAL INFORMATION ABOUT CARETAKER OTHER THAN PARENT: Complete this section only if the child(ren)'s caretaker or custodian is not the child(ren)'s mother or father.

Item 1: Indicate the caretaker's relation to the child(ren). If the caretaker is a relative, indicate whether he/she is a maternal (mother's side of the family) or paternal (father's side of the family) relative. Examples include: "maternal grandmother" or "paternal cousin".

Item 2: Check this box if a nondisclosure finding pursuant to the Uniform Interstate Family Support Act (UIFSA) or an existing protective order excuses disclosure of the caretaker's address or other identifying information. Attach a copy of any nondisclosure finding. If a nondisclosure finding exists, do not enter the caretaker's address/identifying information on the form; you may enter a substitute address.

Item 3: Enter the caretaker's full name (First, Middle, Last), including nickname or alias.

Item 4: Enter the caretaker's home or residential address (Street, City, State, Zip Code). If this address has been confirmed/verified by the initiating State agency, check the box indicating that the information has been confirmed and the date it was confirmed. If the address cannot be confirmed, provide last known address.

Item 5: Enter the caretaker's Social Security Number.

Item 6: Enter the caretaker's date of birth (Month, Date, Year).

Item 7: Enter the caretaker's sex or gender: male or female.

Item 8: Enter the caretaker's home phone number. Include the area code.

Item 9: Enter the caretaker's work phone number. Include the area code.

Note: If the caretaker does not have a legal obligation to contribute to the child(ren)'s support, items 10 through 14 concerning the caretaker's employment and income may be privileged.

Item 10: Enter the name and address of the caretaker's employer. If this information has been confirmed/verified by the initiating State agency, check the box indicating that the information has been confirmed and the date it was confirmed. If the employer name and address cannot be confirmed, provide last known information.

Item 11(a): Enter the father's occupation, trade, or profession.

Item 11(b): Enter the caretaker's highest attained level of education. If the caretaker is the obligor, the educational level can be used by some responding States to impute the income of an unemployed or underemployed obligor.

Item 12: Enter the dollar amount of the caretaker's estimated gross monthly earnings.

Item 13: Enter the dollar amount of the caretaker's monthly income other than earnings. Indicate the source of the income.

Item 14: Enter the date the child(ren) began residing with the caretaker.

SECTION IV, LEGAL RELATIONSHIP OF PARENTS: Identify the legal relationship between the child(ren)'s mother and father. Check all appropriate boxes and enter the pertinent corresponding information.
Item 1: Check this box if the parents were never married to each other.

Item 2: Check this box if the parents were married to each other. Indicate the date (Month, Date, Year) and County/State of the marriage.

Item 3: Check this box if the parents were married by common law. Indicate the

time period (dates) and the County/State of the common law marriage.

Item 4: Check this box if the parents are separated. Indicate the date (Month, Date, Year) of the separation.

Item 5: Check this box if the parents are divorced. Indicate the date (Month, Date, Year) and County/State of the finalized divorce.

Item 6: Check this box if the parents are legally separated. Indicate the date (Month, Date, Year) and County/State of the legal separation.

Item 7: Check this box if divorce proceedings are pending. Indicate the County/State of the proceedings.

Item 8: Check this box if a child support order has been entered. Indicate the date (Month, Date, Year) of the order.

Item 9: Check this box if no child support order has been entered.

Item 10: Check this box to indicate relationships not described by the options above. Describe the relationship on the line provided (e.g. mother and father lived together; mother and father had casual relationship; etc).

Item 11: List the name and location of the tribunal (court or agency) that entered any divorce decree, legal separation, or child support order.

Remember to attach the required number of copies of any existing support orders (including a divorce decree or separation agreement). If you are sending this case to a State that uses the Uniform Interstate Family Support Act (UIFSA), you will generally need to attach two copies, one of which is certified, of any support order. If you are sending this case to a State that uses a version of the Uniform Reciprocal Enforcement of Support Act (URESA), you will generally need to attach three certified copies of any support order. Note, however, that some responding States may be able to take certain administrative enforcement actions (e.g., interstate wage withholding) without having a certified copy of the order, although a regular copy is still necessary.

SECTION V, DEPENDENT CHILD(REN) IN THIS ACTION: This information is used to identify child(ren) for whom paternity is to be established and/or for whom support or a modification thereof is sought.

Part A: List all the children for whom paternity is to be established or support is sought or due from the obligor listed on page 1 of this form. These should be the same children listed in section I of the Uniform Support Petition. List only children of the particular obligor named in this action. Provide information about each child under items 1 through 4. If there are more than four children, provide information about the other children in Section X: Other Pertinent Information. If a child listed is over 18, indicate whether (s)he is enrolled in high school or college; some responding States may require a letter from the child's school for verification purposes.

Attach a separate *Affidavit in Support of Establishing Paternity* for each child whose paternity is at issue.

Check the box "Nondisclosure Finding Attached" if a nondisclosure finding pursuant to the Uniform Interstate Family Support Act (UIFSA) or an existing protective order excuses disclosure of the child(ren)'s address or other identifying information. Attach a copy of any nondisclosure finding. If a nondisclosure finding exists, do not enter the child(ren)'s address or identifying information on the form.

Item a: Enter the child's full name (First, Middle, Last).

Item b: Enter the child's address (Street, City, State, Zip Code).

Item c: Enter the child's Social Security Number.

Item d: Enter the child's sex or gender: male or female.

Item e: Enter the child's date of birth (Month, Date, Year).

Item f: Check the appropriate box to indicate whether the father's paternity of the child has been established.

Item g: Check the appropriate box to indicate whether a child support order for the child has been established.
Item h: Check the appropriate box to indicate whether the child is living with the petitioner. In this instance, "petitioner" means the individual who is the moving party rather than a State child support agency that is bringing action.

Part B: Indicate the month and year when the child(ren) began residing in the State. If this information is not the same for all children, provide separate information for each child in Section X: Other Pertinent Information. If the child(ren) are older than six months of age and have resided in the State less than six months, provide

information about the child(ren)'s previous States of residence (including length of residence) in Section X: Other Pertinent Information. Information about the child(ren)'s length of residence in the State is necessary under the Uniform Interstate Family Support Act (UIFSA) in order to determine which child support order should be prospectively enforced or modified if multiple orders exist.

SECTION VI, MEDICAL INSURANCE: This information is used to determine if medical coverage is currently provided for the dependents. If coverage is not provided, additional information in this section is a basis for adding medical coverage to new and existing orders. You should provide this information in all IV-D cases except those non-Public Assistance, non-Medicaid cases, where the applicant requests that medical coverage not be sought.

Item 1: Check the appropriate box to indicate whether the obligor is required by a child support order to provide medical insurance for the child(ren).

Item 2: Check the appropriate box to indicate whether the obligor is required by a child support order to provide medical insurance for the obligee.

Item 3: Check the appropriate boxes to indicate who provides medical coverage for the dependent child(ren) (listed in Section V) and obligee. The choices are: obligee, obligor, State Medicaid, obligee's employer, obligor's employer, and other. If you check "other", list in the blank the person or entity that provides coverage (e.g., obligee's current spouse). Check "unknown" if you do not know who provides coverage. Check "no coverage" if the child(ren)/obligee do not have coverage.

In the appropriate spaces, enter the name and policy number of the obligee's insurance company, the obligor's insurance company, and any other relevant insurance company. If information about "Other Insurance Company" is provided, describe this company and its relation to the parties in Section X: Other Pertinent Information.

Item 4: Enter the monthly medical insurance cost paid by the obligee for the obligor's child(ren) only. Do not include the portion of the monthly cost of medical insurance for the obligee or children other than the obligor's. If the obligee is the individual petitioner in this action and is seeking reimbursement for these medical insurance costs, attach proof of payment.

Item 5: If medical insurance is provided by the obligee or the obligee's employer, do not answer this item; skip to item 6. Otherwise, enter the monthly cost to the obligee if he/she were to provide needed medical insurance. If the cost is unknown, enter

"unknown". Some responding States may require you to enter a prorated amount per child.

Item 6: As a lead for possible third party coverage, check the appropriate box to indicate whether the obligor's children were ever covered by medical insurance provided through the obligor or obligee or his/her current employer. If you check "Yes", describe this coverage in Section X: Other Pertinent Information.

Item 7: Indicate whether any of the obligor's children have special needs or extraordinary medical expenses not covered by insurance. This includes special medical needs, medical equipment, counseling, special schooling, etc. If yes, indicate the child involved, the type of need/expenses, and the related costs. Attach proof, such as a doctor's statement. If special needs are indicated, explain in detail any agreements made to cover these costs including agreements that are verbal, written, or part of any court or administrative order.

SECTION VII, SUPPORT ORDER AND PAYMENT INFORMATION: This information is used to justify the court or administratively ordered current support and arrearage obligation to be claimed in the petition.

Item 1: Check the appropriate box to indicate whether a support order exists. If a support order does not exist, skip to Section VIII on page 7.

Item 2: Check the appropriate box to indicate whether the child(ren) resided with the obligor at anytime during the period for which support is sought, except during periods of visitation specified by a tribunal's order. If "yes", identify period of residency with the obligor by entering dates (Month, Date, Year) in the spaces labeled "From" and "Thru". If this information is not the same for all children, provide separate information for each child in Section X: Other Pertinent Information.

Item 3: Complete item 3 only if modification of a support order is requested; otherwise skip to item 4. Indicate the basis for requesting a modification by checking all appropriates boxes. If you check "other", explain in the blank and/or provide an explanation in Section X and check the “See Section X” checkbox next to the Heading on this page.)

Item 4: Enter information on court or administratively ordered support amounts. Include information on the relevant original order, modifications, and interstate orders under the Uniform Reciprocal Enforcement of Support Act (URESA) or the Uniform Interstate Family Support Act (UIFSA). If there are more than three

pertinent orders, describe the remaining orders in Section X: Other Pertinent Information.

For each order, indicate:

Date of Order: the date the order was issued or entered.

Current Amount: the amount of periodic current support payments owed under the order. Specify the total amount for all children (listed in section V) even if the order designates a separate amount for each child.

Per Month/Week/Etc: the frequency with which current support must be paid (per month, per week, etc).

Toward Arrears: the amount of any periodic payment ordered to go toward arrears. Specify the total amount for all children (listed in section V) even if the order designates a separate amount for each child.

Per Month/Week/Etc: the frequency with which the arrears payment must be paid.

Unpaid Interest: the amount of any unpaid interest due, and the date as of which the amount is correct.

Total Arrears: the total amount of arrears owed under that order, if any. Specify the total amount for all children (listed in section V) even if the order designates a separate amount for each child. Enter the date as of which the amount is correct.

The name and address of the tribunal (court or agency) that entered the order.

Remember to attach the required number of copies of all pertinent orders that relate to support. If you are sending this case to a State that uses the Uniform Interstate Family Support Act (UIFSA), you will generally need to attach two copies, one of which is certified, of any support order. If you are sending this case to a State that uses a version of the Uniform Reciprocal Enforcement of Support Act (URESA), you will generally need to attach three certified copies of any support order. Note, however, that some responding States may be able to take certain administrative enforcement actions (e.g., interstate wage withholding) without having a certified copy of the order, although a regular copy is still necessary.

Item 5: If the obligor owes reimbursement for prenatal, postnatal or general medical expenses paid by the obligee or State agency, indicate the total amount owed. Enter only the amount which the obligor has been ordered to pay. Enter the date as of which this amount is correct. Attach documentation.

Item 6: Enter the amount of unpaid costs and fees owed by the obligor. Enter the

date as of which the amount was correct. Describe the costs/fees on the blank line.

Item 7: Check the appropriate box to indicate whether an affidavit from the obligee concerning direct payments is attached, or whether no direct payments were received by the obligee.

Item 8: Check one of three options for supplying the obligor's support payment history:

Check the first box on the left to indicate that you will be providing a certified copy of your own court or agency's payment history (manual or computer generated) and skip to Section VIII on page 7. Provide any additional information (e.g., regarding interest, costs, fees) necessary to explain the payment history so that it can be correctly interpreted by the responding jurisdiction.

Check the middle box to indicate that you will be completing the payment history provided on page 6a of the *General Testimony*.

Check the last box on the right to indicate that you will not be providing a detailed arrears statement and skip to Section VIII on page 7. Note, however, to register an order under the Uniform Interstate Family Support Act (UIFSA), a sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of arrears is required.

Fill in the spaces at the bottom of section VII on page 6. Under "From (Year) to (Year)" indicate the years covered by the obligor's support payment history. Also enter the name of the "Agency which Prepared Audit/Payment History".

PAGE 6A: Complete this page if you checked the middle box in item 8, section VII, page 6. Enter the amount of adjudicated arrears in the line at the top of the page; indicate the date of the order that established the arrears amount. Enter "zero" if there are no adjudicated arrears.

The payment history tables on the rest of page 6a should show arrears that accrued since the date that arrears were adjudicated, or since the support order was entered if arrears have not been adjudicated. The beginning balance for the first year's table should be the amount of adjudicated arrears listed at the top of the page.

At the bottom of the page, enter the total amount of adjudicated and accrued arrears; indicate the date that the amount is correct. If the amount of adjudicated arrears was used as the beginning balance in the first year's payment history table, the ending balance in the last year's payment history table should equal the amount of adjudicated and accrued arrears that is entered at the bottom of the page.

If continuation sheets are necessary, attach as needed. Each page of payment history

should be certified or notarized according to the standard required by the State or local agency in preparing an interstate support pleading. The signature line can be signed either by a tribunal/agency representative or an individual, depending on State procedures. Some responding States may require a seal to be affixed if the records are provided by a tribunal or agency.

SECTION VIII, OBLIGEE'S PUBLIC ASSISTANCE STATUS: Complete this section only if:

You are seeking support for a prior period and public assistance was paid, or

You are seeking reimbursement for medical costs.

Otherwise, skip to section IX, Financial Information.

Complete items 1 and 2 only if you are seeking support for a prior period (i.e., if you are seeking "back support" or support for a period prior to the establishment of an order). The award of support for a prior period is not required under Federal law but may be appropriate in accordance with State law. Not all States have authority to establish support orders for prior periods. However, the period of time the family received public assistance may be a relevant factor in setting an award for a prior period; this section provides space for this information.

States may not, as a federally-reimbursable function, establish judgments solely for reimbursement of public assistance, or pursue enforcement of such judgments established after March 22, 1993. States must use guidelines as a rebuttable presumption, not the amount of unreimbursed public assistance, in establishing orders after October 13, 1989. States may establish child support awards covering a prior period, but such awards must be based on guidelines and take into consideration either the current earnings and income at the time the order is set, or the obligor's earnings and income during the prior period.

Item 1: If known, specify the period of time when public assistance was paid to the obligee's family, and the State which provided the assistance and had an assignment of support rights. Only consider public assistance paid to the obligee or the children in this action (listed in section V).

Item 2: If known, enter the total amount of public assistance paid, and the date as of which the amount was correct. Only include public assistance paid to the obligee or the children in this action (listed in section V).

Item 3: Complete item 3 only if you are seeking reimbursement for medical assistance related to prenatal, postnatal or general expenses. Enter the dollar amount of medical expenses for which you are seeking reimbursement. Enter the name of the agency or person who paid the medical expenses and is due reimbursement. Attach

appropriate proof or documentation, such as receipts.

SECTION IX, FINANCIAL INFORMATION: This section is used to obtain information needed to apply guidelines to determine the appropriate amount of support.

Generally, you only need to complete this section if you are requesting establishment of an order or modification of an existing order, unless a responding State specifically asks for section IX to be completed to enforce an order. It is important to disclose all the information pertaining to income, expenses, and assets, as required by the responding State's guidelines. Failure to disclose information may seriously affect the legal proceedings in the responding State and may unnecessarily delay the resolution of the support issue.

However, before completing all parts of Section IX you may wish to consult the Interstate Roster and Referral Guide or to contact the responding State to determine if all parts of Section IX are needed. Some responding States do not need all of the information in Section IX. You need to complete only those parts needed by the responding State.

Part A: Monthly Income From All Sources

Item 1: Check the appropriate box to indicate if the individual petitioner is employed. If "yes", list occupation. If "no", list income source.

Item 2: List the gross monthly income of the individual petitioner, the petitioner's current spouse/partner (if applicable), and the obligor's dependents who are in the petitioner's custody. If there are multiple dependents in the petitioner's custody, combine the income from all the dependents and enter the total in the third column. List each income source separately under the categories provided in item 2. Be sure to provide information regarding all earnings and income sources, including salaries, wages, commissions, fees, bonuses, tips, and public assistance. You should consider seasonal or intermittent income on an annual basis (total for the year divided by 12).
Item 2.a.: Enter the gross monthly amount of any public assistance received, including SSI, Family Assistance, and other. "Family Assistance" means IV-A cash payments [IV-A was formerly called Aid to Families with Dependent Children (AFDC) and is now called Temporary Family Assistance]. "Other" includes other types of cash public assistance.

Item 2.b.: Enter the gross monthly amount of base pay salary or wages.

Item 2.c.: Enter the gross monthly amount of overtime, commissions, tips, bonuses, part-time pay.

Item 2.d.: Enter the gross monthly amount of unemployment compensation received.

Item 2.e.: Enter the gross monthly amount of worker's compensation received.

Item 2.f.: Enter the gross monthly amount of Social Security Disability received.

Item 2.g.: Enter the gross monthly amount of Social Security Retirement received.

Item 2.h.: Enter the gross monthly amount of dividends and interest received.

Item 2.i.: Enter the gross monthly amount of trust/annuity income received.

Item 2.j.: Enter the gross monthly amount of pension or retirement income received.

Item 2.k.: Enter the gross monthly amount of any child support payments received.

Item 2.l.: Enter the gross monthly amount of any spousal support/alimony received.

Item 2.m.: Under "All other sources", be sure to include and describe monthly amounts for other income regularly received, such as self-employment income, regular in-kind income, barter, or net income from rental property. If income is received on other than a monthly basis, annualize and divide by 12.

Item 3: Add all monthly income (lines 2a through 2m) and enter the total gross monthly income for the individual petitioner, petitioner's current spouse/partner (if applicable), and obligor's dependents who are in the petitioner's custody.

Item 4: On the appropriate lines, list deductions from gross income including Federal, State, and local income tax withholding and Social Security tax (FICA) withholding. List deductions for each party (the individual petitioner, petitioner's current spouse/partner, and obligor's dependents who are in the petitioner's custody).

Item 5: Subtract the deductions (lines 4a through 4d) from the total gross monthly income (line 3) and enter the difference on-line 5 under "adjusted net monthly" income for each party.

Item 6: On the appropriate lines, enter other deductions for each party. Note that in some States these items are considered deductions while in other States they are considered expenses.

Item 6.a.: "Savings" means amounts that are withheld or paid directly from a party's income and deposited in a savings account or fund.

Item 6.b.: "Loan repayment" means amounts that are withheld or paid directly from a party's income to repay a loan.

Item 6.c.: "Mandatory Retirement" means amounts that are required by law to be withheld or paid directly from a party's income and deposited in a retirement account or fund. Enter amounts on this line only if the contributions are mandatory (i.e., required by law to be deducted).

Item 6.d.: "Non-mandatory Retirement" means amounts that are voluntarily withheld or paid directly from a party's income and deposited in a retirement account or fund. Enter amounts on this line only if the contributions are voluntary.

Item 6.e.: "Medical Insurance" means medical insurance premiums withheld or paid from a party's income.

Item 6.f.: "Union dues" means mandatory union dues that are withheld or paid directly from a party's income.

Item 6.g.: "Other" includes all other deductions, such as State unemployment insurance tax and disability insurance premiums, where applicable; and certain employment-related expenses that are deducted directly from income.

Item 7: Subtract the other deductions (lines 6a through 6g) from the adjusted net monthly income (line 5) and enter the difference on-line 7 under "net monthly income" for each party.

Item 8: Enter each party's gross income for the prior year.

Attach the three most recent pay stubs from each current employer for all parties shown. Some responding States may require additional financial documentation as well; for example, the previous year's Federal and/or State income tax returns, W-2 forms, or Federal 1099 forms.

Part B: Monthly Expenses. On the appropriate lines, enter the monthly amount paid by the individual petitioner for the listed expenses. Generally, you should list expenses in the column labeled "Petitioner". However, if there are expenses that are directly attributable to a dependent of the obligor (e.g., uninsured medical expenses for a child), list those expenses in the "Obligor's Dependent(s)" column. If you prorate or divide expenses between the "Petitioner" and "Obligor's Dependent(s)" column, explain how you divided the expenses. If there are multiple dependents in the petitioner's custody, combine the expenses for all the dependents and enter the total. If an expense is paid on other than on a monthly basis, annualize and divide by 12.

Item 1: Enter the monthly amount paid for rent or mortgage.

Item 2: Enter the monthly amount paid for homeowner's or renter's insurance.

Item 3: Enter the monthly amount paid for home maintenance and repairs.

Item 4: Enter the monthly amount paid for heat.

Item 5: Enter the monthly amount paid for electricity or gas.

Item 6: Enter the monthly amount paid for telephone.

Item 7: Enter the monthly amount paid for water/sewer.

Item 8: Enter the monthly amount paid for food.

Item 9: Enter the monthly amount paid for laundry, dry cleaning, and other cleaning.

Item 10: Enter the monthly amount paid for clothing purchase.

Item 11: Enter the monthly amount paid for life insurance.

Item 12: Enter the monthly amount paid for medical insurance.

Item 13: Enter the monthly amounts paid for special needs or extraordinary medical expenses not covered by insurance, and attach a description and documentation of the expenses and payments that are made (if not provided in adequate detail in Section VI on page 5 of the *General Testimony*).

Item 14: Enter the monthly amount paid for other health related expenses not covered by insurance, including: doctors, dentists, medications and drug store items, and such expenses as glasses, hearing aids, etc.

Item 15: Enter the monthly amount of auto payment.
Item 16: Enter the monthly amount paid for auto insurance.

Item 17: Enter the monthly amount paid for other auto expenses such as auto repairs or licenses.

Item 18: Enter the monthly amount paid for other transportation expenses, such as public transportation, bus, or subway.

Item 19: Specify the monthly amount paid for child care (work-related or otherwise), the provider, and the frequency child care is used (e.g., hours per week). Some responding States also require that you attach verification or proof of child care expenses, and some responding States need to know if the child care is work-related.

Item 20: Enter the monthly amount of any support payments actually made by the

individual petitioner for child, spousal or family support.

Item 21: Under "Other", be sure to include and explain personal educational expenses; educational expenses for obligor's child(ren) including books, fees, supplies and tuition; garbage collection fees; cable television fees; contributions; dues; newspapers; entertainment; hobbies or sports.

Total Monthly Expenses: At the bottom of page 8, add the totals of line 1 through line 21 and enter the total on the lines beside Total Monthly Expenses for both the individual petitioner and the obligor's dependents.

Part C: Assets. This section lists assets owned by the individual petitioner.

Item 1: Describe real estate owned by the individual petitioner by entering the address (including street, county, State and zip code), the owner(s) (including any co-owners other than the individual petitioner), and the title. In the appropriate spaces, enter the assessed value and the amount of any mortgage. Subtract the amount of the mortgage from the assessed value and enter the difference on the line on the right hand side of the page.

Item 2: List any IRA, Keogh, pension, profit sharing, or other retirement plan. Include the institution or plan name and account number, and the amount of funds.

Item 3: Enter the dollar amount under any tax deferred annuity plan.

Item 4: Enter the present cash value of any life insurance policy.

Item 5: List any savings account, checking account, money market account, certificate of deposit (CD). Include the institution name and account number and the amount of funds in the account.
Item 6: Describe any automobiles or other vehicles owned by the individual petitioner by entering the make, model, and year. In the appropriate spaces, enter the estimated value of the vehicle and the dollar amount of any loan balance due on the vehicle. Subtract the loan balance from the estimated value and enter the difference on the line on the right hand side of the page.

Item 7: Describe any other assets owned by the individual petitioner, such as personal property or securities. Enter the dollar value of the asset in the right hand column.

Total Assets: Add all the dollar amounts in the right hand column (for items 1 through 7 in part C) and enter the total on the line by Total Assets.

<u>SECTION X, OTHER PERTINENT INFORMATION:</u> Use this section to provide additional information or explanations. If it is related to a previous section, identify

the section, part, and item number as appropriate.

SECTION XI, VERIFICATION: Attach the appropriate number of copies of any existing support order, and check the box indicating that the copies are attached. If you are sending this case to a State that uses the Uniform Interstate Family Support Act (UIFSA), you will generally need to attach two copies, one of which is certified, of any support order. If you are sending this case to a State that uses a version of the Uniform Reciprocal Enforcement of Support Act (URESA), you will generally need to attach three certified copies of any support order. Note, however, that some responding States may be able to take certain administrative enforcement actions (e.g., interstate wage withholding) without having a certified copy of the order, although a regular copy is still necessary. Some States may also need copies of custody or change in custody orders, if relevant.

Check the other boxes to indicate any other items that are attached, including: a copy of the certified child support payment records; copies of the three most recent pay stubs from the current employer; copies of bills for prenatal, postnatal, or general health care of mother and child; assignment or subrogation of support rights; *Affidavit in Support of Establishing Paternity*; copy of child(ren)'s birth certificates; an acknowledgment of parentage; and any other attachments (such as copies of bills for parentage testing or the common law statute of the initiating State).

Affidavit in Support of Establishing Paternity is a standard interstate form completed by the moving party [usually child(ren)'s mother or alleged father] who is seeking to establish the alleged father's paternity of the child(ren). The form provides evidence regarding the father's paternity. In interstate cases, a separate form must be completed for each child whose paternity is at issue.

Acknowledgment of Parentage is an affidavit or form signed by the alleged father (and usually the mother as well) voluntarily acknowledging the alleged father's paternity of the child(ren). These forms are used by hospital-based programs, State child support agencies, and other entities.

If the individual petitioner is indigent and unable to pay the costs of these proceedings, check the “Other” checkbox and provide an explanation on the line provided. Note that checking this box does not guarantee that the individual petitioner will be exempt from all costs and fees.

The person(s) providing the testimony -- the individual petitioner and/or agency representative -- should sign and date the testimony at the bottom of page 10. Some States require the individual petitioner's signature; check with the Interstate Roster and Referral Guide or the responding State to determine the responding State's requirements. The form contains space for a notary to authenticate the signatures.

6. *AFFIDAVIT IN SUPPORT OF ESTABLISHING PATERNITY*

PURPOSE OF THE FORM: This affidavit supplements the *Uniform Support Petition* to summarize evidence to establish paternity. A separate *Affidavit in Support of Establishing Paternity* is required for each child needing paternity establishment. This is necessary since the circumstances surrounding conception and birth will differ unless the children are twins. Reminder: A putative father may petition for paternity establishment under UIFSA. All appropriate information for the *Affidavit in Support of Establishing Paternity* must be completed or furnished by the parent, properly signed by the parent, and notarized as required.

HEADING/CAPTION: [To be completed by the Child Support (IV-D) Worker]

Identify the petitioner and respondent in the appropriate spaces.

Check the appropriate space to identify the type of case: IV-D Non-Public Assistance; IV-D Non-Public Assistance Medicaid (indicate whether receiving Full Services or Medical Services Only); IV-D Public Assistance; IV-E Foster Care; or Non-IV-D. IV-D means the case is being worked by the State or local child support enforcement agency (i.e., IV-D agency). Public Assistance means the obligee's family receives IV-A cash payments [IV-A was formerly called Aid to Families with Dependent Children (AFDC) and is now called Temporary Family Assistance]. A IV-D Non-Public Assistance Medicaid case is a case where the obligee's family receives Medicaid but does not receive Public Assistance (IV-A cash payments).

Under "Responding IV-D Case No." and "Responding Docket No.", enter appropriate case and docket numbers that the responding State uses to identify the case, if applicable and if known. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number.
Under "Initiating IV-D Case No." and "Initiating Docket No.", enter appropriate case and docket numbers which your IV-D agency or local tribunal has assigned to the case. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number.

SECTION I: (Information to be completed or furnished by parent of the child)

Enter the full name (First, Middle, Last) of the parent completing the affidavit.

Item 1: Check whether you (the parent) are the natural mother or natural father of the child.

Enter the "Child's Full Name", "Child's Date of Birth", and "Place of Birth".

"Date Mother Got Pregnant" - Enter the date or period of time when you believe the mother became pregnant (e.g., 4/1/89 or from 4/1/89 to 5/1/89). Be sure to include

the year when providing date(s). Be as specific as possible, providing an individual date, multiple dates or a range of dates. If additional space is needed, continue in Section IV or on an attached separate sheet.

"Full Term Pregnancy" - Check "Yes" or "No" to indicate whether or not the pregnancy lasted nine months. If no, explain (e.g., 6 months--child born premature).

"Where Mother Got Pregnant" - List the City, County, and State.

Item 2: Enter the name of the child's other parent in the blank. This is the person with whom you (the parent completing the affidavit) had sexual intercourse which resulted in the child's conception.

Item 3a: Check "Yes" or "No" to indicate whether or not a man is named as the child's father on the child's birth certificate. If "Yes", attach a copy of the birth certificate and provide the man's name and address. The man may be the same man who is named as the father of the child in this affidavit, or he may be a different man.

Item 3b: Check "Yes" or "No" to indicate whether or not a man was married to the child's natural mother and the child's birth occurred within a year of the end of the marriage. If "Yes", provide the man's name and address. The man may be the same man who is named as the father of the child in this affidavit, or he may be a different man.

Item 3c: Check "Yes" or "No" to indicate whether or not a man signed an acknowledgment of paternity. If "Yes", attach a copy of the acknowledgment and provide the man's name and address. The man may be the same man who is named as the father of the child in this affidavit, or he may be a different man.
Item 3d: Check "Yes" or "No" to indicate whether or not a man acted as and presented himself to be the child's father. If "Yes", provide the man's name and address. The man may be the same man who is named as the father of the child in this affidavit, or he may be a different man.

Item 3e: Check "Yes" or "No" to indicate whether or not genetic tests (e.g., blood tests) were completed to determine the father of the child. If "Yes", attach the test results.

SECTION II: (To be completed by Mother Only)

Item 1: Check "Yes" or "No" to indicate whether you (the mother) did or did not have sexual intercourse (sex) with another man or other men during the 30 days before or the 30 days after the child was conceived ("Date Mother Got Pregnant").

If you had sexual intercourse with another man or other men during this period (30 days before or 30 days after), complete items 1a through 1c.

Item 1a: Provide the name(s) and address(es) of the other man/men.

Item 1b: Check "Yes" or "No" to indicate whether the other man/men are biologically related to the alleged father. If "Yes", state the relationship (e.g., brother, cousin, etc). This may be relevant to genetic testing.

Item 1c: Explain why you do not believe the other man/men is/are the father of this child (e.g., prior exclusion by genetic testing).

Item 2: Check "Yes" or "No" to indicate whether or not you were married at the time of the child's birth. If "Yes", complete items 2a and 2b.

Item 2a: Provide the name and address of your husband (at the time of the child's birth).

Item 2b: Explain why the husband is not the father. Attach appropriate documents.

Item 3: Be sure to enter the name of the father of this child. Check the appropriate answer for each statement (a - q) to support the allegations of paternity against the alleged father. Remember to attach any necessary, relevant documentation. This includes a certified copy of the birth certificate with the alleged father's name on it; a certified copy of a paternity acknowledgment; and other documents if available (e.g., letters or cards from the alleged father regarding the pregnancy or the child). Note: some responding States may only need a regular copy of a birth certificate or paternity acknowledgment, rather than a certified copy.

SECTION III: (To be completed by Father Only)

Reminder: A putative father may petition for paternity establishment under UIFSA.

Check the appropriate answer for each statement (a - n). Remember to attach any necessary, relevant documentation. This includes a certified copy of the birth certificate with your name as the child's father on it; a certified copy of a paternity acknowledgment; and other documents if available (e.g., letters or cards from the mother regarding the pregnancy or the child). Note: some responding States may only need a regular copy of a birth certificate or paternity acknowledgment, rather

than a certified copy.

SECTION IV: Provide any additional information not already covered which might be helpful in establishing paternity. One example would be the alleged father's attendance in a child birth class with the mother.

If you are the mother, provide details to "Yes" answers to item 3, statements m through q in Section II.

(m) Describe any food, clothing, gifts, or financial support the alleged father has provided for the child.

(n) Describe where and when the alleged father lived with the child.

(o) Provide dates and circumstances of any visits between the alleged father and the child.

(p) Describe any physical resemblance between the alleged father and the child. Attach photographs, if available.

(q) Provide names and addresses of any witnesses to your relationship with the father. Consider friends and relatives who were aware of the parties' dating, ongoing relationship, or cohabitation during the period of conception.

If you are the father, provide details to "Yes" answers to statements j through n in Section III.

(j) Describe any food, clothing, gifts, or financial support you provided for the child.

(k) Describe where and when you lived with the child.

(l) Provide dates and circumstances of any visits between you and the child.

(m) Describe any physical resemblance between you and the child. Attach photographs, if available.

(n) Provide names and addresses of any witnesses to your relationship with the child's mother. Consider friends and relatives who were aware of the parties' dating, ongoing relationship, or cohabitation during the period of conception.

7. LOCATE DATA SHEET

PURPOSE OF THE FORM: The *Locate Data Sheet* is used for requesting locate

information (regarding the parent, employer, wages, assets) or services from another State. The requesting jurisdiction completes as much of the form as possible with the information it has.

In addition to the more common data elements specified on the *Locate Data Sheet*, space is provided to note other locate/asset information particular to the case. For example, information on wages, violence potential, military/veteran status, and relatives may prove useful in working a case.

In the interest of expediting the locate process, use CSENet whenever possible.

Quick Locate. When using the *Locate Data Sheet* to request "quick locate", do not attach the Locate Data Sheet to a Child Support Enforcement Transmittal. You may send the request directly to the responding State's Parent Locator Service. "Quick locate" is useful if a State believes that a noncustodial parent may be in one of several States, but is unsure of which State. If a State intends to use its long-arm jurisdiction to establish or enforce an order, it may choose to use "quick locate" to confirm the noncustodial parent's location.

Using the *Locate Data Sheet* as Part of an Interstate Referral. Attach the Locate Data Sheet to the *Child Support Enforcement Transmittal #1*, and send the request to the responding State's central registry. Use of the *Child Support Enforcement Transmittal #1* will require the responding State to open a IV-D case and provide services. An interstate referral should be made in cases where a State is relatively sure that the noncustodial parent is in a specific State.

HEADING/CAPTION:

Identify the petitioner and respondent in the appropriate spaces.

Check the appropriate space to identify the type of case: IV-D Non-Public Assistance; IV-D Non-Public Assistance Medicaid (indicate whether receiving Full Services or Medical Services Only); IV-D Public Assistance; IV-E Foster Care; or Non-IV-D. IV-D means the case is being worked by the State or local child support enforcement agency (i.e., IV-D agency). Public Assistance means the obligee's family receives IV-A cash payments [IV-A was formerly called Aid to Families with Dependent Children (AFDC) and is now called Temporary Family Assistance]. A IV-D Non-Public Assistance Medicaid case is a case where the obligee's family receives Medicaid but does not receive Public Assistance (IV-A cash payments).

In the space marked "To:", list the name and address (street, city, State, and zip code) of the central registry or agency where you are sending the Locate Data Sheet.

In the appropriate spaces, if applicable and if known, enter the responding jurisdiction's FIPS code, State, IV-D case number, and docket number. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number that the responding State may use to identify the case, if known.

In the space marked "From:", list a contact person, agency name, address (street, city, State, zip code), phone number (including extension), fax number, and Internet address.

In the appropriate spaces, enter the initiating jurisdiction's FIPS code, State, IV-D case number, and docket number. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number which the initiating tribunal or agency has assigned to the case.

Check the appropriate box to indicate whether the initiating jurisdiction uses the Uniform Reciprocal Enforcement of Support Act (URESA) or the Uniform Interstate Family Support Act (UIFSA).

BODY OF FORM:

Check the appropriate box to indicate whether the locate information pertains to the "Non Custodial Parent" or "Custodial Parent". Check the box for "Possibly Dangerous" if the party may be dangerous.

Provide as much information about the party as possible.

For "Full Name", enter the party's complete name (First, Middle, Last).

Provide "Social Security Number" if known; this information is vital.

Enter the party's "Alias", "Maiden Name", or "Mother's Maiden or Father's Name" if known and check the appropriate box to identify the type of name provided.

When listing a party's race, select from the following: 1) White (non-hispanic), 2) Black (non-hispanic), 3) Hispanic, 4) American Indian - Alaskan Native, or 5) Asian - Pacific Islander.

For "Last Known Address" and "Last Known Employer" information, indicate if the information has been confirmed/verified by the initiating State agency. Indicate the date the information was confirmed. If the information has not been confirmed, provide last known information.

Under "Employment" in the bottom right hand corner, list information obtained

from the State Employment Security Agency (SESA). Indicate the quarter and year that the information was reported to the SESA as well as the wage amount.

At the bottom of the form, provide a specific worker's name, a direct telephone number (with extension if necessary) and fax number to expedite communication between jurisdictions.

The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 45 CFR 303.7 of the child support enforcement program. Standard forms are designed to provide uniformity and standardization for interstate case processing. Public reporting burden for this collection of information is estimated to average one hour per response. The responses to this collection are mandatory in accordance with 45 CFR 303.7. This information is subject to State and Federal confidentiality requirements; however, the information will be filed with the tribunal and/or agency in the responding state and may, depending on State law, be disclosed to other parties. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

8. *NOTICE OF DETERMINATION OF CONTROLLING ORDER*

PURPOSE OF THE FORM: When a tribunal makes a determination regarding which order is controlling for purposes of continuing, exclusive jurisdiction, this form is used to notify the parties and other tribunals/agencies of this determination. Under the Uniform Interstate Family Support Act (UIFSA), only the controlling order should be recognized for prospective enforcement (i.e., enforcement of current support). This form is designed to notify other tribunals/agencies when a tribunal makes a determination of which order is controlling, or when the tribunal issues a new child support order or modifies a child support order. When a new order is issued or an order is modified in accordance with UIFSA, the new order (or newly modified order) becomes the controlling order.

This notice provides a standard format for alerting entities in other jurisdictions about a controlling order determination. The actual determination will likely be in a State-specific format (e.g. order or form) which may be attached to the standard Notice of Determination of Controlling Order if necessary. The *Notice of Determination of Controlling Order* provides the information about the controlling order in a uniform, standard format that will facilitate interstate processing.

Complete this notice when your tribunal makes a determination of which order is controlling, or when your tribunal issues a new child support order or modifies a

child support order. Generally, this form only needs to be used when there are multiple orders governing the same obligor/obligee/child(ren).

If multiple orders governing the same obligor, obligee, and child(ren) exist, a UIFSA State can only prospectively enforce or modify the "controlling order" in a UIFSA proceeding. UIFSA contains rules for determining which order is recognized when multiple orders exist. Under these rules:

1. The order issued by a tribunal with continuing, exclusive jurisdiction (CEJ) has priority. As issuing tribunal retains CEJ as long as the issuing State remains the residence of the obligor, obligee, or child, or until all parties file written consent with the tribunal allowing another State to modify the order.

2. If more than one issuing tribunal would have CEJ, the order issued by the child's current home State has priority.

3. If more than one tribunal would have CEJ but there is no order in the child's current home State, the most recently issued order has priority.

4. If no tribunal would have CEJ, the responding State may issue a new support order and it becomes the CEJ State.

While only the controlling order should be recognized for prospective enforcement, arrears that accrued under other orders may still be enforced.

You must use the *Notice of Determination of Controlling Order* to notify:

the initiating IV-D agency if you are acting as a responding jurisdiction in an interstate action, any tribunal that has issued, registered, or is enforcing a child support order governing the same parties and child(ren), any IV-D agency with an open or closed IV-D case for the parties, a party to the order (i.e., the obligor or obligee), as appropriate, or a central registry in another State. It may be particularly important to notify a central entity if it keeps a registry of all orders in that State. A central registry may also be willing to notify tribunals or agencies within that State.

<u>HEADING/CAPTION:</u>

Enter the date of the notice.

Identify the obligor and obligee in the appropriate spaces.

Check the appropriate space to identify the type of case: IV-D Non-Public Assistance; IV-D Non-Public Assistance Medicaid (indicate whether receiving Full Services or Medical Services Only); IV-D Public Assistance; IV-E Foster

Care; or Non-IV-D. IV-D means the case is being worked by the State or local child support enforcement agency (i.e., IV-D agency). Public Assistance means the obligee's family receives IV-A cash payments [IV-A was formerly called Aid to Families with Dependent Children (AFDC) and is now called Temporary Family Assistance]. A IV-D Non-Public Assistance Medicaid case is a case where the obligee's family receives Medicaid but does not receive Public Assistance (IV-A cash payments).

In the space marked "To:", list the name and address (street, city, State, and zip code) of the central registry, court, or agency where you are sending the *Notice of Determination of Controlling Order*.

In the appropriate spaces, if applicable and if known, enter the FIPS code, State, IV-D case number, and docket number of the jurisdiction to which you are sending the Notice. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number that the receiving State may use to identify the case, if known.

In the space marked "From:", list a contact person, agency name, address (street, city, State, zip code), phone number (including extension), fax number, and Internet address.

In the appropriate spaces, enter your jurisdiction's FIPS code, State, IV-D case number, and docket number. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number which the tribunal or agency has assigned to the case.

MAIN BODY OF FORM:

In the first blank in item 1, enter the date that the determination of controlling order was made. In the second blank, enter the Name, County, and State of the tribunal which made the determination.

For each order considered in the controlling order determination, list in the table in item 1 the County, State, Date of Order, IV-D Case Number, Docket Number (enter docket number, cause number, or other appropriate reference number), and Order Type (e.g., de novo support, modification, dissolution, contempt, paternity, etc.). Include any order issued or modified by this tribunal in the present action. If more than five orders were considered, list and number additional orders on an attached sheet and check the space below the table which says "Additional orders listed on attached sheet".

In the blank in item 2, enter the number from the table (first column) of the order that was determined to be controlling.

In item 3, check the first box if a modified order was entered and is attached. Check the second box if a new order was entered and is attached.

In the blanks in item 4, enter the amount and frequency (e.g., week, month) of the current charging amount.

In the blanks in item 5, enter the amount of arrears and the date as of which the amount is correct. Check the box if a copy of any worksheet(s) used to calculate arrears is attached. Page 6a of the *General Testimony* may be used.

Under item 6, list the Name and State of other entities that you will be sending the notice to. If you will be sending the notice to all the tribunals listed in the table under number 1, you may write "All tribunals issuing orders listed in table above". List additional entities on an attached sheet if necessary, and check the box indicating that there is an attachment. If you are sending a copy of the Notice to the obligor and/or obligee, check the appropriate box(es) labeled "Obligor"/"Obligee".

The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 45 CFR 303.7 of the child support enforcement program. Standard forms are designed to provide uniformity and standardization for interstate case processing. Public reporting burden for this collection of information is estimated to average one hour per response. The responses to this collection are mandatory in accordance with 45 CFR 303.7. This information is subject to State and Federal confidentiality requirements; however, the information will be filed with the tribunal and/or agency in the responding state and may, depending on State law, be disclosed to other parties. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

9. *REGISTRATION STATEMENT*

PURPOSE OF THE FORM: The *Registration Statement* is completed by the initiating jurisdiction to request registration of an existing order for enforcement and/or modification. The purpose of the form is to refer specific order information to the responding State. This form can be used in IV-D and non-IV-D interstate cases. It should be included with the other appropriate forms and directed to the responding State's central registry. It is important to remember that a separate *Registration Statement* is needed for each order that the initiating State is requesting be registered by the responding State.

HEADING/CAPTION:

The initiating jurisdiction adds its IV-D case and docket numbers to the heading, at the space available. The responding jurisdiction will add its IV-D case and docket

numbers to the heading after receiving the form from theInitiating Jurisdiction.

SECTION I, CASE SUMMARY:

Provide complete information for all court/administrative actions regarding support for dependents. Use a separate *Registration Statement* form for each court/administrative order you are requesting be registered. For "Period of Computation", enter the month, day, and year for both the beginning and ending dates. The information in this section will be used to aid in verifying calculated arrearages and to assist in determining/verifying which order is controlling and which State has CEJ.

Attach the required number of copies of all pertinent orders that relate to support. If you are sending this case to a State that uses UIFSA, you will generally need to attach two copies, one of which is certified, of any support order. If you are sending this case to a State that uses a version of URESA, you will generally need to attach three certified copies of any support order. Note, however, that some responding States may be able to take certain administrative enforcement actions (e.g., interstate wage withholding) without having a certified copy of the order, although a regular copy is necessary.

SECTION II, MOTHER INFORMATION:

This section provides basic information about the child(ren)'s mother. Check the appropriate box to indicate if the mother is the obligor or obligee. Provide the mother's full name (first, middle, last) as well as aliases or maiden name, and all other information.

SECTION III, FATHER INFORMATION:

This section provides basic information about the child(ren)'s father. Check the appropriate box to indicate if the father is the obligor or obligee. Provide the father's full name (first, middle, last) as well as aliases, and all other information. Provide the name and full address for the father's employer.

SECTION IV, CARETAKER (IF NOT A PARENT):

Complete this section only if the child(ren)'s caretaker is not the child(ren)'s parent. In the space labeled "Relationship to Child(ren)", indicate the relationship of the caretaker to the child(ren). Provide the caretaker's full name (first, middle, last) as well as aliases or maiden name, and all other information.

SECTION V, ADDITIONAL CASE INFORMATION:

In this section, provide additional information which may be useful to the responding

jurisdiction in working the case, such as a complete listing of all States where the child support order has previously been registered and a description, including the location, of all known property or assets not exempt from execution. In addition to the requested information, use this portion of the form to provide other information which may assist the responding jurisdiction in its efforts to register the order.

SECTION VI, VERIFICATION / CERTIFICATION:

The *Registration Statement* may be signed by either the party seeking registration or an authorized IV-D representative/records custodian. Check the appropriate box to indicate who has signed this form.

The verification signature requires a notary.

(12-15-1998)(3-1-2001)(03-01-2005)

Appendix A, UIFSA States/Effective Dates (DCL-98-14) (05-01-2005)

1. ALABAMA 01/01/98
2. ALASKA 01/01/96
3. ARKANSAS 03/12/95
4. ARIZONA 07/01/95
5. CALIFORNIA 01/01/98
6. COLORADO 01/01/95
7. CONNECTICUT 01/01/98
8. DELAWARE 07/01/95
9. DISTRICT OF COLUMBIA 11/27/95
10. FLORIDA 07/01/97
11. GEORGIA 01/01/98
12. GUAM 12/11/97
13. HAWAII 07/01/97
14. IDAHO 07/01/94
15. ILLINOIS 01/01/96
16. INDIANA 01/01/97
17. IOWA 01/01/98
18. KANSAS 07/01/95
19. KENTUCKY 03/23/98
20. LOUISIANA 01/01/96
21. MAINE 07/01/95
22. MARYLAND 01/01/97

23. MASSACHUSETTS 05/10/95

24. MICHIGAN 06/01/97

25. MINNESOTA 01/01/95

26. MISSISSIPPI 07/01/97

27. MISSOURI 01/01/97

28. MONTANA 10/01/93

29. NEBRASKA 01/01/94

30. NEW HAMPSHIRE 01/01/98

31. NEW JERSEY 03/05/98

32. NEVADA 01/01/98

33. NEW MEXICO 07/01/95

34. NEW YORK 12/31/97

35. NORTH CAROLINA 01/01/96

36. NORTH DAKOTA 08/01/95

37. OHIO 01/01/98

38. OKLAHOMA 09/01/94

39. OREGON 07/01/94

40. PENNSYLVANIA 04/04/96

41. PUERTO RICO 12/20/97

42. RHODE ISLAND 0l/0l/97

43. SOUTH CAROLINA 07/14/94

44. SOUTH DAKOTA 07/01/94

45. TENNESSEE 01/01/97

46. TEXAS 09/01/93

47. UTAH 04/28/96

48. VERMONT 01/01/98

49. VIRGINIA 07/01/94

50. VIRGIN ISLANDS 08/01/98

51. WASHINGTON 07/01/94

52. WISCONSIN 04/30/94

53. WEST VIRGINIA 01/01/98

54. WYOMING 07/01/95

(1-1-1997)(3-1-1998)(3-1-2005)(5-1-2005)

Appendix B, UIFSA Notice Requirements (07-15-1996)

Section	Actor	Recipient	Type of Notice	Time Frame
20-88.48(A)	Responding Tribunal	Petitioner or Petition Filed	Where/When Petition	None Specified
20-88.48(E)	Responding Tribunal	Petitioner Respondent Initiating Tribunal	Copy of Order	Promptly
20-88.50(A)(4)	Support Enforcement Agency	Petitioner	Copy of any Written Notice Received from an Initiating, Responding or Registering Tribunal	Within 2 Days of Receipt
20-88.50(A)(5)	Support Enforcement Agency	Petitioner	Copy of any Written Communication from Respondent or Respondent's Attorney	Within 2 Business Days
20-88.50(A)(6)	Support Enforcement Agency	Petitioner	Notice that Jurisdiction Over Respondent Cannot Be Obtained	None Specified
20-88.64(A)(2)	Employer	Obligor	Copy of Income Withholding Order	Immediate
20-88.64(B)	Obligor	Support Enforcement Agency Providing Services to CP and (i)Person or Entity for Payment or (ii)CP, if None Identified	Notice of Contest to Director Withholding	None Specified Unclear which State's Governs
20-88.70A)	Registering Tribunal	Nonregistering Party	Notice of Registration	When Order is Registered
20-88.70(C)	Registering Tribunal	Employer	Notice of Income Withholding	Upon Registration of Income Withholding Order for Enforcement

Section	Actor	Recipient	Type of Notice	Time Frame
20-88.71(A)	Nonregistering Party	Registering Tribunal	Notice of Contest Validity or Enforcement of Registered Order Personal Service of Registration Notice	Within 20 Days After Date of Mailing or
20-88.71(C)	Registering Tribunal	Parties	Notice of the Date, Time and Place of Hearing to Contest Registration	None Specified
20-88.76(E)	Party Obtaining Modification	Issuing Tribunal that Had CEJ and Every Tribunal Where Registered	Certified Copy of Modified Order	Within 30 Days After Issuance of Modified Order

Appendix C, Uniform Interstate Family Support Act (07-01-1998)

CHAPTER 5.3
Article 1.
General Provisions.

§ 20-88.32. Definitions.

In this chapter:

"Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

"Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

"Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

“Employer” means the source of any income as defined in § 63.1-250.

"Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

"Income" includes earnings or other periodic entitlement to money from any source and any other property subject to withholding for support under the law of this Commonwealth.

"Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, to withhold amounts for child or spousal support from the obligor's income as defined in § 63.1-250.

"Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act

"Initiating tribunal" means the authorized tribunal in an initiating state.

"Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

"Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

"Law" includes decisional and statutory law and rules and regulations having the force of law.

"Obligee" means (i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered, (ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee, or (iii) an individual seeking a judgment determining parentage of the individual's child.

"Obligor" means an individual, or the estate of a decedent, who (i) owes or is alleged to owe a duty of support, (ii) is alleged but has not been adjudicated to be a parent of a child, or (iii) is liable under a support order.

"Register" means to file a support order or judgment determining parentage in the juvenile and domestic relations district court or with the Division of Child Support Enforcement of the Department of Social Services.

"Registering tribunal" means a tribunal in which a support order is registered.

"Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

"Responding tribunal" means the authorized tribunal in a responding state.

"Spousal-support order" means a support order for a spouse or former spouse of the obligor.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes a Native American tribe and includes a foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

"Support enforcement agency" means a public official or agency authorized to seek enforcement of support orders or laws relating to the duty of support, establishment or modification of child support, determination of parentage, or locating obligors or their assets. A support enforcement agency of this Commonwealth is not authorized to establish or enforce a support order for spousal support only.

"Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

"Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage; however, the support enforcement agency of this Commonwealth has no authority to establish or enforce a support order for spousal support only.

§ 20-88.33. Tribunals of this Commonwealth.

The juvenile and domestic relations district courts, or family courts upon their creation, circuit courts and the Department of Social Services are the tribunals of this Commonwealth.

§ 20-88.34. Remedies cumulative.

Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law.

Article 2.
Extended Personal Jurisdiction.

§ 20-88.35. Bases for jurisdiction over nonresident.
In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this Commonwealth may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:
1. The individual is personally served with process within this Commonwealth;
2. The individual submits to the jurisdiction of this Commonwealth by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
3. The individual resided with the child in this Commonwealth;
4. The individual resided in this Commonwealth and paid prenatal expenses or provided support for the child;
5. The child resides in this Commonwealth as a result of the acts or directives of the individual;
6. The exercise of personal jurisdiction is authorized under subdivision A8 of § 8.01-328.1; or
7. There is any other basis consistent with the constitutions of this Commonwealth and the United States for the exercise of personal jurisdiction.

§ 20-88.36. Procedure when exercising jurisdiction over nonresident.
A tribunal of this Commonwealth exercising personal jurisdiction over a nonresident under § 20-88.35 may apply § 20-88.59 to receive evidence from another state, and § 20-88.61 to obtain discovery through a tribunal of another state. In all other respects, Articles 5 (§ 20-88.44 et seq.) through 10 (§ 20-88.78 et seq.) do not apply, and the tribunal shall apply the procedural and substantive laws of this Commonwealth, including the rules on choice of law other than those established by this chapter.

Article 3.
Jurisdiction in Proceedings Involving Two or More States.

§ 20-88.37. Initiating and responding tribunal of this Commonwealth.
Under this chapter, a tribunal of this Commonwealth may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.
§ 20-88.38. Simultaneous proceedings in another state.
A. A tribunal of this Commonwealth may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state only if:
1. The petition or comparable pleading in this Commonwealth is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;
2. The contesting party timely challenges the exercise of jurisdiction in the other state; and
3. If relevant, this Commonwealth is the home state of the child.
B. A tribunal of this Commonwealth may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if:
1. The petition or comparable pleading in the other state is filed before the expiration of the time allowed in this Commonwealth for filing a responsive pleading challenging the exercise of jurisdiction by this Commonwealth;
2. The contesting party timely challenges the exercise of jurisdiction in this Commonwealth; and
3. If relevant, the other state is the home state of the child.

§ 20-88.39. Continuing, exclusive jurisdiction.
A. A tribunal of this Commonwealth issuing a support order consistent with the law of this Commonwealth has continuing, exclusive jurisdiction over a child support order:
1. As long as this Commonwealth remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or
2. Until all of the parties who are individuals have filed written consent with a tribunal of this Commonwealth for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.
B. A tribunal of this Commonwealth issuing a child support order consistent with the law of this Commonwealth may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to a law substantially similar to this chapter.
C. If a child support order of this Commonwealth is modified by a tribunal of another state pursuant to a law substantially similar to this chapter, a tribunal of this Commonwealth loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this Commonwealth, and may only:
1. Enforce the order that was modified as to amounts accruing before the modification;
2. Enforce nonmodifiable aspects of that order; and
3. Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.
D. A tribunal of this Commonwealth shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to a law substantially similar to this chapter.
E. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.
F. A tribunal of this Commonwealth issuing a support order consistent with the law of this Commonwealth has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this Commonwealth may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.
G. The support enforcement agency of this Commonwealth is not authorized to establish or enforce a support order for spousal support only.
§ 20-88.40. Enforcement and modification of support order by tribunal having continuing jurisdiction.
A. A tribunal of this Commonwealth may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.
B. A tribunal of this Commonwealth having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent

proceedings the tribunal may apply § 20-88.59 to receive evidence from another state and § 20-88.61 to obtain discovery through a tribunal of another state.
C. A tribunal of this Commonwealth which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

Article 4.
Recognition of child support orders.

§ 20-88.41. Recognition of controlling child support orders.
A. If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.
B. If a proceeding is brought under this chapter, and two or more child support orders have been issued by tribunals of this Commonwealth or another state with regard to the same obligor and child, a tribunal of this Commonwealth shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:
1. If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls and must be so recognized.
2. If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.
3. If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, a tribunal of this Commonwealth having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized.
C. If two or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this Commonwealth, a party may request a tribunal of this Commonwealth to determine which order controls and must be recognized under subsection B. The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by a determination.
D. The tribunal that issued the controlling order under subsection A, B or C is the tribunal that has continuing, exclusive jurisdiction in accordance with § 20-88.39.
E. A tribunal of this Commonwealth which determines by order the identity of the controlling child support order under subdivision 1 or 2 of subsection B or which issues a new controlling child support order under subdivision 3 of subsection B shall include in that order the basis upon which the tribunal made its determination.
F. Within thirty days after issuance of the order determining the identity of the controlling order, the party obtaining that order shall file a certified copy of it with each tribunal that had issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure arises. The failure to file does not affect the validity or enforceability of the controlling order.

§ 20-88.42. Multiple child support orders for two or more obligees.
In responding to multiple registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this Commonwealth shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this Commonwealth.

§ 20-88.43. Credit for payments.
Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this Commonwealth.

Article 5.
Civil Provisions of General Application.

§ 20-88.44. Proceedings under this chapter.
A. Except as otherwise provided in this chapter, this article applies to all proceedings under this chapter.
B. This chapter provides for the following proceedings:
1. Establishment of an order for spousal support or child support pursuant to Article 6 (§ 20-88.63 et seq.);
2. Enforcement of a support order and income-withholding order of another state without registration pursuant to Article 7 (§ 20-88.64 et seq.);
3. Registration of an order for spousal support or child support of another state for enforcement pursuant to Article 8 (§ 20-88.66 et seq.);
4. Modification of an order for child support or spousal support issued by a tribunal of this Commonwealth pursuant to Article 3 (§ 20-88.37 et seq.);
5. Registration of an order for child support of another state for modification pursuant to Article 9 (§ 20-88.74 et seq.);
6. Determination of parentage pursuant to Article 10 (§ 20-88.78 et seq.); and
7. Assertion of jurisdiction over nonresidents pursuant to Article 2 (§ 20-88.35 et seq.).
C. An individual or a support enforcement agency may commence a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

§ 20-88.45. Action by minor parent.
A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

§ 20-88.46. Application of law of this Commonwealth.
Except as otherwise provided by this chapter, a responding tribunal of this Commonwealth shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this Commonwealth and may exercise all powers and provide all remedies available in those proceedings.
A responding tribunal of this Commonwealth shall determine the duty of support and the amount payable in accordance with the law and support guidelines of this Commonwealth.

§ 20-88.47. Duties of initiating tribunal.
A. Upon the filing of a petition authorized by this chapter, an initiating tribunal of this Commonwealth shall forward three copies of the petition and its accompanying documents to (I) the responding tribunal or appropriate support enforcement agency in the responding state or, (ii) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.
B. If a responding state has not enacted this act or a law or procedure substantially similar to this act, a tribunal of this Commonwealth may issue a certificate or other documents and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.
§ 20-88.48. Duties and powers of responding tribunal.
A. When a responding tribunal of this Commonwealth receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection C of § 20-88.44, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed. An order for spousal support only shall be forwarded to the appropriate juvenile and domestic relations or family court.
B. A responding tribunal of this Commonwealth, to the extent otherwise authorized by law, may do one or more of the following:
1. Issue or enforce a support order, modify a child support order, or render a judgment to determine parentage;
2. Order an obligor to comply with a support order, specifying the amount and the manner of compliance;
3. Order income withholding;
4. Determine the amount of any arrearages, and specify a method of payment;
5. Enforce orders by civil or criminal contempt, or both;
6. Set aside property for satisfaction of the support order;
7. Place liens and order execution on the obligor's property;
8. Order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;
9. Issue a capias for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the capias in any local and state computer systems for criminal warrants;
10. Order the obligor to seek appropriate employment by specified methods;
11. Award reasonable attorney's fees and other fees and costs; and
12. Grant any other available remedy.
C. A responding tribunal of this Commonwealth shall include in a support order issued under this chapter or in the documents accompanying the order, the calculations on which the support order is based.
D. A responding tribunal of this Commonwealth may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.
E. If a responding tribunal of this Commonwealth issues an order under this chapter, the tribunal shall promptly send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

§ 20-88.49. Inappropriate tribunal.
If a petition or comparable pleading is received by an inappropriate tribunal of this Commonwealth, it shall forward the pleading and accompanying documents to an appropriate tribunal in this Commonwealth or another state, and notify the petitioner where and when the pleading was sent.

§ 20-88.50. Duties of support enforcement agency.
A. A support enforcement agency of this Commonwealth, upon request, shall provide services to a petitioner in a proceeding under this chapter. A support enforcement agency that is providing services to the petitioner as appropriate shall:
1. Take all steps necessary to enable an appropriate tribunal in this Commonwealth or another state to obtain jurisdiction over the respondent;
2. Request an appropriate tribunal to set a date, time, and place for a hearing;
3. Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;
4. Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;
5. Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and
6. Notify the petitioner if jurisdiction over the respondent cannot be obtained.
B. This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

§ 20-88.51. Duty of attorney for the Commonwealth.
If the attorney for the Commonwealth determines that the support enforcement agency is neglecting or refusing to provide services to an individual, he may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

§ 20-88.52. Private counsel.
An individual may employ private counsel to represent the individual in proceedings authorized by this chapter.

§ 20-88.53. Duties of state information agency.
A. The Department of Social Services is the state information agency under this chapter.
B. The state information agency shall:
1. Compile and maintain a current list, including addresses, of the tribunals in this Commonwealth which have jurisdiction under this chapter and any support enforcement agencies in this Commonwealth and transmit a copy to the state information agency of every other state;
2. Maintain a register of tribunals and support enforcement agencies received from other states;
3. Forward to the appropriate tribunal in the place in this Commonwealth in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and
4. Obtain information concerning the location of the obligor and the obligor's property within this Commonwealth not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

§ 20-88.54. Pleadings and accompanying documents.
A. A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this chapter must verify the petition. Unless otherwise ordered under § 20-88.55, the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.
B. The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

§ 20-88.55. Nondisclosure of information in exceptional circumstances.
Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.

§ 20-88.56. Costs and fees.
A. The petitioner may not be required to pay a filing fee or other costs.
B. If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.
C. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Article 6 (§ 20-88.63 et seq.), a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

§ 20-88.57. Limited immunity of petitioner.
A. Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.
B. A petitioner is not amenable to service of civil process while physically present in this Commonwealth to participate in a proceeding under this chapter.
C. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while present in this Commonwealth to participate in the proceeding.

§ 20-88.58. Nonparentage as defense.
A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.
§ 20-88.59. Special rules of evidence and procedure.
A. The physical presence of the petitioner in a responding tribunal of this Commonwealth is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.
B. A verified petition, affidavit, document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, are admissible in evidence if given under oath by a party or witness residing in another state.
C. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it and is admissible to show whether payments were made.
D. Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.
E. Documentary evidence transmitted from another state to a tribunal of this Commonwealth by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence of an objection based on the means of transmission.

F. In a proceeding under this chapter, a tribunal of this Commonwealth may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this Commonwealth shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.
G. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.
H. A privilege against disclosure of communication between spouses does not apply in a proceeding under this chapter.
I. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

§ 20-88.60. Communications between tribunals.
A tribunal of this Commonwealth may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state; the legal effect of a judgment, decree, or order of that tribunal; and the status of a proceeding in the other state. A tribunal of this Commonwealth may furnish similar information by similar means to a tribunal of another state.

§ 20-88.61. Assistance with discovery.
A tribunal of this Commonwealth may (I) request a tribunal of another state to assist in obtaining discovery and (ii) upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

§ 20-88.62. Receipt and disbursement of payments.
A support enforcement agency or tribunal of this Commonwealth shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

Article 6.
Establishment of support Order.

§ 20-88.63. Petition to establish support order.
A. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this Commonwealth may issue a support order if (I) the individual seeking the order resides in another state or (ii) the support enforcement agency seeking the order is located in another state.
B. The tribunal may issue a temporary child support order if (I) the respondent has signed a verified statement acknowledging parentage, (ii) the respondent has been determined by or pursuant to law to be the parent, or (iii) there is other clear and convincing evidence that the respondent is the child's parent.
C. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty or support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to § 20-88.48.

Article 7.
Direct Enforcement of Order of Another State Without Registration.

§ 20-88.64. Employer's receipt of income-withholding order of another state.
An income-withholding order issued in another state may be sent to the person or entity defined as the obligor's employer as defined in § 63.1-250 under the income-withholding law of this Commonwealth without first filing a petition or comparable pleading or registering the order with a tribunal of this Commonwealth.

§ 20-88.64:1. Employer's compliance with income-withholding order of another state.
A. Upon receipt of the order, the obligor's employer shall immediately provide a copy of the order to the obligor. The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this Commonwealth.
B. Except as provided in subsection C and § 20-88.64:2, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order, as applicable, that specify:
1. The duration and amount of periodic payments of current child support, stated as a sum certain;
2. The person or agency designated to receive payments and the address to which the payments are to be forwarded;
3. Medical support, whether in the form of periodic cash payments, stated as a sum certain or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employer;
4. The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and
5. The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.
C. An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:
1. The employer's fee for processing an income-withholding order;
2. The maximum amount permitted to be withheld from the obligor's income; and
3. The times within which the employer must implement the withholding order and forward the child support payment.
§ 20-88.64:2. Compliance with multiple income-withholding orders.

If an obligor's employer receives multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish priorities for withholding and allocating income withheld for multiple child support obligees.

§ 20-88.64:3. Immunity from civil liability.
An employer who complies with an income withholding order issued in another state in accordance with this article is not subject to civil liability to any individual or agency with regard to the employer's withholding child support from the obligor's income.
§ 20-88.64:4. Penalties for noncompliance.
An employer who willfully fails to comply with an income-withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this Commonwealth.

§ 20-88.64:5. Contest by obligor.
An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this Commonwealth in the same manner as if the order had been issued by a tribunal of this Commonwealth. Section 20-88.69 applies to the contest. The obligor shall give notice of the contest to (I) a support enforcement agency providing services to the obligee, (ii) each employer which has directly received an income-withholding order, and (iii) the person or agency designated to receive payments in the income-withholding order or if no person or agency is designated, the obligee.

§ 20-88.65. Administrative enforcement of orders.
A. A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this Commonwealth.
B. Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this Commonwealth to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

Article 8.
Enforcement and modification of Support Order After Registration.

§ 20-88.66. Registration of order for enforcement.
A support order or an income-withholding order issued by a tribunal of another state may be registered in this Commonwealth for enforcement.
§ 20-88.67. Procedure to register order for enforcement.
A. A support order or income-withholding order of another state may be registered in this Commonwealth by sending the following documents and information to the appropriate registering tribunal:
1. A letter of transmittal to the tribunal requesting registration and enforcement;
2. Two copies, including one certified copy, of all orders to be registered, including any modification of an order;
3. A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;
4. The name of the obligor and, if known, (I) the obligor's address and social security number, (ii) the name and address of the obligor's employer and any other source of income of the obligor, and (iii) a description and the location of property of the obligor in this Commonwealth not exempt from execution; and
5. The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.
B. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign support order, together with one copy of the documents and information, regardless of their form. Requests for registration received by the circuit courts during the period July 1, 1994, through June 30, 1995, shall similarly be filed as foreign support orders.
C. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this Commonwealth may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

§ 20-88.68. Effect of registration for enforcement.
A. A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of this Commonwealth.
B. A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this Commonwealth.
C. Except as otherwise provided in this article, a tribunal of this Commonwealth shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

§ 20-88.69. Choice of law; statute of limitations.
A. The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.
B. In a proceeding for arrearages, the statute of limitations under the laws of this Commonwealth or of the issuing state, whichever is longer, applies.

§ 20-88.70. Contest of validity or enforcement; registration of order.
A. When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.
B. The notice must inform the nonregistering party:

1. That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this Commonwealth;
2. That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the notice;
3. That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and
4. Of the amount of any alleged arrearages.
C. Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to the income-withholding for support law of this Commonwealth.
§ 20-88.71. Procedure to contest validity or enforcement of registered order.
A. A nonregistering party seeking to contest the validity or enforcement of a registered order in this Commonwealth shall request a hearing within twenty days after notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to § 20-88.72.
B. If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.
C. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

§ 20-88.72. Contest of registration or enforcement.
A. A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:
1. The issuing tribunal lacked personal jurisdiction over the contesting party;
2. The order was obtained by fraud;
3. The order has been vacated, suspended, or modified by a later order;
4. The issuing tribunal has stayed the order pending appeal;
5. There is a defense under the law of this Commonwealth to the remedy sought;
6. Full or partial payment has been made; or
7. The statute of limitations under § 20-88.69 precludes enforcement of some or all of the arrearages.
B. If a party presents evidence establishing a full or partial defense under subsection A, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this Commonwealth.
C. If the contesting party does not establish a defense under subsection A to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

§ 20-88.73. Confirmed order.
Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

Article 9.
Registration and modification of Child Support Order

§ 20-88.74. Procedure to register child support order of another state for modification.
A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this Commonwealth in the same manner as provided in Article 8 (§ 20-88.66 et seq.) if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

§ 20-88.75. Effect of registration for modification.
A tribunal of this Commonwealth may enforce a child support order of another state, registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this Commonwealth, but the registered order may be modified only if the requirements of § 20-88.76 have been met.
§ 20-88.76. Modification of child support order of another state.
A. After a child support order issued in another state has been registered in this Commonwealth, the responding tribunal of this Commonwealth may modify that order only if § 20-88.77:1 does not apply and after notice and hearing it finds that:
1. The following requirements are met:
a. The child, the individual obligee, and the obligor do not reside in the issuing state;
b. A petitioner who is a nonresident of this Commonwealth seeks modification; and
c. The respondent is subject to the personal jurisdiction of the tribunal of this Commonwealth; or
2. The child or a party who is an individual is subject to the personal jurisdiction of the tribunal of this Commonwealth and all of the individual parties have filed written consents in the issuing tribunal for a tribunal of this Commonwealth to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this chapter, the consent otherwise required of an individual residing in this Commonwealth is not required for the tribunal to assume jurisdiction to modify the child support order.
B. Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this Commonwealth and the order may be enforced and satisfied in the same manner.
C. A tribunal of this Commonwealth may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If two or more tribunals have issued child support orders for the same obligor and child, the order that controls and must be so recognized under § 20-88.41 establishes the aspects of the support order which are nonmodifiable.

D. On issuance of an order modifying a child support order issued in another state, a tribunal of this Commonwealth becomes the tribunal having continuing, exclusive jurisdiction.

§ 20-88.77. Recognition of order modified in another state.
A tribunal of this Commonwealth shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to this chapter or a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall:
1. Enforce the order that was modified only as to amounts accruing before the modification;
2. Enforce only nonmodifiable aspects of that order;
3. Provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and
4. Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

§ 20-88.77:1. Jurisdiction to modify support order of another state when individual parties reside in this Commonwealth.
A. If all of the parties who are individuals reside in this Commonwealth and the child does not reside in the issuing state, a tribunal of this Commonwealth has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.
B. A tribunal of this Commonwealth exercising jurisdiction as provided in this section shall apply the provisions of Articles 1 (§ 20-88.32 et seq.) and 2 (§ 20-88.35 et seq.), this article and the procedural and substantive law of this Commonwealth to the enforcement or modification. Articles 3 through 5 (§ 20-88.37 et seq.) and Articles 7 (§ 20-88.64 et seq.) and 8 (§ 20-88.66 et seq.) do not apply.

§ 20-88.77:2. Notice to issuing tribunal of modification.
Within thirty days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

Article 10.
Determination of Parentage.

§ 20-88.78. Proceeding to determine parentage.
A. A tribunal of this Commonwealth may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law or procedure substantially similar to this chapter or to the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.
B. In a proceeding to determine parentage, a responding tribunal of this Commonwealth shall apply the procedural and substantive law of this Commonwealth, and the rules of this Commonwealth on choice of law.

Article 11.
Interstate Rendition.

§ 20-88.79. Grounds for rendition.
A. For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.
B. The Governor of this Commonwealth may:
1. Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this Commonwealth with having failed to provide for the support of an obligee; or
2. On the demand by the governor of another state, surrender an individual found in this Commonwealth who is charged criminally in another state with having failed to provide for the support of an obligee.
C. A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and had not fled therefrom.

§ 20-88.80. Conditions of rendition.
A. Before making demand that the governor of another state surrender an individual charged criminally in this Commonwealth with having failed to provide for the support of an obligee, the Governor of this Commonwealth may require a prosecutor of this Commonwealth to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.
B. If, under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the Governor of this Commonwealth surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the Governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the Governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.
C. If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the Governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the Governor may decline to honor the demand if the individual is complying with the support order.

Article 12.
Miscellaneous Provisions.

§ 20-88.81. Uniformity of application and construction.
This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

§ 20-88.82. Short title.
This chapter may be cited as the Uniform Interstate Family Support Act.

(7-1-1998)

A. General Rules (04-01-2007)

1. Child support cases are initiated in different ways depending on the case type. A case may be initiated through

   a. a referral from the local department of social services (LDSS) whenever Temporary Assistance for Needy Families (TANF) or Aid to Families with Dependent Children in Foster Care (AFDC/FC) applications are processed.

   b. an *Application for Child Support Enforcement Services* filed by an applicant on behalf of children who are not receiving TANF or AFDC/FC.

   c. an *Application for Child Support Enforcement Services* filed by an applicant on behalf of children who are recipients of Medicaid-only.

   d. an application submitted by the Department of Juvenile Justice (DJJ). These applications are processed by the central registry; the cases are established and forwarded to appropriate district offices by the central registry.

2. Case initiation ends when the case is either ready for location, establishment, collection, enforcement, or closing.

3. Staff must document the Automated Program to Enforce Child Support (APECS) Case Event History if a party indicates on the *Application for Child Support Enforcement Services* that they have a protective order, or if another state has checked the box for "Nondisclosure Finding Attached" on the *Child Support Enforcement Transmittal* or the *General Testimony*, and Central Registry has not already done so.

4. If a party indicates that (s)he is at risk of physical or emotional harm from the other party, but does not have a protective order, provide the at-risk party an *Affidavit of Nondisclosure*. The at-risk party does not need to provide documents or evidence in support of an *Affidavit of Nondisclosure*.

   a. The at-risk party completes the top portion of the document and has his/her signature notarized.

   b. Staff completes the lower portion of the document.

      1) Document the APECS Case Event History with the non-disclosure information.

      2) Retain the original in the paper file for in-state cases.

      3) Send the original along with the referral to the other state in an interstate case. Retain a copy in the paper file.

4) The *Affidavit of Nondisclosure* remains in effect until the at-risk party indicates, in writing, that the at-risk situation is no longer valid.

5. When an at-risk situation has been documented or a protective order exists, do not release the at-risk party's address or include the address on any documents that are made available to the other party.

   a. Blackout any reference to the location of the at-risk party on documents. Photocopy the document after blacking out the information and provide the photocopy of the document to the other party.

   b. If a motion is filed with the court, do not include any information other than the name of the at-risk party on the motion. Submit a *Request for Confidentiality By Crime Victim* form (DC301) with the motion. This form is available from the court.

(11-1-97)(12-15-98)(9-1-99)(07-01-01)(07-01-04)(04-01-07)

B. Family Violence Indicator (12-15-1998)

1. The State Case Registry, which interfaces with the Federal Case Registry, contains child support information on all IV-D cases as well as all non-IV-D child support orders. The case registry participant record includes a data element, known as the family violence (FV) indicator. Codes ND (*Affidavit of Nondisclosure* and UIFSA Nondisclosure Finding) and PO (Protective Order) are used to indicate the sources by which DCSE is notified of a family violence situation.

   a. Enter the FV indicator on the participant record when a party (custodial parent, noncustodial parent or putative father (PF)) signs and returns the *Affidavit of Nondisclosure* (ND).
   b. If a party states at application that a protective order exists but cannot produce the document, ask the party to sign an *Affidavit of Nondisclosure* and enter the ND code.

   c. If a protective order is later produced, manually enter the protective order code (PO).

   d. Only set the FV indicator on adults. APECS will attach the FV indicator to all children associated with the custodial parent, including children on multiple cases.

2. APECS automatically sets the PO indicator using information received in the State Police Protective Order file. The PO indicator overrides an already existing ND indicator.

3. A participant event is generated when the FV indicator is set or at any time thereafter as updates are made to the indicator. The indicator is then transmitted to the Federal Case Registry. No information will be disclosed on that person unless a court determines otherwise. DO NOT DISCLOSE ANY INFORMATION ON A PERSON ON WHOM THE FV INDICATOR IS SET.

4. The FV date

    a. The date corresponds to one of the following:

        1) the date the *Affidavit of Nondisclosure* is signed in the district office, or if mailed, the date of receipt in the office, or

        2) the date the protective order is issued, or

        3) the date a removal code is entered.

    b. If APECS reveals a removal disposition code, the date represents a removal date.

    c. The system defaults to the current date if no date is manually entered.

5. Removal disposition codes

    a. R1 - at party's request (must be IN WRITING);

    b. R2 - due to in-state order;

    c. R3 - due to out-of-state order; and

    d. R4 - FV set in error.

6. As the FV indicator and date are maintained at the participant level, the indicator follows a participant who has multiple cases or who moves to another case.

7. The FV indicator and children

    a. If a child with an FV indicator becomes a CP/NCP/PF, do not remove the indicator unless requested in writing.

    b. The children in this case are NOT automatically linked to the FV indicator.

    c. If an emancipated child wishes to sign an *Affidavit of Nondisclosure* for himself/herself, enter a new date. The FV indicator automatically sets on any children.

    d. If an emancipated child does not wish to sign an *Affidavit of Nondisclosure*, remove the FV code.

(5-1-1998)(12-15-1998)

C. Case Types (04-01-2006)

1. ADC - Client or dependent are active to public assistance (ADAPT category 215). Information needed to build these cases crosses the interface.

   a. To determine if a case is ADC on APECS, access the Display Case Information screen.

   b. The Case Type is ADC if active TANF and ADC/ FC if active TANF foster care.

2. FC - A foster care case is one in which the child meets the eligibility requirements for TANF but receives foster care maintenance payments instead of a TANF grant because the child is separated from his or her parents or other relatives. These cases are referred to the Division of Child Support Enforcement (DCSE) by LDSSs. The information needed to build these cases crosses the interface.

3. ADCU – Client is active to TANF in ADAPT category 17. Information on this case type will cross the interface, and will change all the client's existing related cases to ADCU. DCSE will not receive the case with the NCP actually in the home; however, this may already be an existing case in our system. If this is the situation, the existing case must be reviewed. If a TANF arrears exists, the case type should be changed to ARRP and the case coded as Unworkable. If there is no current obligation and no arrearage, the case may be closed, using closure code CNOA.

4. SLFC - Child is receiving non-IV-E foster care. Client is the social service department that has custody of the children. Application for this case type is made by the social service department using an application or hard copy 501.

5. NADC - Client is not actively receiving any TANF-related assistance (case type ADC). Application is for full child support services.

6. ARRP - The IV-D case is only open for the collection of arrears owed to the Commonwealth of Virginia; there is no current support obligation.

7. ARRN - The IV-D case is only open for the collection of arrears owed to the client; there is no current support obligation. If both ADC and NADC arrears subaccount types exist, and there is no current order, use case type ARRN.

8. LOCO - This case type is only available for use by central registry. Identify cases submitted by other states for locate only services.

9. NIVD - This case type identifies cases which do not meet the definition of IV-D cases, but for which DCSE is required to provide services. They are generally spousal only situations (instate or interstate) or non-URESA or non-UIFSA cases. These cases are processed by Central Registry staff. The paper files are located in the Central Registry

Unit. District office staff forward files located in their office to the Central Registry Unit.

a. Intrastate cases are cases in which the custodial parent (CP) and NCP are within the jurisdiction of the Commonwealth of Virginia.

b. Interstate cases are cases in which the CP, NCP, or NCP's source of income resides outside the jurisdiction of the Commonwealth of Virginia. Refer to Chapter 11, Central Registry and Interstate Rules.

10. MAOF - Medicaid-only-related case in which the applicant/applicant is receiving full services.

11. MAOP - Medicaid-only-related case, in which the applicant/recipient has opted to receive medical support services only, rather than full child support services. Refer to Chapter 17, Medical Support.

(9-1-1999)(07-01-2001)

D. Time Frames for Case Establishment Activities (09-01-1999)

1. DCSE establishes a paper and automated file within two days of receiving an application or referral from the LDSS.

   a. Stamp the application with the date received.

   b. Check APECS and review the paper file to see if an APECS case exists for the NCP or if any of the participants have files on APECS. Participants have one APECS participant record, no matter how many cases they are associated with.

   c. If a case does not already exist, create an automated case record in APECS. Refer to the APECS User Manual for additional information on how to create a case on-line.

2. Within 20 days of receipt of an application or referral

   a. solicit additional necessary information from the applicant/recipient or other sources when needed to take further action on the case;

   b. change the payee on court ordered cases to DCSE if the order is payable to the CP;
   c. initiate verification of information when needed;

   d. confirm system suggested referral unit to refer the case to the appropriate processing unit.

(5-1-1998)(91-1-1999)

E. Steps in Manually Establishing a Case **(09-03-2010)**

TANF cases, and cases that are closing to TANF, are referred to DCSE and established automatically in APECS by the ADAPT system. All other cases come to DCSE by application and must be manually set up, including applications from individuals (NADC), Medicaid-only (MAOF), and state/local foster care referrals from LDSSs (SLFC). Other written requests received by DCSE that are considered applications are IV-D to IV-D referrals and UIFSA petitions from other states (set up as NADC), and locate only (LOCO) requests from courts and individuals. Refer to Chapter 9, Eligibility for Services, and to Chapter 11, Central Registry and Interstate Rules, Section C, Central Registry Responsibilities.

1. The following procedures are used to set up all non-TANF cases:

   a. intake staff review the package to ensure the application is complete and has been signed by the applicant,

   b. ensure that there is a complete and legible ***Statement of Payments Received*** covering any period that the case was obligated and not open for IV-D services.

      1) For a new IV-D case, calculate the arrearages based on the support obligation for the period before the case was open and reduce it by the amount of the payments received during that period per the ***Statement of Payments Received.***

      2) For a case that was previously open to IV-D:

         a) reinstate the arrearages (all subaccounts including interest) that may have been adjusted to zero when the case previously closed. Make an adjustment on APECS to add these arrearages separately. If, in the meantime, a court order was issued addressing the arrearages, use the court ordered amount; and

         b) for the period when the case closed and reopened, calculate the arrearages based on the support obligation, and reduce this figure by the amount of the payments received during that period per the ***Statement of Payments Received.*** Make a separate adjustment in APECS to add these arrearages. Refer to Chapter 18, Receivables, Section N, Receivable Maintenance, for guidance on direct payments. If, in the meantime, a court order was issued addressing the arrearages, use the court ordered amount.

   d. Contact the applicant to clarify errors and omissions.

   e. Include copies of court orders. If copies of the order are not attached, contact the court for copies of the orders.

   f. When the applicant returns the application, the clerical staff will date stamp the

application and forward it to the intake unit.

g. Intake staff determines if a case already exists on APECS. If a case exists on APECS,

   1) update the case information, and

   2) do not assign a new locality code.

h. If a closed case exists on APECS for the same CP and NCP, open the case and assign the case to the locality where the applicant resides.

i. If a case does not exist on APECS for the same CP and NCP, establish the case and assign the case to the locality where the applicant resides.

j. When the applicant is the NCP, send the CP the *Contact Letter to Non-Applicant CP* (DCSEP-774).

k. Send the *Notification of Action Taken By DCSE* informing the applicant of the case number.

l. Enter all available information on APECS.

m. APECS automatically sets the Charge Interest Indicator to <Y>. APECS sets the interest rate at 6% (current judgment rate) based on Virginia law.

   1) If the Virginia support order specifies an interest rate different from the judgment rate, change the interest rate in APECS by entering the interest rate specified in the support order; or

   2) if the support order was issued by another state, change the interest rate in APECS by entering the interest rate specified in the support order; or, if not specified, enter the interest rate applicable to the issuing state. For the issuing state's interest rate, refer to the Interstate Referral Guide, Section F, Support Details, which can be accessed on-line at www.acf.dhhs.gov/programs/cse. Also, refer to Chapter 32, Interest; or

   3) if the support order was issued in another state and that state does not charge interest (refer to the Interstate Referral Guide), manually change the Charge Interest Indicator in APECS to <N>. Refer to Chapter 32, Interest.

2. When the NCP is the applicant, follow the same procedures outlined in the previous section for setting up a non-TANF case, with the following exceptions:

   a. If a IV-D case for the same parties is not currently active, send the CP:

1) the Contact Letter for Non-Applicant CP, and

2) the "Child Support and You" Handbook.

b. Document the notes section on the APECS Participant Record (screen C1B) that the NCP has applied for services so that if the CP requests that the case be closed, you will know not to close the case.

3. TANF Family Cap

The "TANF Family Cap" provision of the welfare reform law eliminated the increment in TANF benefits to which a family would otherwise be eligible as a result of the birth of a child during the period of TANF eligibility. The provision, however, does not apply to a child born or adopted during the ten months following the month in which the initial TANF payment was issued. A new ten-month period applies at each reapplication for TANF benefits. The CP is entitled to all child support due and collected for such child. This provision also does not apply to caretakers who are not the biological or adoptive parents of the child. If a "TANF Family Cap" child goes to live with another relative other than a parent, the child may be eligible to receive TANF benefits.

a. The information on a "TANF Family Cap" child does not come across the interface. To receive child support services for the "TANF Family Cap" child, the CP must complete a Child Support Enforcement Services Application or apply for Medicaid. DCSE staff must ensure that the "TANF CAP CHILD" block on the child support application is checked. Medicaid referrals have "TANF CAP CHILD" hand written on them.

b. DCSE staff must update the TANF Family Cap indicator in the child's participant screen in APECS. This field is called the "TANF CC." The "TANF CC" field defaults to an "N" and must be changed to a "Y" for TANF Family Cap cases.

c. Once the "TANF CC" indicator field is updated to a "Y" in APECS, it remains a "Y" even when the child's custody changes. For example, the child may move to grandmother's house and be eligible for TANF, the "TANF CC" indicator in APECS on the child's participant screen continues to reflect a "Y."

d. For tracking purposes, a relationship type "CAPD" in APECS on the "Update Participant Type" screen identifies a TANF Family Cap child when a child is on a parent's TANF case.

e. Do not add a TANF Family Cap child to a case with another child who is not a TANF Family Cap child. Any subsequent child(ren) born to the same parents, who meet the definition of TANF Family Cap child(ren) should be added to the TANF Family Cap child case in APECS.

f. Establishing a TANF Family Cap case in APECS:

1) Child on parent's TANF case:

a) To verify whether a child is capped on a parent's TANF case, do a case or client inquiry in ADAPT. A family cap child is identified in ADAPT by code A64. If it is a capped child, obtain the child's IV-A Client ID #.

b) Set up a new case in APECS as a non-TANF case type, i.e., NADC, MAOP, or MAOF, as applicable. Note that the applicant already has a TANF case in APECS with other children. Do not add the TANF Family Cap child to the existing TANF case. This may cause APECS to have two cases with the same CP and NCP, but with different children.

(1) For a TANF Family Cap case, on C2A screen in APECS, enter the child's IV-A Client ID # in the IV-A ID # field. Without a IV-A ID #, a "Y" cannot be entered in the "TANF CC" indicator field in APECS.
(2) Change the indicator in the "TANF CC" field to a "Y." APECS creates a CAPD event at the child participant level when the indicator is changed.

(3) When the "TANF CC" type is "Y" and the participant type is "CHLD," set the relationship type to "CAPD" on screen C8A in APECS.

2) Child on caretaker's TANF case:

a) If the TANF Family Cap child was added to APECS when the parent previously applied for Medicaid or non-TANF services, the child's "TANF-CC" indicator should already be set to a "Y." Once the "TANF CC" indicator field is updated to a "Y" in APECS, it remains a "Y" even when the child's custody changes.

(1) When the child is added to another caretaker relative's TANF case, the TANF case will pass to APECS via the interface. The interface process will either build the caretaker relative's TANF case in APECS or add the child to the caretaker relative's existing TANF case in APECS.

(2) No updates are necessary to the caretaker relative's TANF case in APECS. Do not use CAPD as the relationship code on the caretaker relative's TANF case.

b) If the TANF Family Cap child's parent did not previously apply for Medicaid or non-TANF services, the child is not already in APECS as a participant.

(1) Do a case or client inquiry in ADAPT using the child's IV-A ID # to determine if the child is capped on another case.

(2) If the child is capped in ADAPT on another case, change the child's "TANF CC" indicator in APECS to a "Y."

4. Worklist the Central Office Research and Contract Administration Unit to generate the APECS *Social Services Application for Vital Records Information* to obtain a copy of a birth certificate if needed for a child who was born in Virginia.

5. If there is insufficient information to work a case in APECS

   a. contact the CP for additional information about the NCP, or

   b. if a court order exists and the order is not received with the application, contact the court for additional information.

(11-1-97)(5-1-98)(9-1-99)(07-01-01)(05-01-02)(07-01-04)(11-01-04)(04-01-07)(7-1-07)(7-1-09)(9-3-10)

F. Automated Referrals (IV-A/IV-D Interface) **(09-03-2010)**

1. TANF and AFDC/FC cases will be automatically created on APECS via the IV-A/IV-D interface if accurate and sufficient data is passed from IV-A . For instructions on cases which transition from TANF or AFDC/FC refer to Chapter 3, Interaction with Local Agencies.

   a. Setup a paper file within two days of receipt of the automated referral.

   b. Review daily all worklists, pay particular attention to those that indicate "ADC case status assigned", "FC case status assigned", or "ADCU case status assigned". These identify cases successfully built.

   c. Review the APECS 501 Notes screens (UNA and UNB), lines 10-15, for additional information on PFs or NCPs.

2. Review the participant and case related screens for completeness.

   a. Inquire on each case and participant record built through the interface.

   b. Determine if participants are linked to other cases.
   c. Confirm that participants and cases are built appropriately.

   d. Update the NCP record in APECS with the information passed from IV-A, such as, address, employer, insurance, and support order data.

3. If no NCP address or NCP employment information is provided, initiate automated

locates.

4. If an NCP address is located, update the address on APECS. In the notes section, record where the address was found.

5. Check "Referral Supplement" data attached to the APECS case screen to view support order data provided by the IV-A agency. If sufficient order information is provided, build the support order and appropriate extensions on APECS.

6. The LDSS also provides DCSE with information to facilitate location of the NCP or PF. When more than one PF is named as a possible father for a child, a ranking of PFs is required by the LDSS. Any of the following information is to be provided for each NCP or PF: schools attended, additional motor vehicle information, and places of social contact. Transfer this information manually from the APECS NCP 501 Notes screens (UNA and UNB), to the appropriate fields in APECS:
   a. Putative Father Ranking

      When the referral is for a PF, upon receipt of the information indicating the ranking given to the PF, i.e., PF #1, PF #2, etc., add the following note to the APECS Update Case screen: <(PF name) is ranked as PF # (numeric designation) on IV-A case # (VACIS #) for child MPI # (APECS #)>.

   b. Schools Attended

      Enter this information in the appropriate field on the APECS AP Supplemental - P. 1 screen (C8B).

   c. Additional Motor Vehicle Information

      Enter this information in the appropriate field on the APECS AP Supplemental - P. 1 screen (C8B).

   d. Places of Social Contact

      Enter this information in the appropriate field on the APECS AP Supplemental - P. 2 screen (C8B).

7. Refer the case to the next processing status.

8. Send the CP the ***Statement of Payments Received*** and other documents needing his/her completion in order for DCSE to enforce the case. Ensure upon receipt of the completed ***Statement of Payments Received*** that all entries are legible and all time periods when the CP was payee are covered by this or another affidavit from the CP.

9. Contact the LDSS to clarify errors, omissions or to get additional information.

10. If a case opening/reopening fails the interface, an error report is generated to the district intake staff.

    a. The intake supervisor prints the TANF opening error report (D623) and the update error report (D622) daily.

    b. Review the cases on each error report to determine appropriate action needed. It may only be necessary to create the participant record or only the case record as it is possible for the participant record to be successfully created via the interface but not the case record. Update APECS.

(5-1-98)(12-15-98)(9-19-99)(9-3-10)

G. Interstate Requests (04-18-1998)

Refer to Chapter 11, Central Registry Interstate Rules.
(4-18-1998)

H. Referrals from Virginia Courts (12-15-1998)

1. Handle properly signed and executed applications for full services that were provided to applicants by the court like any other application.

2. Send all court orders and income withholding orders for non-IV-D cases to the Central Registry. The Central Registry sets up cases on APECS and sets up paper files for orders and correspondence. Various non-IV-D services are available. Refer to Chapter 38, Non-IV-D Cases.

(12-15-1998)

I. Order Information (Court or Administrative) **(09-03-2010)**

1. If the obligated case is court-ordered and the applicant does not have a copy of the court order but knows the amount and frequency of the order, intake staff

    a. Enter the court information and enter <unknown> in the file number field;

    b. Request a copy of the court order from the appropriate court;

    c. Create a self-generated worklist to check that the copy is received to verify and maintain in the paper file;

    d. Refer the case to collection status or delinquent status if the CP has adequately completed a ***Statement of Payments Received*** that covers any periods when the CP

was payee, and the calculations indicate that arrears exist.

2. If the applicant states that there is a court order but is unsure of either the amount or frequency, intake staff

   a. Call the court to get order amount, frequency, and file number;

   b. Send a request for a copy of the order if order information cannot be obtained over the phone;

   c. Enter <unknown> in the file number field;

   d. Refer the case to establishment if information is not received; and

   e. Create a self-generated worklist to establishment staff. In the Worklist Description field, type <ct. order details unknown, copy requested on (date);>. Monitor and enter order information when received.

3. If an administrative order was established in the past:

   a. Verify that the Administrative Support Order (ASO) is still valid. If the ASO is still valid, follow steps below. If it is not valid, process as a new unobligated case.

   b. Obtain the order details from the paper file, microfiche, or contact with the appropriate district office.

   c. Enter the order information. Use the case number under which the ASO was established in the File Number field.

   d. Refer to collection status or delinquent status if the CP has completed an ***Statement of Payments Received*** and the calculations indicate that arrears exist.

(5-1-1998)(9-03-10)

J. Locate Only Cases (12-15-1998)

The State Parent Locator Service will set up and handle properly referred cases as locate only cases. Refer to Chapter 9, Eligibility for Services, and Chapter 14, Location.

K. Change of Physical Custody (07-01-2007)

1. Persons having physical custody of a child that do not receive public assistance may apply for child support services. They do not need to be named in the support order.

2. When a referral or an application is received from a person other than the obligee (former CP) named in the order

a. TANF Cases
   1) add the NCP's existing obligation to the NCP's new case

   2) request the LDSS refer the obligee (former CP) via 501 system if the case for the obligee does not come across the interface, and

   3) refer each case to the appropriate processing status.

b. Non-TANF Cases

   1) set up a case for both the obligee (former CP) and NCP to pay the person who has physical custody of the child(ren);

   2) add the NCP's existing obligation to his/her new case; and

   3) refer each case to the appropriate process status.

3. Refer to Chapter 16 when the existing order is an ASO, and refer to Chapter 26 when the existing order is court ordered for additional procedures.

(9-1-99)(3-1-04)(7-1-07)

L. Maintenance of the Paper File (09-01-1999)

1. The Left side includes

   a. legal documents that support the establishment of obligations including the Declaration of Paternity. Documents are filed chronologically with the most recent on top;

   b. *ASO* and *Order/Notice of Withholding of Income* (ONWI);

   c. copy of court petitions (Non-Support, Show Cause, Motion to Amend, URESA, UIFSA); and

   d. court abstracts, if applicable.

2. The right side includes
   a. *Application for Child Support Enforcement Services*, and

   b. IV-D to IV-D correspondence, correspondence from attorneys, administrative enforcement actions and other material in chronological order with most recent on top. Refer to Chapter 6, Documentation.

(09-01-1999)

M. Supplemental Security Income (SSI) Cases (01-01-2007)

1. TANF CPs who receive SSI benefits assign their rights to support to the state. When the CP no longer receives TANF and is no longer included on the grant, the assignment of rights to support for that individual is no longer valid (except for any unpaid support that accrued while he/she was receiving TANF). Therefore, CPs receiving SSI are entitled to receive any support collected on their behalf.

2. Establish a case for NCPs who receive SSI or public assistance, or who are eligible for SSI. Establish paternity for these cases, but do not establish an obligation. These cases are reviewed through a tape match with the Social Security Administration to determine if the NCP is still receiving SSI. If the NCP stops receiving SSI, proceed to establish an obligation and work the case. A case may be closed if the NCP has continuously received SSI for at least 24 months. This is based on long-term disability and no income or assets against which enforcement may be taken. Refer to Chapter 37, Case Closure.

3. When a child receives SSI, set up a Non-TANF case, establish the obligation and work the case.

(7-1-98)(9-1-04)(01-01-07)

N. Case Prioritization and Workable or Unworkable Coding (10-09-2009)

1. Every case is automatically assigned a priority of 1, 2, or 3 by APECS based on the presence or absence of information about the NCP. The criteria for deciding the priority status are different for each APECS case processing status. Priority is system-generated. It can be changed manually (Fast Path 03,06), but only with supervisory approval. The priority criteria for each processing status are as follows:

   a. Locate Processing Status

      1) Priority one cases have a social security number (SSN) and a date of birth (DOB) for the NCP.

      2) Priority two cases have an SSN or a DOB for the NCP.

      3) Priority three cases have neither an SSN nor a DOB for the NCP.

   b. Paternity, Establishment, Enforcement and Collection Processing Status

      1) Priority one cases have a residential or mailing address and current employer for the NCP.
      2) Priority two cases have either an address or current employment for the NCP.

3) Priority three cases have neither address nor employment for the NCP.

c. Delinquency processing status

1) Priority one cases have an income withholding in place.

2) Priority two cases have no income withholding, but do have information about a current employer for the NCP.

3) Priority three cases have no income withholding and no information about a current employer for the NCP.

2. For all cases that are assigned a priority of 3, APECS will automatically generate, on a quarterly basis, the *Low Priority Case Review Letter* informing the CP that his or her case has been assigned a low priority because of the lack of information about the NCP.

3. All cases are classified as either workable or unworkable. This classification is separate from prioritization. Prioritization is determined by APECS automatically according to the criteria discussed above. Workable or unworkable coding is determined by a worker, who enters the appropriate code. If a case is workable, the code is WORK. There are three types of unworkable cases, each with its own code(s), as follows:

a. Cases involving NCPs who receive public assistance monies, including TANF or General Relief. An NCP is not liable for support for the time the NCP is a CP on a TANF case. Use APECS Code <UADC>.

b. Cases involving NCPs who receive or are eligible to receive SSI benefits, whether or not they are receiving monetary benefits. Use the on-line SVES directory as documentation of SSI status. Do not establish an ASO while an NCP is receiving SSI. If a support order exists prior to the NCP receiving SSI, arrears continue to accrue while the NCP receives SSI. Use APECS Code <USSI>.

c. Cases where NCPs are institutionalized in a medical facility or incarcerated and have no income or assets from which to collect support. For NCPs who are incarcerated in a state facility, the Inmate Notification process automatically removes the unworkable code. For other NCPs, staff must determine (where possible) the expected date of release from the jail or medical facility and worklist these cases to remove the code. Use APECS Code <UINS> or <UINC>.

4. The classification of a case as workable or unworkable does not have any automatic consequences; unworkable cases, like all cases, are assigned to a caseworker or to APECS999 based on the district office referral table.

(9-1-04)(1-1-07)(7-1-08)(10-01-08)(10-09-09)

O. Redirecting Support Payments **(09-03-2010)**

1. Redirect support to DCSE when IV-D services are to be provided following an application or assignments of rights, and the existing order for support is not payable to either. (Attempts are also made to change the payee from DCSE to the custodial parent/obligee when the case closes to IV-D and non-IV-D services are not requested. Refer to Chapter 37, Case Closure).

2. Generate the APECS *Change in Payee Notice*. Refer to the instructions for the *Change in Payee Notice* for information on completing the notice. Mail the notice using certified mail, return receipt requested, or have the notice served by the sheriff or other process server. Refer to Chapter 8, Service of Process and Notarization, for additional information about service of documents.

3. Upon receipt of the proof of service of the *Change in Payee Notice* on the NCP, send a copy of the notice and the proof of service to the court with jurisdiction over enforcement of the order and to the payee.

4. If efforts to serve the NCP with the *Change in Payee Notice* are unsuccessful, the case is still workable under the following circumstances:

   a. Attempts to serve the notice must be documented as this information may be needed to support enforcement efforts at a later time, when the NCP can be served with the notice. Repeat efforts must be made periodically to locate the NCP and income/resources belonging to the NCP. Service of the notice is to be attempted if the NCP is located. Refer to Chapter 14, Location.

   b. If assets or income are located for the NCP, initiate enforcement activity, along with continued effort to serve the Change of Payee Notice. If the notice still cannot be served, secure another ***Statement of Payments Received*** from the CP covering the period back to the date the last ***Statement of Payments Received*** was signed.

   c. Continue efforts to get the notice served. If the NCP challenges the amount of arrearage as claimed by the CP, the matter may end up in court with a judge determining the appropriate arrears amount.

5. After the NCP has been served with a *Change in Payee Notice* directing the NCP to make payments to DCSE, the NCP does not receive credit for payments paid to anyone other than DCSE, or as otherwise directed by a court or another state's IV-D agency having jurisdiction in the matter. Refer to Chapter 18, Receivables, Section N, Receivable Maintenance.

P. Documents and Brochures **(09-03-2010)**

1. Documents

   a. *Application for Child Support Services*

   b. *Change in Payee Notice*

   c. ***Statement of Payments Received***

   d. *Contact letter to CP* (Non-TANF and TANF)

   e. *Contact Letter to Non-Applicant CP*

   f. *Low Priority Case Review Letter*

   g. *Notification of Action Taken by DCSE*

   h. *Social Services Application for Vital Records Information*

   i. *Affidavit of Nondisclosure*

   j. *Request for Confidentiality by Crime Victim*

   k. *Order/Notice to Withhold Child Support*

   l. *Administrative Support Order*

   m. Brochures

   n. "Child Support and You" Handbook

(5-1-98)(9-1-99)(9-3-10)

A. General **(01-01-2008)**

1. Interviews may be:

   a. In person

      1) Scheduled (individual or group)

      2) Unscheduled (walk-in)

   b. Over the telephone

      1) Initiated by the Division of Child Support Enforcement (DCSE)

      2) Initiated by one of the parties

2. Interviews may be with the custodial parent (CP), the noncustodial parent (NCP), the putative father (PF), the NCP's employer, local agency staff, other district offices, courts, etc.

3. Conduct the interview promptly after the scheduled person arrives. If the person cannot be seen by the caseworker within a reasonable period after arrival, give the party the option of speaking with another caseworker or rescheduling the interview.

4. Persons who may be present at the interview

   a. If both parties are present at the interview, only division staff, the CP, the NCP or PF, the children, and Legal Counsel, if any, may be present. Others may be present if both the CP and the NCP or PF consent.

   b. If the CP and NCP or PF consent to a third party being present at the interview, written permission is needed from them before any discussion of the case information and/or copies of the case data can be released. Please refer to Chapter 2 regarding the release of information to customers.

   c. If only one parent is present at interview, that parent may have any other person they desire present.

   d. Document case events when others are present at the interview.

5. Do not discuss specifics about a case in a public area. Remember that information is confidential. Provide the customer with privacy.

6. Remember that you are representing the division. Think about the image you're projecting.

7. For detailed information, refer to the chapter on the specific action being taken. For example, for information about conducting an interview when establishing paternity, refer to Chapter 15, Paternity.

(3-3-95)(1-1-03)(1-1-08)

B. Identification Requirements (07-01-1995)

1. In a paternity case, require the mother and the PF to provide picture identification.

2. If picture identification is not provided, interview the party and get as much information as possible and reschedule the party to return with appropriate identification.

3. For interviews on issues other than paternity, the CP and the NCP must provide identification sufficient to verify their identity.

4. If a Virginia driver's license is provided as proof of identification and a social security number is not shown

   a. for the NCP, document the AP Supplemental screen (Driver Lic. Number) with the control number as shown on the NCP's driver's license.

   b. for the CP, document the participant screen under notes with the control number as shown on the CP's driver's license.

5. Refer to Chapter 14 for procedures on how to access the social security number using a control number.

(07-01-1995)

C. Telephone Interviews (Deleted 01-01-2003)

D. Advance Preparation (04-18-1994)

1. When scheduling interviews, allow enough time before the interview to prepare for the interview.

2. Think about the objective of the interview and the points you want to stress.

3. Familiarize yourself with the forms and documents that you will need but do not generate the Automated Program to Enforce Child Support (APECS) documents before the interview.

4. Pull together any handouts or brochures you will need.

5. Familiarize yourself with the case:

   a. review the automated case record, and

   b. review the paper file, if needed or warranted.

6. Review any other cases for this NCP, PF, or CP, if appropriate.

7. When the interview relates to an obligated case

   a. verify the obligation information on the automated system, and

   b. verify arrears information.

8. Make any appropriate telephone calls.

9. Provide the district office's receptionist with a list of scheduled interviews (names and times).

10. If the interview will be held in your office

    a. forward telephone calls to avoid interrupting the interview, and

    b. secure any personal items, such as purses or wallets.

(04-18-1994)(01-01-2003)

E. Safety Precautions (01-01-2003)

1. Let someone in the office know that you are conducting an interview and where the interview will be held. Alert someone in advance if you think there may be a problem in the interview, or have a co-worker sit in with you.

2. Consider the physical arrangement of the meeting. If conflict were to occur, you may need to get out of the interview room quickly.

   a. Do not sit in the corner. If possible, sit nearer to the door than the party you are interviewing.

   b. Let the party precede you into the room and indicate where you want them to sit.

3. Avoid turning your back on the party. Use the telephone as much as possible and avoid leaving the interview room. For example, call the notary and ask him/her to come to the interview room.

(04-18-1994)

F. Conducting an In-Person Interview (09-01-1999)

1. Introduce yourself.

2. Request picture identification and confirm identity in a paternity case.

3. Do not call the parties by their first names.

4. Do not interview both parties together unless they consent to being interviewed together.

5. Make sure the party knows which case you're discussing in the event there are multiple cases.

6. Keep your statements as neutral as possible to avoid causing defensive reactions or being inflammatory.

   For example, do not say "Your ex-wife said . . . " Instead, say "We have information that . . . "

7. Ask how you can help the party when the interview is unscheduled (walk-in or telephone call).

8. In a scheduled interview, state the reason for the interview and recap any basic case facts; do not assume that the person being interviewed is aware of the facts.

9. Stay focused on the purpose of the interview; do not get sidetracked. Acknowledge the party's concern about any side issues but tactfully bring the discussion back to the purpose for the interview.

10. Avoid interruptions; do not accept phone calls or visitors.

11. Keep a group interview under control:

    a. explain to the group the agenda;

    b. let them know your expectations for their conduct and the conduct of any children they brought with them;

    c. let the group know when you will take questions;
    d. let them know that individual attention will be available after the general portion of the interview to anyone needing it; and

    e. deal tactfully with disruptions. For example, obtain individual attention apart from the group for a disruptive participant.

12. Pay particular attention to the "Nondisclosure of Information" question on the *Child Support Enforcement Services Application*. If applicable, obtain a copy of a protective order or provide the at-risk party an *Affidavit of Nondisclosure* for signature. Refer to Chapter 12, Case Initiation, Section A.

13. Use simple terms when explaining the program or issues; ask the party if they understand and provide an opportunity to ask questions.

(09-01-1999)

G. Safeguarding Information (04-18-1994)

If you must leave the interview room any time during the interview

1. do not leave the paper file in the room; take it with you, and

2. do not leave the terminal signed on or with information displayed on the screen; sign off the terminal.

(04-18-1994)

H. Verbal Abuse at the Interview (04-18-1994)

1. Verbal abuse is threatening language, cursing, or yelling to the extent that the interview is out of the interviewer's control.

2. If verbal abuse is directed at you

   a. caution the abusive party that the interview cannot continue unless the abuse stops.

   b. If the abuse continues, call in a supervisor.

   c. Terminate the interview if these actions fail to stop the abuse.

3. If the abuse occurs between the two parties, move them to separate rooms and interview them individually.

4. If the interview is terminated because of the abuse, escort the party from the office area. (04-18-1994)

I. Physical Abuse at the Interview (04-18-1994)

1. Physical abuse is brandishing a weapon, attempting to inflict bodily harm, or actual infliction of bodily harm.

2. If physical abuse is directed at you

   a. leave the room, and

   b. get assistance from office security, if available, or call 911 according to office procedure.

   c. If physical abuse occurs between parties

      1) do not try to intervene,

      2) leave the room, and

      3) get assistance from office security, if available, or call 911 according to office procedure.

(04-18-1994)

J. Verbal Abuse During a Telephone Interview (04-18-1994)

1. Verbal abuse is threatening language, cursing, or yelling to the extent that the telephone conversation is out of the interviewer's control.

2. If verbal abuse occurs during a telephone interview, caution the party about the need to calm down and stop the abuse.

3. If the abuse continues, stay calm, tell the party that you cannot continue the conversation with them, that you are willing to talk with them at another time, and terminate the call.

(04-18-1994)

K. Concluding the Interview (01-01-2003)

1. Check to see that all forms that needed to be completed are correct, that all required signatures have been obtained, and that all copies designated for the parties have been given to them.
2. Emphasize any points that you think are important for the parties to remember.

3. Ask if what you've done has met their needs or if you can do anything more.

4. Give them the office telephone number or business card. Let them know that they can call that number.

5. Thank them for their participation.

6. Escort them out of the office area.

(04-18-1994) (3-1-1997 Chapter reformatted)(01-01-2003)

CHAPTER 14 LOCATION **(06-05-2009)**

A. Definition of Locate Activity (04-18-1994)

Locate activity means obtaining information that is sufficient and necessary to take the next appropriate action on a child support case. This information includes obtaining:

1. the residential or mailing address of the noncustodial parent (NCP);
2. the name and address of the employer; and,
3. other sources of income or assets of the NCP.

(04-18-1994)

B. Reasons for Initiating Locate Activity (05-01-2003)

Initiate locate activity to:

1. locate the NCP
   a. to establish an order for child support or medical support.
   b. to enforce an order for child support, medical support and/or arrears.
   c. to attempt to collect fees.
   d. to obtain information to review the child support obligation.
   e. for child welfare permanency planning.
2. locate the putative father
   a. to establish paternity.
   b. for voluntary acknowledgment or genetic testing.
   c. to complete service of process to establish paternity.
3. locate the custodial parent (CP)
   a. when the post office returns support payments as undeliverable, or

b. when the CP owes monies to the Commonwealth of Virginia.

4. locate a parent for child custody determinations and parental kidnapping. The State Parent Locate Service provides locate activity for these situations.

(04-18-1994)(5-1-2003)

C. Restrictions on the Use of Locate Sources (01-01-2005)

1. Do not use locate sources for personal or unofficial reasons. Do not use locate sources to

   a. locate friends, acquaintances, or the current spouse of the NCP.

   b. locate any persons who are joint account holders with the NCP on a bank account.

2. Do not use the Internal Revenue Service (IRS) to locate CPs.

3. Do not use the Federal Parent Locator Service for interstate cases when Virginia is the responding state. The initiating state is responsible for referring these cases to the Federal Parent Locator Service.

(1-1-1997)(09-01-1999)(01-01-2005)

D. General Rules for Locate Activity (**06-05-2009**)

1. Automated Program to Enforce Child Support (APECS) automatically assigns a case to the locate processing status if

   a. there is no address for the NCP or the address is disproved, and

   b. there is no employer information or employer information is disproved.

2. If both conditions above do not exist, APECS does not assign a case to the locate processing status. However, locate activity can be initiated when needed regardless of the APECS case processing status.

3. Staff use locate activity as needed when

   a. there is employer information but no NCP address, and the NCP’s address is needed to take the next action,

   b. the NCP's address is a post office box, and a residential address is needed for service,

c. there is reason to believe that the locate information is incorrect, and the information has not been disproved,

d. current employment information is needed,

e. location of assets is needed,

f. verification of the NCP's address or employer is needed before filing a petition with a court,

g. a child support obligation needs to be reviewed, or

h. the CP needs to be located

Refer to Section C, Restrictions on the Use Locate Sources, item 2, and Section F, Functions of the District Office, item 2c. Refer TANF cases to the LDSS.

4. Initiate locate activity within the following time period:

a. Use all locate sources within 75 calendar days of determining that locate is needed or of obtaining new information.

1) For new cases, the beginning date is the receipt date of the application for service or the date of the IV-A/IV-D interface.

2) For ongoing cases, the beginning date is the date that it was determined that additional locate is needed.

b. Refer a case to the Federal Parent Locator Service (FPLS)

1) to obtain additional information that is available only through the Federal Parent Locator Service, or

2) when all other locate activities are unsuccessful.

c. Repeat locate attempts quarterly in cases in which previous locate attempts have failed, but adequate identifying and other information exists to meet requirements for submittal for location. Continue repeating attempts quarterly, or immediately upon receipt of new information, whichever occurs first.

5. APECS interfaces with other state agencies when previous locate attempts are

unsuccessful. APECS needs the NCP's social security number or date of birth for automated interfaces.

a. If a match is found, APECS generates

1) a worklist to staff stating there was a match, and

2) **match records available for online inquiry.**

b. If a match is not found, APECS generates a Low Priority Notification Notice to the CP quarterly to

1) notify the CP that no action can be taken on the case until the NCP is found, and

2) ask the CP to contact the district office or service point if any additional information is available about the NCP's whereabouts.

(1-1-97)(9-1-99)(5-1-03)(1-1-05)(5-1-05)(6-5-09)

E. Locate Resources (**06-05-2009**)

Due to the nature of the information contained in the customer records, do not reveal to any requesting parties the source of any locate information received.

1. Automated Matches

An automated match is the submission of selected NCP information to match against files of other public or private agencies and companies. Automated matches are matched against

a. Virginia Employment Commission (VEC)

1) wage and employer file

2) unemployment compensation benefits file

3) new hire file

b. Department of Health Professions (DHP), licensed health care professionals' file

c. Department of Human Resource Management (DHRM), state employee file

d. Department of Motor Vehicles (DMV)

1) driver's license files

2) vehicle registration files

e. Game and Inland Fisheries

1) boat registration and ownership file

2) hunting and fishing license information

f. Dominion Power Company, active customer utility accounts

g. Department of State Police

1) protective order file

2) concealed weapons permit file

3) computerized criminal history file

h. Office of Vital Records and Health Statistics (OVR&HS), death file

i. Financial institutions, NCP address and account information

j. Hampton Roads Shipbuilders' Association - International Longshoremen's Association (HRSA-ILA), vacation/holiday and container royalty files

k. Child Support Lien Network (CSLN)

l. Cellular Telephone Companies

m. Department of Corrections, inmate and inmate release information

2. On-line Resources

On-line resources or other public or private agencies' or companies' computer files that are accessed directly by individual staff.

Staff have on-line inquiry access to:

a. Department of Motor Vehicles (DMV)

1) driver's license file

2) vehicle registration file

3) lien holder information file

b. Virginia Employment Commission (VEC)

1) wage and employer file

2) unemployment compensation file

c. Department of Taxation, Integrated Revenue Management System (IRMS), tax rolls

d. Consumer Reporting Agency Files

1) Trans Union

2) Equifax

Refer to Section F, item 2c, for use of specific products.

e. Application Benefit Delivery Automation Project (ADAPT)

Information on applicants and recipients of TANF and Food Stamp benefits

f. Virginia Client Information Systems (VACIS)

Information on applicants and recipients of Foster Care services

g. Systems Partnering in a Demographic Repository (SPIDeR) is a web-based system that enables data sharing between authorized partners. Do not use SPIDeR to access SSA data.

h. Department of Medical Assistance Services

1) Information on applicants and recipients of Medicaid

2) Third Party Liability insurance information

i. Interstate Data Exchange Consortium (IDEC)

Interstate Data Exchange Consortium provides information from the Department of

Motor Vehicles' files, Employment Commission's files, and the Department of Corrections' files for the following states:

1) Alabama

2) Arkansas

3) Delaware

4) Georgia

5) Kentucky

6) Louisiana

7) New Mexico

8) North Carolina

9) Oklahoma

10) Pennsylvania

11) South Carolina

12) South Dakota

13) Tennessee

14) Virginia

15) West Virginia

Participating IDEC states have the option of utilizing either the IDEC Parent Locate (online and/or batch inquiries) or In-State FIDM components, or both. APECS staff distributes a monthly IDEC spreadsheet that includes updated information regarding all participating states.

j. Local Inmate Data System (LIDS)

k. Child Support Lien Network (CSLN)

3. State Parent Locate Service Resources

The following locate resources are available:

a. Interstate Data Exchange Consortium

b. Out-of-State IV-D Agencies

e. Department of Motor Vehicles

d. Virginia Employment Commission

4. Federal Parent Locator Service

APECS annually submits NCPs assigned to the locate unit or locate processing status to the Federal Parent Locator Service (FPLS) and weekly on new NCPs. The SSN is required, or if unavailable, the first and last names, date of birth or ESKARI data (i.e., city and state of birth or parents' full names including mother's maiden name).

The following are FPLS sources:

a. IRS

1) name of taxpayer

2) home address

3) tax period

b. Social Security Administration

1) social security number

2) employee's SSA Corporation Division

3) home address and benefit amount if receiving retirement or disability benefits from the Social Security Administration

c. Department of Defense/Office of Personnel Management (DOD/OPM)

1) NCP's address

2) NCP's pay grade or rank

3) NCP's branch or agency

4) NCP's salary

d. Department of Veterans Affairs (DVA)

1) NCP's address

2) NCP's benefit type and amount

3) NCP's date of death

e. Federal Bureau of Investigation (FBI)

1) NCP's address

2) NCP's annual salary

3) NCP's date of hire

4) NCP's termination date

5) NCP's date of death

f. National Directory of New Hires (NDNH)

1) Employment information

a) Employer name and address

b) NCP date of hire

2) Quarterly wage information

a) Employer

b) Quarter

c) Quarterly wage amount

3) Unemployment information

a) Benefit quarter

b) Benefit amount

g. Social Security Administration (SSA), State Verification Exchange System (SVES)

1) Prisoner information

2) Title II information

3) Title XVI information

h. National Security Agency (NSA)

1) NCP's annual salary

2) NCP's employment status and type

3) NCP's health insurance type

4) NCP's date of hire

5) NCP's termination date

6) NCP's date of death

5. Customer information from public service corporations which include:

a. Gas and electrical power

b. Water and sewer

c. Telephone and telegraph

d. Cable television companies

e. Financial institutions

(11-1-97)(9-1-99)(5-1-03)(7-1-03)(7-1-04)(1-1-05)(5-1-05)(04-1-06)(10-1-06)(7-1-07)(10-1-07)(2-2-09)(6-5-09)

F. Functions of the District Office (**06-05-2009**)

1. Skip Tracing

Use all sources available to locate the NCP including

a. contacting relatives from the information transmitted by the LDSS, employers, neighbors, landlords, creditors, local municipalities, and local departments of social services.

b. checking city directories, telephone directories and any other available media that might provide information about the whereabouts of the NCP.

2. On-line Inquiries

a. Access and review files available on the following on-line sources:

1) Department of Motor Vehicles (DMV);

2) Virginia Employment Commission (VEC);

3) Department of State Taxation**,** Integrated Revenue Management System (IRMS);

4) Application Benefit Delivery Automation Project (ADAPT);

5) Department of Medical Assistance Services Files (DMAS); and

6) "The Work Number," an automated service of the TALX corporation.

b. Access the Customer Information screen of the DMV database to obtain a social security number when a CP or NCP provides a control number rather than a social security number. Enter the control number at the customer number field.

c. Access and review information from Trans Union and Equifax consumer reporting agencies. Do not access reports on residents of California, Vermont or foreign countries. If reports are printed, promptly shred upon completion. Refer to Chapter 22, Section N for additional information on requesting consumer agency reports.

3. Generate correspondence in the following circumstances:

a. To verify address information, when required, generate:

1) *Postmaster Verification Request*, or

2) *Corporation Request for Customer Information* Letter.

b. To verify employment information, when required, generate an Employer Verification Letter.

4. Locate information is considered good until it is disproved. Verification of locate information is done when

   a. service of process is necessary to file a petition in court,

   b. when service of process has been unsuccessful, or

   c. the post office returns mail as undeliverable.

5. Generate a worklist to the State Parent Locator Service when information is needed from

   a. Interstate Data Exchange Consortium

   b. Federal Parent Locator Service (emergency requests and location-only services)

6. Generate a worklist to the appropriate Home Office unit when locate information may be available through the Office of Vital Records & Health Statistics, or access the paternity

   database. See also Chapter 15, Section J.

7. Information needed to refer a case to the Federal Parent Locator Service

   a. Refer cases to the Federal Parent Locator Service when

      1) state locate efforts are not successful;

      2) information is required from

         a) Internal Revenue Service (IRS)

         b) Social Security Administration (SSA)/State Verification Exchange System (SVES)

         c) Department of Defense/Office of Personnel Management (DOD/OPM)

         d) National Directory of New Hires (NDNH)

         e) Federal Bureau of Investigation (FBI)

f) Department of Veterans Affairs (DVA)

g) National Security Agency (NSA)

3) Federal Parent Locator Service has not been used within the last 12 months and all other locate efforts have been unsuccessful.

b. To refer a case to the Federal Parent Locator Service requires specific identifying information.

1) When the NCP's social security number is known, the case can be referred to all available federal resources.

2) When the NCP's social security number is unknown, the case can be referred to the Social Security Administration if the following information is available:

The NCP's date of birth and at least three of the following:

a) NCP's city of birth;

b) NCP's state or county of birth;

c) NCP's mother's first name;

d) NCP's mother's maiden name;

e) NCP's father's first name; and

f) NCP's father's last name.

8. Generate a Locate Request Letter to U.S. Citizenship & Immigration Service (USCIS) when locate information may be available. Attach USCIS Form G-845, Document Verification Request, found at http://www.uscis.gov/files/form/g-845.pdf.

(11-1-97)(9-1-99)(5-1-03)(7-1-03)(1-1-05)(3-1-05)(5-1-05)(4-1-06)(7-1-06)(7-1-07)(10-1-07)(7-16-08)(6-5-09)

G. Central Office State Parent Locator Service (09-01-2000)

1. State Parent Locator Service Staff process Locate-Only requests from all authorized sources for child support enforcement purposes. These sources include courts, custodial

parents, private attorneys representing a child or custodial parent, and attorneys representing a State. Refer to Chapter 9, Eligibility for Services.

a) Use information contained in APECS, state locate resources and FPLS where applicable, and

b) generate a *Report of Search* to provide information found to the requester.

2. The State Parent Locator Service provides service not related to the Child Support Enforcement programs by receiving and processing applications for parental kidnaping and child custody cases, as well as child welfare permanency planning. Location-only information is retrieved through the FPLS upon receipt of an Application for Location Information from courts, LDSS staff and certain attorneys as applicable.

(9-1-1999)(09-01-2000)

H. Address/Telephone Number/Name Changes (01-01-2006)

1. District Office staff may change addresses/telephone numbers/names/employers for CPs, NCPs, and employers. Upon verifying the identity of CPs and NCPs who call with changes, simultaneously update the information on APECS and instruct the parties that address/telephone number/name changes must be in writing and submitted to the appropriate district office. Provide the address and fax number. The form "*Change of Name/Address Request*, DCSEP-821", may be used, but is not required.

2. The APECS User Support Unit makes address changes for courts and agencies and other changes to the third party table When central office staff receive a change of address for an employer, court or agency and information is not case specific, send the information to the APECS User Support Unit.

(09-01-1999)(9-1-2004)(01-01-2006)

I. Documentation (04-18-1994)

Document the APECS Event History every time skip tracing or on-line inquiries are done.

Documentation includes:

1. phone numbers called

2. name of contact person

3. address being verified by a *Postmaster Verification Request* or a *Corporation Request for*

Customer Information Letter.

(04-18-1994)

J. Documents (**06-05-2009**)

1. APECS Generated Documents

Refer to Chapter 7, Documents and Record Retention, Section C, Documents that Generate a Worklist, for worklist data.

a. *Contact Letter to the Noncustodial Parent*

b. *Corporation Request for Customer Information*

c. *Employer Information Request*

d. *Information Request*

e. *Locate Data Sheet*

f. ***Locate Request Letter to U.S. Citizenship & Immigration Service***

g. *Postmaster Verification Request*

h. *Report of Search* (This document does not generate a worklist)

i. *10 Day Notice/Consumer Reporting Agency Request*

2. Manual Documents

a. Manually prepare documents used to locate CPs.

b. APECS-generated locate documents automatically put the NCP's name and personal data on the document and are not used to locate CP's.

c. *Application for Location Information*

d. *Change of Name/Address Request*

(7-1-2000)(9-1-04)(1-1-05)(7-1-05)(7-16-08)(6-5-09)

DIVISION OF CHILD SUPPORT ENFORCEMENT
CHAPTER 15 PATERNITY **(11-02-2010)**

A. Purpose of Paternity Establishment (08-01-1997)

Establish that a putative father (PF) is the legal father before taking action to establish a support order. The Division of Child Support Enforcement (DCSE) may establish paternity at any time before the child's eighteenth birthday.

(8-1-1997)(07-01-2003)

B. When to Take Action to Establish Paternity (04-01-2009)

1. Take action to establish paternity when

   a. the custodial parent (CP) was unmarried at the time of the child's birth and paternity was not established; or

   b. the child was born of a marriage that was bigamous, annulled, or common law.

2. Do not take action to establish paternity if another state has established paternity. The other state's paternity establishment is due full faith and credit. The OCSE Interstate Referral Guide (IRG) should be checked to determine the laws governing the validity of a birth certificate issued in another state.

3. If the father or mother challenges the legally-established Acknowledgment of Paternity by filing a court petition, refer the case to Legal Counsel.

(7-1-01)(5-1-02)(9-1-05)(4-1-09)

C. Methods of Establishing Paternity (05-01-2002)

Establish paternity administratively by

1. obtaining a sworn Acknowledgment of Paternity from both parents. A man's name on a birth certificate is NOT sufficient evidence of paternity if the man and mother of the child are unmarried . An Acknowledgment of Paternity established administratively becomes binding and conclusive the earlier of

   a. sixty days after its signing, or

   b. the date an administrative or judicial proceeding establishing a support order for the child occurs.

2. scheduling voluntary genetic testing to affirm at least a 98 percent probability of paternity; or

3. preparing a Genetic Testing Order ordering all parties to submit to genetic testing and scheduling the genetic test; or

4. petitioning the appropriate juvenile and domestic relations district court [JDRDC] if unable to schedule genetic testing in order to establish paternity. Refer to Chapter 26, Judicial Support Actions, for procedures on establishing paternity through courts.

(8-1-1997)(05-01-2002)

D. When Is Paternity Established (07-01-2008)

1. Paternity is established on the date

   a. the second, or last parent, signs a sworn notarized statement of paternity; or

   b. the testing lab signs the Paternity Evaluation Report stating that there is at least a 98 percent probability of paternity; or

   c. the court enters an order establishing paternity.

2. When a review of a case administratively obligated shows that copies of the acknowledgments from the CP and noncustodial parent (NCP) are not in the paper file,

   a. search all available records to locate the acknowledgments, or

   b. request a search in the paternity database maintained by Center for Support of Families (CSF) DCSE's paternity contract vendor, and/or the Office of Vital Records and Health Statistics (OVR&HS). Refer to Section J.

   c. If copies cannot be located,

      1) generate the Acknowledgment of Paternity,

      2) mail it to the appropriate parent explaining that DCSE needs to replace its copy of this document, and

      3) if the document is not returned, generate the Administrative Summons to the appropriate parent(s).

   d. If unable to obtain the sworn statements of paternity from the CP and the NCP, refer case for court action.

E. Time Requirements for Establishing Paternity (08-01-1997)

1. Within 90 calendar days of locating the PF,

   a. obtain a sworn Acknowledgment of Paternity and establish an Administrative Support Order (ASO); or

   b. arrange for genetic testing, either voluntary or ordered, and establish an ASO when paternity is established; or

   c. complete service of process necessary to establish paternity and a support order; or

   d. if service of process to establish paternity is unsuccessful, document unsuccessful attempts to serve process, or

   e. file a petition with the court for paternity establishment and the establishment of a support order if administrative action to establish paternity is unsuccessful. Refer to Chapter 26, Judicial Support Actions.

2. Complete actions to establish support orders (including paternity, if needed) from the date of service of process or filing a petition with the court to the time of disposition (i.e., the date on which a support order is established or the action is dismissed) within the following time frames:

   a. 75 percent of all cases in six months; and

   b. 90 percent of all cases in 12 months.

(08-01-1997)

F. Legal and Putative Father Situations (06-05-2009)

1. Do not administratively establish paternity for the PF when there is a legal father.

2. In cases where a legal father exists (husband of the mother) and an alleged father is named, the obligation to support the child remains with the legal father until paternity is adjudicated for the alleged biological father. File a Petition for support against the husband with the appropriate JDRDC. On line 5 of the petition add the following language: “The above-named child was born during the marriage of the parties. Based on the Commonwealth’s legal presumption that the husband is the father of a child born during a marriage, the Division is required to bring this action against him despite the

mother's assertion that another man is or may be the biological father of the child."

3. Continue to enforce against the legal father until the court rules on the paternity issue.

4. If the legal father pursues legal action independently or through the appeal process, and a court determines that he is not to be responsible for the child's support, pursue the named PF.

5. Administratively do a genetic test on the PF, or refer the case to court to have paternity established on the PF once the legal father is proven not to be the biological father by the court.

6. To add the biological father's name to the birth certificate send to Vital Records the biological father's Voluntary Agreement, genetic test results showing 98% or greater and an ODP signed by the court.

(8-1-97)(7-1-03)(2-2-09)(4-1-09)(6-5-09)

G. Multiple Named Putative Father Situations (07-01-2003)

Pursue paternity of all named PFs simultaneously.

(8-1-96)(7-1-03)

H. Incarcerated Putative Father Situations (7-1-03)

1. If the PF has committed a misdemeanor, attempt to establish paternity voluntarily by sending the incarcerated PF the Acknowledgment of Paternity document to be signed and notarized.

2. If the incarcerated PF who has committed a misdemeanor does not voluntarily acknowledge paternity or will not voluntarily consent to genetic testing, pursue court action to establish paternity.

3. If the incarcerated PF is a felon, pursue court action to establish paternity.

(1-1-2000)(1-1-01)(7-1-03)

I. Steps in Establishing Paternity (07-01-2003)

1. Review the Automated Program to Enforce Child Support (APECS) and the paper file to determine what documentation is present and whether there are special circumstances, such as where

a. there is more than one PF named by the CP, or

b. the PF is also the PF on other cases in which paternity needs to be established. Refer to Chapter 36, Case Transfer, for procedures.

2. Generate the Administrative Summons and send it to the PF and the CP to appear at the district office or service point. If the custodial parent is a minor, also send a copy of the Summons to a parent(s) of the minor as a notification only. If the parent's address is different than the minor CP's, contact the local IV-A office or the CP for the address, as all reasonable efforts to obtain the parent's address should be attempted and documented on APECS. However, proceed with administrative action if the information cannot be obtained or a parent does not appear. Also refer to Chapter 26, Section D. Place a copy of the Administrative Summons in the case file. Document unsuccessful service of the Administrative Summons on the EORA event. The CP does not have to be summoned if

   a. she has signed an Acknowledgment of Paternity and a copy is on file in the district office, or

   b. genetic testing will not be conducted on the day of the PF's interview.

3. If the CP does not appear after being summoned and does not call to reschedule,

   a. In public assistance cases,

      1) administratively establish paternity if the CP's cooperation is not needed.

      2) if the CP's cooperation is needed to administratively establish paternity.

         a) refer the case for court action, and

         b) refer the case to the local department of social services (LDSS) for non-cooperation. Refer to Chapter 3, Interaction with Local Agencies, for procedures to follow when the public assistance CP does not cooperate with DCSE.

   b. In Non-Temporary Assistance for Needy Families (Non-TANF) cases, refer to Chapter 37, Case Closure, for procedures to close the case.

4. If the PF does not appear, generate a worklist item to the court worker to file a court petition.

5. Follow the steps for preparing and conducting the interview, refer to Chapter 13, Interviewing.

a. Generally, it is appropriate for DCSE staff, the CP, the PF, the children, and Legal Counsel, if any, to be present at the interview.

b. Require a picture identification of the mother and PF.

c. Give the PF and the mother a copy of the Paternity Rights and Responsibilities Statement. Assure that the parties understand their rights and responsibilities. Staff must:

   1) Allow the parties time to read the Paternity Rights and Responsibilities Statement.

   2) Read the Paternity Rights and Responsibilities Statement to the PF and mother, or play the tape.

   3) Ask the parties to sign the statement.

d. Verify and update all APECS information.

(8-1-97)(9-1-99)(3-1-01)(7-1-03)(5-1-05)

J. Voluntary Statements of Paternity **(11-02-2010)**

1. If the PF agrees to voluntarily acknowledge paternity, print the Acknowledgment of Paternity. It is crucial that the document be completed properly. Have the documents signed and notarized. Be sure the signature on the document is an original one and not photo copied. Refer to Chapter 8, Service of Process and Notarization, for procedures for having administrative documents notarized in the district office.

2. There may be cases where a voluntary statement of paternity has already been obtained from one parent and is now being obtained from the second parent. These are valid administrative paternity acknowledgments even though the statements were obtained on two different documents on different dates. Confirm that the child's information matches and is accurate.

3. Paternity statements signed and sworn to at another agency, at a hospital, or at a court proceeding other than a paternity hearing, are also valid.

4. To request a search in the OVR&HS' database to receive information from the birth record, **use your LDAP I.D. and password to access the new EBQS inquiry system known as the EBQS Web Application. The web-based inquiry system may be accessed at (https://dcsewebdev.dss.virginia.gov/dcseApecs/dcseApecsLoginExpired.jsp).**

Please refer to Clearinghouse #10-DD-001 and APECS work order number 729 for further instructions.

5. **A copy of the Acknowledgement of Paternity (AOP) or other document(s) signed by each of the parents is required in the case file in the following situations:**

   a. **Virginia is the initiating state for an interstate case and is filing a UIFSA package with the other state.**

   b. **Another state has requested a certified copy of a birth certificate and/or AOP.**

   c. **Paternity has been established for a child during the current federal fiscal year (October 1 through September 30). In this instance, request the AOP and include it in the file for audit purposes as the paternity will be counted for that fiscal year.**

   If documentation is needed for the case file under paragraph a, b, or c above, first search the CSF paternity database to see if an AOP or other paternity document (s) is/are in the database. If so, print the document (s) and put in the case file. If the documentation needed under paragraph a, b, or c above is not in the CSF database, log into the EBQS online system and request a copy of the birth certificate and/or Acknowledgment of Paternity.

6. To search the CSF paternity database for an Acknowledgment of Paternity completed by a Virginia hospital for a child born after February 2003, log in using the specified password to the CSF website at www.va-pep.com. AOPs, which may be viewed and/or printed, can be searched by the following information:

   a. child's, mother's or father's name

   b. child's date of birth

   c. mother's or father's Social Security Number

7. Either party has the right to rescind the Acknowledgment of Paternity within sixty days of signing the acknowledgment unless an administrative or judicial proceeding establishing a support order has taken place earlier. If either party notifies DCSE that they want to change their mind regarding the signing of the Acknowledgment of Paternity, inform the party to contact the local health department or the OVR&HS in Richmond, where copies of rescission forms are maintained. Upon confirmation of a valid rescission from OVR&HS, proceed immediately with genetic testing procedures. The party should provide DCSE with a copy of the rescission form or a copy of the form may be viewed on CSF pep web site.

8. An individual wishing to set aside an Acknowledgment of Paternity following the expiration of the rescission period must file a petition to disestablish paternity with the court. A copy of the AOP must be included in the case file. Promptly refer the case to Legal Counsel once the individual has filed a court petition to disestablish paternity.

(8-1-97)(12-15-98)(3-1-99)(9-1-99)(7-1-01)(1-1-02)(5-1-02)(5-1-03)(7-1-03)(5-1-05)(7-1-07)(7-1-08)(10-1-08)(11-2-10)

K. Genetic Testing (05-01-2005)

1. Voluntary Agreement for Genetic Testing

   a. Generate the Voluntary Agreement for Genetic Testing when

      1) the PF will not acknowledge paternity, but will submit to genetic testing, or

      2) the mother of the child is deceased, her whereabouts are unknown, or she is a public assistance CP who is not cooperating with DCSE.

      3) either party asks to rescind an Acknowledgment of Paternity within 60 days of signing an acknowledgment, and confirmation of the valid rescission is received from OVR&HS. If an administrative or judicial proceeding involving the child has taken place and an order for child support has been entered, the Acknowledgment of Paternity is considered to be conclusive.

   b. Have the PF sign the Voluntary Agreement for Genetic Testing and have the document notarized; in addition, have the mother or custodian of the child complete an Acknowledgment of Paternity or Legal Guardian Affidavit (DCSEP-832) as appropriate. Refer to Chapter 8, Service of Process and Notarization, for procedures to notarize administrative documents in the district office.

   c. Generate the Genetic Test Appointment Letter for each person and schedule the genetic test based on district office schedules.

   d. APECS generates a worklist for the day after the appointment for the specialist to follow-up.

   e. Generate the Paternity Certification Notice on the day the results of the genetic testing are received.

   f. Update APECS with the results of the genetic testing.

g. Send a copy of the test results to

1) the PF along with the Paternity Certification Notice,

2) the CP along with the Notification of Action, and

3) the LDSS if the CP is on public assistance.

h. If the original genetic test is contested and an additional test is requested by either party, advance payment for the test from the contesting party is required before scheduling the genetic test.

2. Genetic Testing Order (02-01-2005)

a. Prepare a Genetic Testing Order when

1) the PF will not acknowledge paternity or submit voluntarily to a genetic test, or

2) the CP is a public assistance CP who is not cooperating with DCSE.

b. Schedule the genetic test based on district office schedules.

c. Serve the Genetic Testing Order on the PF and the CP using certified mail or personal service, or service may be waived. In addition, have the mother or custodian of the child complete an Acknowledgment of Paternity or Legal Guardian Affidavit, as appropriate. A certified copy of the Genetic Testing Order served on the NCP must be sent to CSF when paternity is established by this method. If a PF does not respond to service and a previous genetic sample is stored at the genetic testing lab, refer the case to Legal Counsel. Do not instruct the genetic testing lab to use the previous sample.

d. Generate the Paternity Certification Notice on the day the results of the genetic testing are received.

e. Update APECS with the results of the genetic testing.

f. Send a copy of the test results to

1) the PF along with the Paternity Certification Notice,

2) The CP along with the Notification of Action Taken, and

3) the LDSS if the CP is on public assistance.

g. If the original genetic test is contested and an additional test is requested by either party, advance payment for the test from the contesting party is required before scheduling the next test.

(8-1-97)(1-1-01)(5-1-02)(5-1-03)(7-1-03)(5-1-05)

L. Genetic Testing Lab Coordination (05-01-2005)

1. Complete the Test Request Form required by the testing lab.

2. Follow up through Genlink to ensure that the test results are returned within 18 days from the date that the last person had genetic testing.

3. Review the genetic testing results. Contact the genetic testing lab if there appears to be a discrepancy in the chain of custody, lack of identifying information or other genetic testing issues.

(1-1-01)(5-1-05)

M. Administrative Paternity Determinations (05-01-2003)

Following approval by the District Manager, send CSF information about the paternity establishment when paternity is established through administrative means.

1. Voluntary acknowledgments of paternity

   a. An Acknowledgment of Paternity becomes binding and conclusive within the earlier of sixty days after its signing or the date of an administrative or judicial proceeding relating to the establishment of a support order for the child. Following this period, an Acknowledgment of Paternity may only be set aside by the court. If an individual has filed a court petition seeking paternity disestablishment, refer the case to Legal Counsel.

   b. Send the original of the Acknowledgment of Paternity document or other sworn statement to CSF within thirty days after the acknowledgment becomes binding and conclusive.

   c. Keep a copy of each in the paper file.

   d. Provide a copy of the Acknowledgment of Paternity to the father and the mother.

2. Genetic testing results

Send to CSF together, in the same envelope, a certified copy of

a. the genetic testing results,

b. the sworn Acknowledgment of Paternity from the mother or the Legal Guardian Affidavit, and

c. the Voluntary Agreement for Genetic Testing or the Genetic Testing Order.

(8-1-97)(7-1-98)(9-1-98)(9-1-99)(7-1-01)(5-1-02)(5-1-03)

N. Judicial Paternity Establishment (05-01-2001)

1. Take court action when

a. the PF has not voluntarily acknowledged paternity and has refused to voluntarily consent to genetic testing, and there is a sworn statement of paternity from the mother,

b. the PF has signed a sworn statement of paternity and attempts have been unsuccessful in obtaining a sworn statement from the mother,

c. there is a legal father and a PF situation,

d. the PF is a minor (under 18 years of age),

e. the incarcerated PF is a felon,

f. the incarcerated PF who has committed a misdemeanor has not voluntarily acknowledged paternity or has not voluntarily consented to genetic testing,

g. the PF exhibits indications of mental deficiencies that would impair his understanding of the administrative process. Refer such cases to the district manager to decide whether to go to court to establish paternity.

h. DCSE has issued a Genetic Test Order and either party has not submitted to testing.

2. Refer to Chapter 26, Judicial Support Actions, for procedures to petition the court for paternity establishment.

(8-1-97)(5-1-01)(7-1-03)

O. When the Putative Father Is Excluded (07-01-2003)

1. Update APECS with the results of the genetic tests. If the case is a public assistance case, the paternity exclusion information is sent to the LDSS via the IV-A/IV-D interface.

2. Send the PF a copy of the genetic test results along with the Paternity Certification Notice.

3. Contact the CP for another name or additional information.

   a. Public assistance cases

      1) Generate the Contact Letter to TANF CP. Check the appropriate statements requesting the CP to contact DCSE within 10 days to submit the name and other identifying information on all likely fathers. APECS creates a worklist to staff generating the letter.

      2) Send the letter to the public assistance CP along with the genetic test result.

      3) APECS creates a worklist in 15 days. Check for the information requested from the CP.

      4) If the excluded PF is the only name provided by the CP on a public assistance case and another name has not been provided as requested, close the case on the excluded PF. Establish a new case using UNKNOWN UNKNOWN as the PF with the CP and child(ren).

         a) If a new name is not provided within 10 days of sending the Contact Letter to TANF CP, noncooperation may exist. Refer to Chapter 3, Interaction with Local Agencies.

         b) The UNKNOWN UNKNOWN designation is updated placing the PF's name as primary and moving UNKNOWN UNKNOWN to the alias field on the case.

   b. Non-TANF cases

      Generate the Closure Intent Notice and send it to the CP along with the genetic test results. Refer to Chapter 37, Case Closure, for procedures to close a case.

4. Continue pursuit of paternity action on other PFs named, if any.

5. If the genetic test excludes the PF and the CP insists that the PF is the father of the child

   a. Review the case to ensure that all safeguards to protect the accuracy of the test were followed. Ask the CP to verify the photo of the putative father attached to the genetic

testing results.

b. Obtain a Mother's Affidavit of Paternity from the CP if one has not been completed.

c. Generate a Case Referral Document with the genetic testing results and Mother's Affidavit of Paternity and send to Legal Counsel to review and determine if court action is necessary.

(9-1-99)(1-1-01)(7-1-03)

P. Establishing Paternity in Interstate Cases (07-01-2008)

1. Long Arm jurisdiction (see definition in Glossary)

Long Arm allows a tribunal to assert personal jurisdiction over a nonresident without resorting to filing a UIFSA petition in the nonresident's state if one or more of the following occur:

a. The NCP can be located and personally served in Virginia; this may include a nonresident who is temporarily in Virginia;

b. The NCP voluntarily gives Virginia jurisdiction by consent. The "Jurisdiction Consent Form" must be completed and signed by the NCP, notarized and returned along with the Acknowledgment of Paternity;

c. The NCP lived in Virginia with the child;

d. The NCP lived in Virginia and paid prenatal expenses or provided support for the child;

e. The child lives in Virginia as a result of an act or directive of the NCP (for example, the NCP buys the CP a one way bus ticket to Virginia and tells her he will join her in a few days, but never comes);

f. The CP engaged in sexual intercourse in Virginia and the child may have been conceived by this act of intercourse; or

g. The NCP and CP maintained a matrimonial domicile within Virginia.

Long Arm reasons d. through g. must be documented by having the CP complete the "Long-Arm Jurisdiction Affidavit." The CP's notarized signature on this form alleges that Virginia has jurisdiction over the nonresident NCP.

h. Determine whether Long Arm jurisdiction is available or appropriate.

i. Using Long Arm will prevent the case from becoming an interstate case.

1) Generate the Acknowledgment of Paternity.

2) Obtain the mother's notarized signature on the Acknowledgment of Paternity.

3) Generate another Acknowledgment of Paternity and send it to the PF to sign and have notarized.

j. If successful in establishing paternity, send information about the paternity establishment to CSF.

2. IV-D to IV-D Referrals

a. Virginia as initiating state

In an interstate case, the initiating state is responsible for payment of genetic testing costs.

1) If unable to establish paternity through the Long Arm process, request assistance from the IV-D agency in the state where the PF lives. Refer to the Interstate Referral Guide to determine if the IV-D agency in the state where the PF lives can administratively establish paternity.

a) Generate the Acknowledgment of Paternity Document.

b) Obtain the mother's notarized signature on the Acknowledgment of Paternity Document.

c) Generate the Paternity Affidavit that is part of the Federal UIFSA forms package.

d) Generate the Child Support Enforcement Transmittal Document to request the other state to contact the PF and to attempt to obtain a voluntary Acknowledgment of Paternity.

e) Send the Transmittal Document, the Acknowledgment of Paternity Document and the Paternity Affidavit along with any other documentation that may be relevant to the other state’s IV-D agency. Refer to the Interstate Roster and Referral Guide for addresses for state IV-D agencies.

f) Contact the responding state for status reports either by calling or by generating the Interstate Contact Letter.

g) Notify the responding state within 10 business days of receipt of any change in case status by generating an updated Transmittal document.

h) If the responding state is successful in administratively establishing paternity, send information about the paternity establishment to PSI. However, an out-of-state court order establishing paternity must be "domesticated" by a Virginia court prior to submission to OVR&HS. Refer the case to Legal Counsel.

b. Virginia as responding state

1. In cases where another state sends Virginia a sworn Acknowledgment of Paternity or other document used by that state, it is not necessary to have the party residing in that state complete Virginia's Acknowledgment of Paternity form.

2. In cases where the other state does not provide a sworn Acknowledgment of Paternity for the mother, ask the mother to complete Virginia's Acknowledgment of Paternity form.

3. If the NCP will not acknowledge paternity, but will submit to genetic testing,

a) Have the NCP sign the Voluntary Agreement for Genetic Testing form and have it notarized.

b) Send the non-jurisdictional genetic test request form to the genetic testing lab.

c) Once the lab receives the request, it will schedule the genetic testing for the individual(s).

d) Within five business days, the lab will notify district office staff by mail or fax of the scheduled genetic testing, unless there are extenuating circumstances.

e) Notify the out-of-state party of the genetic testing.

f) If the individuals do not appear for the genetic testing, the lab will reschedule the testing and notify DCSE of the new draw date indicating that it has been rescheduled

g) Notify the parties of the new appointment time.

h) If paternity is established, send all pertinent paternity information to the initiating state.

i) Do not send the paternity documents to our Vital Records, because the birth did not occur in Virginia.

(8-1-97)(11-1-01)(5-1-03)(7-1-03)(9-1-03)(7-1-08)

Q. Documentation (01-01-2001)

1. File the following in the paper file:

   a. Paternity statements, Acknowledgment of Paternity documents, genetic test results

   b. UIFSA documents

   c. IV-D to IV-D documents (Child Support Enforcement Transmittal)

   d. Correspondence that cannot be fully documented in the Case Event History (paternity evidence)

2. APECS documents the Case Event History automatically when documents are generated or dispositions are updated. Notes may be added to an entry.

(01-01-2001)

R. Paternity Establishment Program (PEP) (07-01-2008)

1. Hospital-based Paternity Establishment

   a. DCSE's hospital based Paternity Establishment Program, known as PEP, is a program whereby unmarried couples are given the opportunity by hospital staff to voluntarily acknowledge the paternity of a child, shortly after the child's birth.

   b. Birthing hospitals are defined as

      1) hospitals with licensed obstetric-care units,

      2) hospitals licensed to provide obstetric services, or

      3) licensed birthing centers associated with a hospital. Birthing centers are facilities other than hospitals that provide maternity services.

   c. Hospitals, clinics or health care providers that are licensed by the state to provide maternity services are to provide unmarried parents the opportunity to establish the paternity of their child.

d. The voluntary Acknowledgment of Paternity is documented using the Acknowledgment of Paternity form. The form is signed by the mother and the father in the presence of a notary on the hospital's staff. The paternity acknowledgment must contain the social security numbers of both parents, if available.

e. The hospital sends weekly

1) the original Acknowledgment of Paternity to the State Registrar of Vital Records.

2) the “DCSE File Copy” of the acknowledgment to CSF.

f. DCSE/CSF remits a fee not to exceed $20 to the hospital for each correctly completed acknowledgment.

2. CSF provides to participating hospitals

a. written materials about paternity establishment,

b. Acknowledgment of Paternity forms,

c. rights and responsibilities statements,

d. training, guidance and written instructions regarding voluntary Acknowledgment of Paternity.

3. CSF

a. receives “DCSE File Copies” of the Acknowledgment of Paternity form from the hospital,

b. images Acknowledgment of Paternity forms for access by district offices,

c. pays the hospitals,

d. provides the written materials that are given to parents by hospital staff,

e. provides technical assistance with billing issues and non-standard situations, and

f. assesses each birthing hospital’s program annually.

4. The contract administrator

    a. serves as the primary point of contact with the Department of Health's OVR&HS,

    b. reviews CSF's invoices for reimbursement and payment, and

    c. monitors the performance of the contractor.

5. District office staff

    a. determines if a voluntary acknowledgment has been recorded in the CSF paternity database or through OVR&HS and

    b. seeks a support order on the basis of a recorded acknowledgment.

6. Hospital responsibilities

    a. Provides every unwed mother an information packet containing the following materials:

        1) Paternity educational materials

        2) Acknowledgment of Paternity form

        3) Listing of DCSE's offices and the areas they serve

    b. Furnishes, at no cost to DCSE/CSF, a Notary Public who will notarize the signatures of both the father and the mother on the Acknowledgment of Paternity form.

    c. Assists each parent in completing an Acknowledgment of Paternity form.

    d. Reviews each form to determine proper completion and notarization.

    e. Gives each parent a copy of the completed, notarized form.

    f. Sends the original Acknowledgment of Paternity with the birth record to the OVR&HS .

    g. Forward to CSF weekly the following documents

        1) "DCSE File Copies" or EBC (Electronic Birth Certificate System) generated copy of completed Acknowledgment of Paternity forms

2) A Paternity Report listing the names of each parent of a child an Acknowledgment of Paternity form is submitted for, and the mother's city or county of residence in Virginia.

h. Directs any interested applicant to call the toll free Virginia PEP hotline number at 1-866-398-4841.

(7-1-98)(5-1-03)(7-1-03)(5-1-05)(7-1-08)

S. Documents and Brochures (05-01-2002)

1. APECS

a. Summons

b. Genetic Test Appointment Letter

c. Acknowledgment of Paternity

d. Paternity Certification Notice

e. Voluntary Agreement for Genetic Testing

f. Child Support Enforcement Transmittal

g. Contact Letter to TANF CP

2. Manual

a. Paternity Rights and Responsibilities Statement

b. Mother's Affidavit of Paternity

c. Genetic Testing Order (DCSEP-810)

d. Legal Guardian Affidavit (DCSEP-832)

3. Brochures

a. Facts About Establishing Paternity for Mothers and Fathers

(7-1-98)(1-1-01)(5-1-02)

DIVISION OF CHILD SUPPORT ENFORCEMENT
CHAPTER 16 ESTABLISH, REVIEW AND ADJUST ORDERS **(07-07-2010)**

A. Purpose of Establishing an Order (12-15-1998)

A child support order creates a legal obligation for legally responsible noncustodial parents (NCPs) to provide child and medical support. The support order also establishes the amount of arrears due and period of time in which it accrued, and includes a provision for income withholding. Legally responsible parents include:

1. Both parents when a child is born of their marriage;

2. A parent of a legally adopted child;

3. A mother at the birth of a child when she completes information for filing a birth certificate with the Department of Health; and

4. A biological father when his paternity of a child is established (through one of several methods including acknowledgment, genetic testing and court establishment). Refer to Chapter 15, Paternity.

(12-15-1998)

B. General Rules (04-01-2007)

1. Establish a child support obligation for all legally responsible parents except as described in this chapter under the section "When Obligations are Not Established." DCSE does not establish spousal support orders or initiate court action to establish spousal support orders.

2. Within 90 days of locating the NCP or the putative father (PF) DCSE must:

   a. Establish an order for support and, if necessary establish paternity, or complete service of process.

   b. Complete the service of court summons necessary for establishment of the court order; or

   c. Document unsuccessful attempts to serve process. Refer to Chapter 8, Service of Process and Notarization.

3. Use administrative rather than judicial means to establish the order whenever possible. Administratively established child support orders have the same force and effect as support orders entered by a court. A court order, however, supersedes an administrative

support order. Do not establish an administrative child support order if any court order exists.

4. Enter a temporary support order whenever a court has assumed jurisdiction over a matter but has, for any reason, delayed a determination of child support.

5. Establish a child support order separately for each parent when both parents are noncustodial. Use one worksheet to determine each parent's obligation amount based on their respective share of the combined income. The presumptive minimum child support obligation is $65 per month, even if the respective share of the combined income determines a lesser amount.

6. An administrative child support order is enforceable after the 10-day appeal period for the order has lapsed or immediately upon entry of a decision sustaining or amending the obligation amount following an administrative hearing. Refer to Chapter 25, Appeals, Hearings, and Reviews for more information.

(5-1-98)(7-1-2000)(1-1-03)(04-01-07)

C. Administrative Support Order (ASO) (10-01-2006)

1. Both *Administrative Support Order*s and orders issued by Virginia courts have the following major provisions:

   a. Identifying information including:

      1) name(s) of child(ren) for whom support is being sought;

      2) each parent's name, home address (and mailing address, if different), and telephone number;

      3) each parent's social security number or driver's license number (if different); and

      4) each parent's employer name, address and telephone number.

      When a protective order has been issued or the Department otherwise finds reason to believe that a parent is at risk of physical or emotional harm from the other parent, information other than the name of the parent at risk shall not be included in the order.

   b. A child support order stating the

1) amount owed for current support;

2) amount of arrearage owed;

3) frequency of support payments;

4) date the first payment is due; and

5) a statement that if child support arrearages, including interest and fees, exists when the youngest child subject to the order emancipates, payments will continue to be collected in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid.

c. In deviating from the child support guideline, the order must state the guideline amount and provide a justification of why the deviation was made. ASOs incorporate the *Obligation Worksheet* and court orders incorporate the "Supplement to Support Order" to explain guideline deviations. Refer to "Virginia's Child Support Guideline" and "Deviation from the Child Support Guideline" in this chapter.

d. A provision for income withholding. Refer to Chapter 20, Enforcement by Income Withholding.

e. A provision for health insurance. Refer to Chapter 17, Medical Support.

f. A provision for unreimbursed medical and dental expenses. Refer to Section H of this chapter, Determining the Monthly Child Support Obligation.

g. An initial *ASO* is effective on the date it is served or the date service is waived. The first payment is due on the first of the month following the date of service and on the first of each month thereafter. Assess the amount due for the partial month between the effective date of the order and the date that the first monthly payment is due. The amount assessed for the partial month is prorated from the effective date through the end of the month based on the monthly obligation.

h. A modified *ASO* is effective the date the *Notice of Proposed Review* was served on the non-requesting party. Payment is due the date the NCP receives the order (service date) and on the first of each month thereafter. Assess the amount due for the partial month between the effective date of the order and the date that payment is due on the first of the month. The amount assessed for the partial month is prorated from the effective date through the end of the month based on the modified monthly obligation.

(12-15-98)(7-1-04)(7-1-06)(10-1-06)

D. Virginia's Child Support Guideline (10-01-2007)

Federal and state law require that effective 10/1/88 Virginia establish a Child Support Guideline to be used for all new or modified orders in determining child support award amounts. There is a rebuttable presumption that the amount of the award resulting from use of the guideline is presumed to be the correct amount of support to be awarded.

1. The Virginia Child Support Guideline sets forth

   a. the state's formula for calculating combined gross income of both parents (refer to "Determining Income" and "Determining the Monthly Obligation" in this chapter);

   b. a *Schedule of Monthly Basic Child Support Obligations* that identifies the amount of child support to which the child(ren) for whom the parents are jointly responsible are entitled, based on the combined gross income of the parents (see Appendix A);

   c. adjustments to the basic child support award amount from the "schedule" by adding the monthly expenses for dependent care and health and/or dental insurance. Refer to "Determining the Monthly Child Support Obligation" in this chapter.

   d. the state's formula for calculating each parents' share of their combined income which the support order directs the parents to use in splitting the cost of any reasonable and necessary unreimbursed medical or dental expenses that are in excess of $250 for any calendar year for each child covered by the order.

   e. once the appropriate income and expense amounts are entered on the Automated Program to Enforce Child Support (APECS) Obligation Calculation Worksheet (worksheet), the system calculates a monthly child support award amount to be paid by the NCP based on his or her share of the parents' combined income.

2. The Division of Child Support Enforcement (DCSE) and courts use the guideline to calculate child support obligations. The guideline is rebuttable when

   a. a judge decides the use of the guideline is unjust or inappropriate in a particular case based on factors defined in state law.

   b. imputing income to a parent based on that parent's failure to provide financial information upon request or voluntary unemployment. Refer to "Deviation from the Child Support Guideline" in this chapter.

c. a written statement of why the order deviates from the guideline is completed by both the judge and DCSE staff when deviation is appropriate. This written statement includes
   1) the amount of support that would have been required had the guideline been followed, and

   2) the reason for the deviation.

d. DCSE's written statement is contained in the worksheet given to each parent when the obligation is established.

(3-1-1998)(07-01-2001)(07-01-2004)(10-1-07)

E. When Obligations Are Not Established (02-03-2010)

In some situations, there is not good legal basis to establish an order either administratively or through court action. These circumstances must be documented on APECS.

1. Do not establish an obligation for current support or arrears for an NCP for any period when

   a. parental rights have been terminated for adoption or emancipation.

   b. a good cause claim is pending or good cause has been established;

   c. a court has found a legal parent not responsible for support of the child. Refer these cases to Legal Counsel to determine appropriate action;

   d. the NCP has received Temporary Assistance for Needy Families (TANF), Unemployed Parents (UP) benefits, Supplemental Security Income (SSI), or General Relief (GR);

   e. the NCP has received public assistance for the benefit of minor dependent children and an obligation is sought in a foster care case (ADC/FC or SLFC) for the period the NCP received such public assistance;

   f. there is no child under age 18 for whom support is sought;

   g when the NCP has no identifiable assets AND

      1) the NCP is institutionalized in a psychiatric facility;

2) the NCP is incarcerated, or

3) the NCP is medically verified to be totally and permanently disabled with no evidence of potential of paying support.

a) To determine if the NCP has any identifiable assets , refer to determining income procedures as outlined in Section G below. The NCP must also provide verification that he/she is institutionalized in a psychiatric facility or totally and permanently disabled. Verification that the NCP is incarcerated can be obtained from the Department of Corrections tape match for NCPs in a state correctional facility.

b) Monitor these cases to ensure DCSE seeks to establish an obligation against the NCP immediately upon discharge from a psychiatric facility, or prison.

2. Petition the court to decide whether to establish a child support order when:

a. The NCP resides in an adult home or a facility that provides care to residents with mental or physical disabilities.

b. The NCP exhibits indications of overriding long-term physiological, mental, or economic hardship that appear to materially affect the NCP's ability to earn income or otherwise provide the minimum amount of support per month for the NCP's dependent child(ren). Obtain the approval of the district manager to proceed with court action.

c. The NCP is less than 18 years of age, or a retroactive support obligation needs to be established for a period of time prior to the NCP turning 18.

d. The NCP is an incarcerated felon with identifiable assets. An attorney known as a guardian ad litem must be appointed to represent the NCP, and the matter must be heard in court. Seek advice from Legal Counsel in such cases. Refer to Chapter 26, Judicial Support Actions.

(12-15-98)(7-1-99)(9-1-99)(11-1-2000)(3-1-05)(7-1-06)(10-1-07)(7-1-08)(10-1-08)(4-20-09)(2-3-10)

F. Minimum Orders (07-01-2008)

1. When the application of the guideline formula would cause a parent to be obligated at less than $65 per month, disregard the guideline formula (obligation worksheet) and

establish a minimum obligation of $65 per month. The only exception to the minimum obligation exists when the NCP's disability benefit paid on behalf of the child (ren) creates a lesser obligation. Refer to Section H in this chapter, Determining the Monthly Child Support Obligation.

2. If both parents are noncustodial and the application of the guideline formula would cause either parent's obligation to be less than $65 per month, establish a $65 minimum obligation for that parent.

3. Do not prorate minimum orders between the parents. If both parents are noncustodial, the absolute minimum amounts are two orders for $65 each, even if application of the guideline formula would cause either parent's obligation to be less than $65 per month. Refer to Section W of this chapter entitled "Change of Physical Custody of a Child for Whom Support is Ordered" for more information related to this situation.

(12-15-98)(5-1-02)(9-1-02)(04-01-07)

G. Determining Income **(07-07-2010)**

1. The *Financial Statement* is used to secure financial and other information from both parents to establish a child support obligation, including current and previous monthly income from all sources, number of dependents for whom support is provided, dependent care expenses, health insurance, and other information. A parent's signature on the *Financial Statement* certifies that the information on the form is correct. Tax returns accompanying *Financial Statement*s are subject to the same IRS requirements for safeguarding information as outlined in Chapter 2, Confidentiality/Information Release, Section H., Security of IRS Information.

2. *Financial Statement*s provided by each parent are the basis for determining income and allowable expenses for calculating a child support obligation. (When an NCP's monthly income is less than $600 refer to "Minimum Orders" in this chapter.)

3. Obtain a *Financial Statement* from both parents with the following exceptions:

   a. Do not obtain statements from custodial parents (CPs) who receive TANF.

   b. A *Financial Statement* is not required, but may be used if deemed appropriate, where an order only for health care coverage needs to be established. The parties' gross income figures may be obtained in any manner acceptable to management as long as the information is sufficiently documented. Some sources other than the *Financial Statement* might include a pay stub, a W-2, or wage data in APECS.

Financial statements are not necessary to establish health care coverage orders as the unreimbursed medical expense provision should only be included on orders that establish current child support.

c. Do not attempt to secure or use financial information from caretakers (CPs) who are not legal parents of the child to establish a child support obligation for the child(ren) for whom they are providing care. Only use the legal parents' incomes in establishing an obligation.

4. Obtain a *Financial Statement* from the applicant at time of application.

5. Obtain financial information for both parents using any of the following procedures:

a. Generate an *Administrative Summons* and the *Financial Statement* to schedule an interview(s) with the parents. If the CP is a minor, send a copy of the summons to the parent(s) of the minor as a notification only. Refer to Chapter 15 for instructions on obtaining the parent's address. Refer to Chapter 13, Interviewing, for information on scheduling and conducting an interview.

b. Obtain information from employers by telephone or generate the Employer's Verification Letter.

c. Obtain financial information from employers' wage reports sent to VEC.

d. Obtain financial information from the local department of social services (LDSS) when either parent has applied for food stamps, Medicaid, or fuel assistance.

e. Obtain tax information from the Federal Tax Match System (1099 Match) generated from the Internal Revenue Service (IRS) and Department of Taxation if information is not available from other sources.

1) Do not divulge the source of the financial information due to confidentiality statutes under tax regulations.

2) If an appeal is filed and the source of information may need to be given, verify the information with a third party such as a financial institution.

f. Use information provided by either parent if appropriate documentation is provided.

g. If income or expense information needed to calculate the obligation cannot be secured by other means, refer the matter to Legal Counsel to evaluate whether a *Subpoena*

Duces Tecum should be issued to secure the information. Proceed as instructed by Legal Counsel.

h. Access consumer credit reports except for residents of California, Vermont or foreign countries. Refer to Chapter 14, Section F, for specific instruction on using Trans Union and Equifax.

1) Advance notice must be sent to the NCP receive information (a full credit report) available through Trans Union and Equifax. The notice must be sent when establishing an initial or modified child support order. Send the NCP a *Contact Letter to the Noncustodial Parent* indicating "DCSE is requesting your credit report, "at least 10 days before accessing the credit report. It must be sent by certified or registered mail to the NCP's last known address. Proof of service is not required for this notice, however. The NCP cannot appeal this action as DCSE has the authority to access credit reports 10 days after the notice is sent.
2) No notice is necessary to utilize Trans Union and Equifax information permitted for use when paternity has not been established (limited information reports).

6. Monthly gross income includes income from all sources excluding:

a. Supplemental Security Income (SSI),

b. child support,

c. public assistance defined as TANF benefits, auxiliary grants to the aged, blind or disabled, medical assistance, energy assistance, food stamps, employment services, child care, and general relief, and

d. income received by the NCP from secondary employment income not previously included as gross income in the establishment of an order of support. The NCP must be earning the income to discharge a child support arrearage established by a court or administrative order, and the NCP is paying the arrearage pursuant to the order. This exclusion of secondary employment income applies only when an order is being modified. The secondary employment includes, but is not limited to an additional job, self employment, or overtime employment.

7. Gross monthly income derived from self-employment, a partnership, or a closely held business such as rental property is subject to reasonable business expenses.

a. Self-employed parents are instructed on the financial statement to provide the most recent tax return to determine the self-employment tax paid. Review the tax return to determine if the parent, in addition to paying self-employment tax, claimed business

expenses. If business expenses were claimed or if the self-employed parent does not provide the most recent tax return, refer the case to Legal Counsel. If the self-employed parent provides the most recent tax return and business expenses were not claimed, proceed to establish an ASO.

b. Refer the case to Legal Counsel when either parent's financial statement reflects income from a partnership or closely held business.

8. The amount of disability benefits paid for a child on account of, or in the name of either parent (including SSA or VA benefits), must be counted as income to either parent in determining a support obligation. After the obligation is calculated on the worksheet, APECS subtracts the benefit amount paid to the child from the NCPs share of the child support obligation. Refer to "Determining the Monthly Support Obligation" in this chapter.

9. For all military service members living off-post, housing and subsistence allowances are included in the calculation of income. The member's leave and earnings statement (LES) must be reviewed to verify the information provided.

10. Convert income and expenses to a monthly amount by reviewing the following conversion outline using the following conversion factors:

weekly x 4.333	(or weekly x 52 ÷ 12)
biweekly (every other week) x 2.167	(or biweekly x 26 ÷ 12)
semi-monthly (twice monthly) x 2	(or semi-monthly x 24 ÷ 12)
annually ÷ 12.	

11. Verify the parents' incomes listed on the *Financial Statement*s using any or all of the following:

a. pay stubs (for the last three pay periods)

b. tax returns or W-2 forms

c. statements of income from an employer

d. information obtained in a telephone conversation with a parent's employer

e. VEC wage report

f. Leave and Earnings Statement (for military service members only)

12. Document the verification of income on the case event for the *Financial Statement*. Note the verification source utilized unless the income was verified through the VEC wage report. In this instance, document the NDNH Quarterly Wage Report as the source utilized to verify the income.

(5-1-98)(12-15-98)(3-1-01)(1-1-02)(5-1-02)(7-1-02)(7-1-03)(7-1-04)(9-1-04)(1-1-05)(3-1-05)(1-1-06)(4-1-06)(10-1-06)(01-01-2007)(1-1-08)(7-1-08)

H. Determining the Monthly Child Support Obligation (12-01-2008)

1. Review both the APECS file and the paper file to decide if sufficient financial and all needed information is available for both parents to proceed with establishing an obligation.

2. Determine if the matter involves split or shared custody. Refer to the split or shared custody sections of this chapter for steps to establish current support.

3. Use financial information obtained from both parties to establish a current support obligation. Convert all dollar figures to monthly amounts. Refer to "Determining Income" in this chapter.

4. Complete the obligation calculation worksheet. The information to be entered includes the:

   a. number of children for whom support is being sought and for whom the NCP and CP share joint legal responsibility;

   b. monthly gross income~~;~~ which shall include all spousal support received from any source;

   c. amount of monthly spousal support paid by either parent pursuant to an order or written agreement (i.e., a Separation Agreement that has not yet been incorporated in a divorce decree);

   d. deduct one-half of the amount of self-employment tax paid by either parent from the gross monthly income when either parent provides the most recent tax return and business expenses were not claimed.

      1) The 1040 U.S. Individual Income Tax Return reflects one-half of the amount of self-employment tax paid by the parent. Refer to the adjusted gross income section of the 1040 that reads, "One-half of self-employment tax."

2) Determine a monthly amount by averaging the figure obtained from the tax return over a twelve-month period. Deduct this amount from the parent's gross monthly income.

e. The number of children for whom either parent is legally responsible as determined by the existence of a current child support order or having a natural or adopted child or children residing in their household. Note: For cases where both parents are being obligated, and they are living in the same household, and are legally responsible for other children (e.g., as is encountered at times in DJJ cases), allow both parents a deduction for each such child.

1) The parent (s) with additional dependents shall receive a deduction from their gross monthly income (GMI).

2) The amount that is being paid pursuant to a child support order shall be deducted from the GMI.

a) When additional dependents are residing with a legal parent, determine the amount to be deducted based on the number of dependents and the sole income of the parent applied to the Schedule of Monthly Basic Child Support Obligations. (Appendix A)

b) The calculation worksheet automatically computes the deduction using the Schedule. When the deduction to be made is based on an order, override the automated deduction amount by entering the amount paid pursuant to the order.

f. the CP's work-related monthly dependent care expense which:

1) does not exceed the cost of quality care provided by a state regulated center or individual;

2) includes any dependent care costs incurred for the child due to the employment of the CP; and

3) is paid by the CP or his/her spouse.

The NCP's willingness and availability to personally provide child care is not considered by DCSE when determining whether child-care costs are necessary or excessive. In addition, the tax savings a party derives from child-care cost deductions or credits is not considered by DCSE. A party may, however, request consideration of both by a court.

g. certain verified monthly costs for health and/or dental insurance paid by either parent (or his/her spouse) for the child(ren) subject to that order. The amount considered is the additional cost to cover the child(ren). For example, if a parent already has a "family" policy whose premium would not increase by adding another child, no cost would be allowed on the worksheet. Subtract the additional monthly amount paid directly by the NCP (or his/her spouse) to a third party for health insurance to cover the child(ren) from the NCP's child support obligation.

h. the monthly amount of a disability benefit paid to a child, in the name of or on account of either parent, is included as income to that parent. When each parent's share of the total obligation is calculated on the worksheet, if the NCP is responsible for the disability payment to the child, this amount must be subtracted from the NCP's portion of the obligation. After the disability benefit paid to an NCP's child is deducted from the NCP's portion of the obligation, it is possible that the ordered amount will be less than the minimum of $65.00 a month.

1) In some cases, lump sum payments are received by the NCP or the child(ren) to cover months of entitlement prior to the date the first ongoing check(s) are received. If this is the case arrearage may need to be established or adjusted.

a) For SSA disability benefits, verify the months covered by the lump sum payment using the State Verification Exchange System (SVES) available in APECS. VA benefits may be verified by written request to the VA with an authorization from the NCP/veteran included.

b) Using the above procedure, calculate a retroactive adjustment if applicable. Refer to Section N in this chapter.

2) Any credit from this procedure must be applied to reduce arrearages that may have accrued, but cannot be applied toward any future arrearage, and cannot cause a credit balance or in any way contribute as the basis for a refund to the NCP.

3) Adjustments must be made in this situation if requested by the NCP. If no request has been made, the arrearage must be adjusted at the time district office staff take action to enforce or review the obligation.

I. information regarding split custody if applicable.

5. APECS displays the obligation of each parent, by percentage and actual total.

a. check the worksheet for accuracy before it is confirmed. This is an important step because once the obligation amount is entered on APECS, changes are recorded as

modifications. The worksheet screen can also be used as a scratch pad. Case information is not updated until the worksheet is confirmed.

b. Print the worksheet after confirming the data entered. The worksheet is a part of the order as it explains how the obligation was determined, including the reason(s) for deviation from the guideline. Ensure that APECS is documented to show how all figures on the worksheet other than those from the Schedule of Monthly Child Support Obligations were determined.
c. The worksheet also identifies the percentage (ratio of combined available monthly incomes of both parents) of the NCP's proportionate share of all unreimbursed medical and dental expenses after the first $250 for any calendar year for each child covered by this order. The medical and dental expenses for any calendar year are based on the date of service.

d. Send copies of the worksheet to both parties with the ASO. Include a copy with the ASO in the paper file.

6. Generate the ASO.

a. The monthly obligation amount and the NCP's unreimbursed medical/dental expense percentage calculated on the worksheet automatically transfer to the ASO. Ensure there is a medical support provision. Refer to Chapter 17, Medical Support for more information about adding a health care obligation to the order and unreimbursed medical/dental expenses.

b. Serve the ASO along with a copy of the worksheet on the NCP. Refer to Chapter 8, Service of Process and Notarization, for information on service of process.

c. Mail copies of the served ASO and worksheet to the CP when the NCP waives Service of Process or immediately after the ASO is received back with successful Service of Process.

7. The appeal period for the ASO is 10 days. For NCPs this is 10 days from the date of service. For CPs this is 15 days from the date of mailing, which allows 5 days for mail delivery. Refer to Chapter 25, Appeals, Hearings and Reviews.

a. The initial ASO is effective on the date of service and the first monthly payment is due on the first of the month following the date of service and on the first of each month thereafter. A modified ASO is effective the date that the *Notice of Proposed Review* was served on the nonrequesting party. Payment is due the date the NCP receives the order (service date) and on the first of each month thereafter.

b. Assess the amount due for the partial month between the effective date of the order and the date that payment is due on the first of the month. The amount assessed for the partial month is prorated from the effective date through the end of the month based on the modified monthly obligation.

8. APECS creates a Case Event History entry when an ASO is generated that includes the amount of the order, amount of the arrears, period of arrears, the name (s) of the child (ren), and health care information. Document this case event with the date of service and type of service upon receipt of the served ASO.

9. Enter the support order on the APECS system immediately upon receipt of the "EAS1" worklist that appears 15 days following the date of service of the ASO. Ensure that arrears, if any, are added to the system at this time.

(3-1-98)(5-1-98)(7-1-98)(3-1-99)(9-1-99)(7-1-01)(9-1-02)(7-1-04)(9-1-04)(1-1-06)(4-1-06)(7-1-06)(7-1-06)(10-1-06)(7-1-08)(12-1-08)

I. Split Custody (07-01-1998)

1. Split custody exists when each parent has physical custody of a child or children born of their relationship or born of one parent and adopted by the other parent or adopted by both parents. Each parent is a CP to the children they share in that parent's family unit and a NCP to the children they share in the other parent's family unit.

2. Both parents do not have to apply for child support services for split custody to be considered in calculating the obligation.

3. Split custody cases require the completion of two Sole/Split Custody worksheets.

   a. Show the father as the CP of the children for whom he has custody on one worksheet.

   b. Show the mother as the CP of the children for whom she has custody on a separate worksheet.

   c. APECS calculates the obligation for each parent.

   d. After completing both worksheets, subtract the lesser obligation amount on one worksheet from the greater obligation amount on the other.

   e. The difference is the support obligation to be paid by the parent with the greater obligation to the parent with the lesser obligation.

4. Generate the ASO for the parent owing the amount determined in steps 3a - 3e above. Refer to "Determining the Monthly Child Support Obligation" in this chapter for instructions on completing the ASO.

(07-01-1998)

J. Shared Custody (10-01-2008)

Shared custody exists when each parent of a child born of the parents or born of one parent and adopted by the other, or adopted by both parents has physical custody for more than 90 days of the year. Cases involving shared custody must be referred to court. However prior to making the referral, case workers are required to do the following:

1. elicit any necessary information from the CP and NCP to generate shared custody draft guidelines (using Civilware or Vader);

2. place a copy of the completed guideline worksheets in the agency file.

   Document APECS (case event notes on the Initial Petition or Motion to Amend) as to how the determination was made to pursue a shared custody order. Refer to Chapter 26, Judicial Support Actions.

(7-1-98)(7-1-99)(9-1-99)(7-1-2000)(10-1-07)(10-1-08)

K. Support Orders for IV-E and Non-IV-E Cases (10-01-2007)

1. DCSE staff may be involved in the calculation of the obligation before the case is referred by the LDSS. Do not set up a IV-D case until an application or a referral is received from the LDSS.

   a. If custody is awarded to the LDSS and support is ordered, or if the support part of the hearing is continued, the LDSS sends DCSE, within five business days after the initial hearing, a referral to set up a case.

   b. The forms described below may be used by the LDSS to refer cases to DCSE, within five business days after the initial hearing, in either of the following ways:

      1) The Interim Application for Child Support Enforcement Services (Foster Care Only), a new, abbreviated referral form (DCSEP-791) developed for the purpose of prompt notice to DCSE so that a case can be set up on APECS before any payments arrive. This is only an interim step; the Absent Parent Paternity

Information form is submitted later by the LDSS to comply with existing procedures and time periods.

2) The Absent Parent Paternity Information form is completed and sent to DCSE within five business days after the initial hearing. If this form is sent, the Interim Application for Services (Foster Care Only) is not needed.

2. When copies of court orders are received before an application or a referral from the LDSS, contact the LDSS. The LDSS is listed as the petitioner on these orders.

3. The LDSS is responsible for petitioning the court for a preliminary removal hearing for custody or foster care placement of a child. The petition requesting custody or foster care placement of a child includes a request that child support be addressed at the hearing. If paternity is an issue, the court may address paternity before establishing a child support order. Refer to Chapter 3, Interaction with Local Agencies, which outlines DCSE's involvement in the initial hearing.

4. If DCSE staff are at the preliminary removal hearing, they assist with the portion of the hearing dealing with child support if requested to do so by the judge.

5. If DCSE staff are not at the preliminary removal hearing and the judge decides on the issue of custody and paternity (if applicable) and proceeds to address child support, the judge may

   a. obtain financial information from the parent(s) and establish support order(s), or

   b. order a continuation to a DCSE court day, or

   c. refer the matter of establishing support to DCSE.

6. All child support orders must be established using the child support guideline described earlier in this chapter that requires use of <u>both</u> parent's incomes in calculating their respective share of the support to which the child(ren) is entitled. If financial information on only one parent is available, calculate the support obligation for that parent. If a case is referred to DCSE after an order was established against one parent where the other parent's income was not considered, attempts must be made to locate the other parent to both pursue establishment of a support order for the other parent, and use that parents income to review and adjust the other parent's order as well.

7. If the judge orders a continuation to a DCSE court day, the LDSS informs district office staff of the hearing date. Calculate the support obligation based on the financial information provided at the hearing.

8. When the judge enters a support order, the order may retroactively establish support effective from the date the custody was awarded.

9. In addition to the Preliminary Removal Order (court form DC-528), a Civil Support Order (court form DC-628) is issued by the court. The Civil Support Order addresses health care coverage and withholding of income.

10. The court sends a copy of the Civil Support Order (court form DC-628) to the appropriate district office and the LDSS.

11. The eligibility worker makes automated referrals of IV-E cases and manual referrals of Non-IV-E cases to DCSE and also sends copies of any court orders to DCSE.

    a) Upon receiving an automated referral from the LDSS, establish an Aid to Families with Dependent Children in Foster Care (AFDC/FC) case type on APECS.

    b) Upon receiving a manual referral via the Interim Application for Services (Foster Care Only) from the LDSS, establish an SLFC case type on APECS until full information on the case is received via the Absent Parent Deprivation/ Paternity Information form.

12. Ensure that APECS is documented to show the basis for DCSE's actions to set up a case and establish an order.

(07-01-1998)(10-1-07)

L. Assessing Obligations for Parents whose Children Live in Different Homes(01-01-1996)

1. The ASO includes all children for whom a child support obligation is due when the children have the same parents. AFDC/FC cases that have two or more children of the same parents placed in different foster care homes are cross referenced. All children of the same two noncustodial legal parents are considered together in the establishment of one order.

2. Assess each NCP for all of the children. Use one worksheet to determine each parent's obligation amount based on his/her share of their combined income.

3. Complete an ASO manually for each parent.

4. Create a self-generated worklist as a reminder to check for return of service in 21 calendar days. Create a self-generated worklist for 15 calendar days to check for an appeal request.

5. Prorate each obligation among the cases.

6. Add the support order information to each case using the prorated amount.

7. Document the APECS Case Event History for each case.

(01-01-1996)

M. Deviation from the Child Support Guideline (07-01-2006)

1. The Financial Statement is used to secure financial and other information from both parents to establish a child support obligation, including current and previous monthly income from all sources, number of dependents for whom support is provided, dependent care expenses, health insurance, and other information. A parent's signature on the Financial Statement certifies that the information on the form is correct. Income information provided on financial statements must be verified. Refer to Section G, Determining Income.

2. Financial Statements provided by each parent are the basis for determining income and allowable expenses for calculating a child support obligation. (When an NCP's monthly income is less than $600 refer to "Minimum Orders" in this chapter.)

3. Obtain a Financial Statement from both parents with the following exceptions:

   a. Do not obtain statements from custodial parents (CPs) who receive TANF. The information provided to the LDSS at the time of application for TANF meets the Financial Statement requirement.

   b. Do not obtain Financial Statements if an order for health care coverage only needs to be established. Financial statements are not necessary to establish health care coverage orders as the unreimbursed medical expense provision should only be included on orders that establish current child support.

   c. Do not attempt to secure or use financial information from caretakers (CPs) who are not legal parents of the child to establish a child support obligation for the child(ren) for whom they are providing care. Only use the legal parents' incomes in establishing an obligation.

4. Obtain a Financial Statement from the applicant at time of application.

5. Obtain financial information for both parents using any of the following procedures:

   a. Generate an Administrative Summons and the Financial Statement to schedule an interview(s) with the parents. If the CP is a minor, send a copy of the summons to a parent (s) of the minor as a notification only. Refer to Chapter 15, Paternity, for instructions on obtaining the parent's address. Refer to Chapter 13, Interviewing, for information on scheduling and conducting an interview.

   b. Obtain information from employers by telephone or generate the Employer's Verification Letter.

   c. Use financial information obtained from employers' wage reports to VEC.

   d. Obtain financial information from the LDSS when either parent has applied for food stamps, Medicaid, or fuel assistance.

   e. Obtain tax information from the Federal Tax Match System (1099 Match) generated from the Internal Revenue Service (IRS) and Department of Taxation if information is not available from other sources.

      1) Do not divulge the source of the financial information due to confidentiality statutes under tax regulations.

      2) If an appeal is filed and the source of information may need to be given, verify the information with a third party such as a financial institution.

   f. Use information provided by either parent if appropriate documentation is provided.

   g. If income or expense information needed to calculate the obligation cannot be secured by other means, refer the matter to Legal Counsel to evaluate whether a Subpoena Duces Tecum should be used to attempt to secure the information. Proceed as instructed by Legal Counsel.

   h. Do not access financial information from credit reporting agencies for unobligated NCP's.

6. DCSE administratively deviates from the guideline under the following circumstances:

   When either parent is found to be voluntarily unemployed, voluntarily underemployed, or fails to provide financial information upon request, impute income

to that parent (except as indicated below). Imputing income to a parent is determining what that parent reasonably could be expected to earn (potential income). DCSE deems a parent voluntarily unemployed when he or she quits a job without good cause or is fired for cause, and voluntarily underemployed when he or she deliberately suppresses income to avoid or minimize the child support obligation.

a. Impute income to establish current support for an ongoing obligation or to establish arrearage for past periods where arrearage may be assessed. (Refer to Sections N and N.1 in this chapter) Use actual income for the period to be assessed, if it can be determined. If not, apply the income figure imputed to calculate current support retroactively to establish arrearage (e.g., the federal minimum wage in effect when the obligation is established may be applied retroactively to establish arrearage).

b. Determine the most recent or usual monthly income of the parent who is voluntarily unemployed or underemployed by requesting his or her last several months' pay stubs, last W-2 forms or last two tax returns. If this information is not provided upon request, attempt to verify the financial information as indicated in "Determining Income" in this chapter.

c. If there is insufficient or no financial information available showing the income or earning ability of the parent who is voluntarily unemployed, voluntarily underemployed or fails to provide financial information upon request, use the federal minimum wage multiplied by 40 hours per week and converted to a monthly amount.

d. In reviewing existing support obligations, the most appropriate amount of income to be imputed to the voluntarily unemployed or underemployed parent may be the amount which was determined in calculating the existing obligation amount. In this situation, no change to the obligation amount is needed.

e. When the parent with no income cooperates in providing a Financial Statement, and it is determined that the parent has no employment history, do not impute income. Handle these situations as follows:

   1) For NCPs establish a minimum obligation of $65 per month.

   2) For CPs count zero income in calculating the obligation amount. If the NCP feels that the CP could or should be employed, the ASO may be appealed, with a judge ultimately determining whether the CP is justified in not working.

7. Do not impute income in the following situations:

a. A CP who is legally responsible for one or more child(ren) in his or her home under the age of 13, or who provides documentation that he or she has a child age 13 or older in the home who needs dependent care. Imputing income to a CP with dependent care expenses usually increases the NCP's obligation amount, and the CP is awarded additional support for not working. If the NCP feels that the CP could or should be employed, despite the dependent care costs, the ASO may be appealed, with a Judge ultimately determining whether the CP is justified in not working.

b. An unemployed parent without first considering the good faith and reasonableness of the employment decision made by the parent. For example, the pursuit of additional training or education is reasonable in light of a parent's obligation to support his/her children. Do not impute income if the training, education, or other employment change may ultimately benefit the child by increasing the parent's level of support for that child(ren) in the future.

c. A parent with a change in employment (income), without first considering the good faith and reasonableness of the employment decision made by the parent. For example, the pursuit of additional training or education is reasonable in light of a parent's obligation to support his/her children. If the training, education, or other employment change may ultimately benefit the child by increasing the parent's level of support for that child(ren) in the future, consider the employment reasonable and use that income to calculate the obligation. If, after considering the good faith and reasonableness of the employment decision you determine the parent to be voluntarily underemployed, impute income as directed above.

8. Complete columns A and B of the worksheet and confirm it in APECS. Column A of the worksheet reflects the amount the obligation would have been without the deviation (the presumptive amount). Column B indicates the support award resulting from the deviation.

9. Print and document the worksheet listing the factor(s) used to rebut the presumptive amount, including how income imputed to the parent was determined.

10. Give each parent a copy of the worksheet. After the ASO is served and the order is entered on APECS, enter the appropriate rebuttable reason for the deviation on the Support Order screen.

(3-1-19)(5-1-98)(12-15-98)(7-1-01)(1-1-02)(5-1-02)(7-1-04)(9-1-04)(7-1-06)

N. Establishment of a Debt for Reimbursement to the State (04-20-2009)

Payment of TANF and AFDC/FC creates a debt to the Commonwealth of Virginia that is owed by the NCP (s). State and Local Foster Care (Non-IV-E cases) also creates a debt owed by the NCP (s). A Non-IV-E debt cannot be established for any period prior to July 1, 1995.

A debt is owed to the Commonwealth of Virginia, Department of Juvenile Justice, by the NCP (s) when DJJ obtains custody of a child if 1), DJJ indicates on the application that the NCP has received written notice from DJJ indicating an obligation of child support would be owed from the date the child was received, and 2) DJJ's application reflects the date DJJ received the child. Do not establish a debt to reimburse the State if the application does not provide this information.

1. When to Establish a Debt for Reimbursement to the State
   a. If an order to pay child support existed at the time that the CP received public assistance or a child was in the custody of DJJ, no separate obligation for debt to the state is established.

   b. If an order to pay child support did not exist:

      1) at the time that public assistance was paid to, or DJJ had custody of the NCP's child(ren), obligate the NCP for the period using the child support guideline, without exceeding the amount of public assistance paid. Dependent children over the age of eighteen that are included in the public assistance grant are included in the obligation calculation.

      2) the DJJ application reflects 1) the NCP was notified in writing that support would be owed from the date of receipt of a child at the DJJ Reception and Diagnostic Center, and 2) the date that the child was received at that facility. If the application does not reflect this information, obligate the NCP prospectively only.

2. How To Establish a Debt for Reimbursement to the State

   a. If both parents are noncustodial, each parent is assessed a debt based on each NCP's ability to pay without exceeding the total amount of public assistance paid for each NCP. In these cases, one worksheet is used to determine both obligations based on each parent's share of the combined income. Use the percentages (ratio) from the worksheet to establish each parents' share of the debt owed.

   b. If the NCP's obligation pursuant to the child support guideline is less than the amount of public assistance paid, establish the debt based on the NCP's ability to pay pursuant to the child support guideline.

c. If the NCP's obligation pursuant to the child support guideline is greater than the amount of public assistance paid, establish a debt for the total amount of public assistance paid.

d. In computing the debt, DCSE may use the gross monthly income of the parents averaged over the period of time that public assistance was paid.

e. Petition the court to decide whether to establish a debt when a case in which TANF or AFDC/FC was paid before the month in which the NCP reached the age of 18.

f. The debt owed to DJJ is based on the NCP's ability to pay pursuant to the child support guideline.

3. When Not to Establish a Debt for Reimbursement to the State

Certain circumstances preclude the establishment of a debt. These circumstances are when

a. a case in which no previous order was established, and no TANF or AFDC/FC was paid.

b. a case in which TANF or AFDC/FC was paid prior to the month that paternity was established.

c. a case in which "good cause" has been established by the LDSS agency.

d. a case in which a court has specifically ordered that no arrearage exists or that arrearage may not be collected for a particular period addressed by the court.

e. a case with unassessed TANF or AFDC/FC paid before July 1, 1988. Do not establish a debt to the Commonwealth for any period before July 1, 1988.

f. an SLFC case was referred to DCSE before July 1, 1995.

g. in a TANF case, the period that the NCP received TANF, TANF/UP, Supplemental Security Income or General Relief.

h. in an ADC/FC or SLFC case, the period that the NCP received any form of public assistance (including TANF, Medicaid, food stamps, or energy assistance).

i. the period that the NCP had no verified identifiable assets and was institutionalized, incarcerated, or medically verified to be totally and permanently disabled with no evidence of paying child support.

j. the period that good cause existed in AFDC/FC cases.

k. the NCP has not been noticed in writing that DCSE will pursue an obligation of support, and the DJJ application does not provide the receipt date of the child.

4. For all arrearage/debt calculations, document APECS as to the basis for determining what prior period(s) the NCP is responsible for support (e.g., TANF grant history or dates that DJJ had custody of the child(ren)).

(5-1-98)(7-1-01)(11-1-01)(11-1-05)(10-1-06)(4-1-07)(10-1-07)

N.1. Retroactive Liability For Support (10-01-2007)

1. When to Establish Retroactive Liability For Support

a. In establishing an initial order in Non-TANF cases where no public assistance has been paid to the family and no child has been in the custody of DJJ, arrearage is calculated retroactively to the date the initial ASO was sent to the sheriff or other process server for service on the NCP (whether or not that ASO was actually served). Note that unsuccessful service by certified mail of an initial ASO does not preserve a period for which DCSE may establish retroactive child support.

b. In adjusting the obligation amount following a review, arrearage is also adjusted retroactively to the date the *Notice of Proposed Review* was served on the non-requesting party.

(10-1-07)

O. General Rules for Review and Adjustment (02-03-2010)

1. Either party in an IV-D case (including the TANF CP) or an IV-D agency may request a review of the child support obligation.

a. All requests must be in writing and signed by the requesting party.

b. Requests may be submitted on the *Request for Review and Adjustment* (APECS b222) or informally in writing. If an informal request does not provide the reason and the required documentation and it has been less than 36 months since the date of entry of

the support order, the most recent adjustment or the last completed review, generate and mail the *Request for Review and Adjustment* to the requesting party within 5 business days.

1) APECS creates a case event when the document is generated. Document the date of receipt of the request in the case event notes.

2) The requesting party must complete and return the *Request for Review and Adjustment* along with the required documentation within 15 days from the date of mailing.

3) APECS creates a 15 day worklist to monitor the return of the *Request for Review and Adjustment*.

c. Enter the appropriate code for the type of request using the Case Supplemental Data Part 2 (AATC8K) screen on APECS upon

1) receiving a *Request for Review*;

2) receiving an informal request for review and it has been 36 months since the date of entry of the order, the most recent adjustment or the last completed review; or

3) receiving an informal written request that provides the reason and supporting documentation of special circumstances when it has been less than 36 months since the date of entry of the support order, the most recent adjustment or the last completed review.

2. Active obligated TANF and AFDC/FC cases must be reviewed every 36 months from the date of the entry of the most recent order or from the date the last review was completed. APECS generates a worklist 34 months after the date a support order is established or a review is completed stating the case is in need of financial review.

3. Complete the review process once it is initiated unless there is a written request to stop the review from the requesting party, and not opposed by the non-requesting party, or DCSE abandons the review because the requesting party fails to return the *Financial Statement*. A review that is withdrawn by the requesting party or is abandoned by DCSE does not constitute a completed review, and the 36 month review date is not reset. Refer to Section R for direction.

4. Complete the review process within 180 days of

a. receiving a *Request for Review;*

b. receiving an informal written request and it has been 36 months since the date of entry of the support order, the most recent adjustment or the last completed review;

c. receiving an informal written request that provides the reason and supporting documentation of special circumstances when it has been less than 36 months since the date of entry of the support order, the most recent adjustment or the last completed review; or

d. locating the non-requesting party, whichever is later.

5. The review process includes

a. serving the notice that a review will be conducted;

b. conducting the review,

c. mailing the post-review notice, and

d. adjusting order or deciding not to adjust in accordance with Virginia's child support guideline.

(9-1-99)(7-1-01)(1-1-02)(7-1-06)(1-1-08)(4-20-09)(2-3-2010)

O.1. General Rules for Review and Adjustment - Incarcerated NCP (12-01-2008)

1. If an NCP requests a review and DCSE determines that the NCP is incarcerated at the time the request is made, conduct the review as follows:

a. If the review is requested due to incarceration, conduct the review by sending the *Notice of Results of Review - Incarcerated Noncustodial Parent* to the NCP, advising there is no justification for a change in the current child support order because incarceration is considered to be voluntary unemployment.

b. If an incarcerated NCP requests a review for any other reason meeting a criterion outlined in Section P of this Chapter, conduct the review. Calculate the obligation by imputing income to the NCP based on voluntary unemployment. Refer to Chapter 16, Section M. 2 for information on imputing income. If the criteria for a change in the child support obligation is met, consult with Legal Counsel.

2. If a CP requests a review and the NCP is incarcerated at the time that the request is made, determine if a criterion for review is met by the CP. Refer to Chapter 16, Section P, Deciding Whether to Conduct the Review for this information. Calculate the obligation by imputing income to the NCP based on voluntary unemployment. Refer to Section M.6 for information on imputing income. If the criteria for a change in the child support obligation is met, consult with Legal Counsel.

3. If the review is initiated to meet the requirement for a three year review of all TANF cases, and the NCP is incarcerated, calculate the obligation by imputing income to the NCP based on voluntary unemployment. Refer to Section M. 6 for information on imputing income. If the criteria for a change in the support obligation is met, consult with Legal Counsel.

4. If the review was initiated prior to the NCP's incarceration or initiated before DCSE is made aware that the NCP is incarcerated, complete the review. Calculate the obligation by imputing income to the NCP based on voluntary unemployment. Refer to Section M.6 for information on imputing income. If the criteria for a change in the child support obligation is met, consult with Legal Counsel.

(01-01-2003)(03-01-2004)(12-1-08)

P. Deciding Whether to Conduct the Review (07-01-2006)

1. Make a decision whether to conduct the review within 5 business days of

   a. receiving a worklist identifying that 34 months have elapsed since the obligation was last reviewed in a TANF, AFDC/FC or Medicaid (partial services) case using the criteria defined above in Section O, General Rules for Review and Adjustment.

   b. receiving the written request for a review and 36 months have elapsed since the order was last entered, adjusted, or reviewed.

2. Make a decision whether to conduct a Special Circumstances Review (less than 36 months since the order was last entered, adjusted, or reviewed) within 5 business days of

   a. receiving an informal request in writing that provides both the reason and required documentation;

   b. receiving a *Request for Review and Adjustment;* or

   c. the expiration of the time frame (15 days) provided to a requesting party to complete and return a *Request for Review and Adjustment* to DCSE.

3. Do not conduct the review if

   a. current support is no longer owed;

   b. either party cannot be located. Refer to Chapter 14, Location. When the party is located, conduct the review;

   c. the order was entered, a review for adjustment was completed, or a motion to amend the support order was ruled on in court on the merits of the case, less than 36 months ago, unless a special circumstance exists and documentation is provided by the requesting party as required for an earlier review. Refer to Section Q, Special Circumstances Criteria for Earlier Review; consult Legal Counsel if necessary to determine when a motion to amend the support order was ruled on in court on the merits of the case.

   d. the last child on the order will not continue to meet age or educational requirements for continued support for at least six months from the date of the start of the review. Proceed with the review if a determination regarding the child's projected educational status has not been made previously;

   e. it is a TANF, AFDC/FC, or Medicaid-only case and the review is not in the best interest of the child and neither parent has requested a review;

      1) The review is not in the best interest of the child if a good cause finding is made by a LDSS that child support activity cannot proceed without risk of physical or emotional harm to the child or CP.

      2) If good cause is claimed during the review process, stop all action and refer the case to the LDSS for a good cause determination.

   f. it is a Medicaid-only case and the order already includes a provision for health insurance coverage and neither party has requested a review;

   g. the case is a Non-IV-D case;

      1) Send the Non-IV-D requesting party a *Review Request Denied* (DCSEP-801) letter.

      2) Include an application packet for IV-D services with the letter.

h. a review is requested due to a change in the NCP's income resulting from cessation of secondary employment obtained to discharge a child support arrearage and it has been less than 36 months since entry of the current order or completion of an administrative review.

i. a special circumstances review is requested due to a voluntary loss of employment of the parent making the request. A parent is deemed to be voluntarily unemployed when he or she quits a job without good cause or is fired for cause. Conduct the review if the requesting party provides proof the loss of employment is involuntary; or

j. the requesting party fails to return the *Request for Review and Adjustment* within 15 days from the date of mailing. If the requested information is received after the review is denied, consider the information received as a new review request.

4. Update APECS with the appropriate non-review reason code when a case is not reviewed because it meets one of the above criteria.

5. Send the requesting party the *Review Request Denied* letter.

(07-01-2001)(01-01-2003)(07-01-2004)(9-1-2004)

Q. Special Circumstances Criteria for Earlier Review (10-01-2007)

1. DCSE may conduct a review every 36 months at its option or when requested by either parent or another child support agency. DCSE will not conduct a review less than 36 months after the date of entry of the support order, the most recent adjustment or the last completed review, whichever is later, unless a special circumstance exists and documentation is provided by the requesting party as required. Special circumstances and documentation required to support the action are:

a. a child needs to be added to an order as a result of a birth or a physical change in custody. The name and date of birth of the child and the reason the child needs to be added to an order should be provided;

b. a child is no longer eligible to receive continued current support (and other children are active on the order) due to a physical change in custody or emancipation. The child's name and reason the child is no longer eligible to receive current support should be provided;

c. a health care coverage obligation needs to be added to the order. No documentation from a requesting party is necessary;

d. the health care coverage insurance premium increases or decreases by at least 25 percent. A statement from the insurance carrier or employer that specifies the child or children's cost of the premium to the insured should be provided. The current and previous cost of the child or children's portion of the premium may be provided in writing by the requesting party when a statement from the insurance carrier or employer cannot be obtained. When possible, DCSE should determine if the increase or decrease is at least 25 percent. If the current support order calculation worksheet is available, compare the change and determine if it meets the criteria. Conduct the review if no determination can be made;

e. the existing child support order does not include the unreimbursed medical/dental provision. No documentation from a requesting party is necessary;

f. the CP's work-related child care expense increases or decreases by at least 25 percent; A statement from the child care provider should be provided. When possible, DCSE should determine if the increase or decrease is at least 25 percent. If the current support order calculation worksheet is available, compare the change and determine if it meets the criteria. Conduct the review if no determination can be made;

g. either parent's income increases or decreases by at least 25 percent. The last three pay stubs, an income earning statement from the employer, or any other form of income verification should be provided. If a self-employed parent is unable to provide proof of loss of income, refer the case to Legal Counsel. When possible, DCSE should determine if the increase or decrease is at least 25 percent. If the current support order calculation worksheet is available, compare the change and determine if it meets the criteria. Conduct the review if no determination can be made.

    1) If the requesting party is unemployed, conduct the review only if he or she provides proof the loss of employment is involuntary. If the requesting party is approved to receive unemployment benefits, a copy of the Virginia Employment Commission approval notice may be used as proof of involuntary unemployment. Refer to Section M, Deviation from the Child Support Guideline.

    2) Do not include secondary employment income obtained by the NCP (as defined above in Section G) if the following criteria are met:

        a) the NCP obtained the secondary employment to discharge a child support arrearage, and

b) the NCP is paying the arrearage according to the terms of the order. Review the APECS payment history to make this determination.

h. Reserve or National Guard personnel experiencing a change of income due to recall to active duty. Documentation that supports a return to active duty should be provided.

2. The *Request for Review and Adjustment* must be mailed to the requesting party within 5 days of receiving an informal request for a special circumstances review that does not provide both the reason and the required documentation. A requesting party must be advised of the special circumstances review requirements.

3. Documentation may not be available to a party requesting a review because of alleged special circumstances of the other party. If the requesting party is unable to obtain documentation in support of the other party's special circumstances, a clear explanation of the alleged special circumstances is required. When possible, DCSE should attempt to verify the allegation. For example, the requesting party alleges the other party has received an increase in pay. DCSE should contact the employer to verify income. If DCSE disproves the allegation, deny the review. Proceed with the review if the allegation is proven or cannot be verified.

4. A request should not be denied if the requesting party cannot prove the change in circumstances is a 25 percent increase or decrease. If the current support order calculation worksheet is available, compare the change and determine if it meets the criteria. Otherwise, proceed with the review.

5. Document APECS to show factors considered in deciding to deny a review. Immediately upon determining that a review is appropriate, generate the *Notice of Proposed Review* and proceed with the review.

(5-1-98)(7-1-98)(9-1-98)(1-1-02)(7-1-04)(7-1-06)(10-1-07)(2-3-2010)

R. Termination of a Review and Adjustment (02-03-2010)

1. A review and adjustment that has been initiated can be terminated if

a. the requesting party does not complete and return the *Financial Statement* as outlined in the *Notice of Proposed Review*; or

b. the requesting party submits a request for withdrawal in writing.

2. Send the *Review and Adjustment Termination Notice* to both parties.

    a. If the review is being terminated by DCSE, terminate all review and adjustment activities and update APECS with the appropriate non-review code.

    b. If the review is being terminated by the requesting party, update APECS with the non-review code, and then send the *Review and Adjustment Termination Notice.* The non-requesting party may ask that the review continue. The non-requesting party has 10 days from the date of the notice to send a written request for the review to continue.

        1) Create a worklist for 10 days after the *Review and Adjustment Termination Notice* has been mailed. If no response has been received by the non-requesting party at that time, terminate all review and adjustment activities.

        2) If the non-requesting party requests the review continue, proceed to complete the review of the child support order, and update APECS with the new review request code. Notify the requesting party that the review will continue because the other party advised DCSE to proceed with the review. Note: for audit purposes, this is technically a new request for review, and re-starts the 180-day time frame, though as a practical matter, the review will simply continue as there is no point in re-sending the forms that have already been sent to, and perhaps returned by the parties.

(11-1-96) (1-1-02) (7-1-02) (7-1-02)(7-1-06)(12-1-08)(2-3-2010)

S. Review Support Orders (10-01-2007)

1. Generate and send a *Notice of Proposed Review* with a *Financial Statement* to the NCP and CP. Obtain needed financial information from available sources.

    a. Do not include a *Financial Statement* with the *Notice of Proposed Review* to a CP who receives TANF. If the TANF case closes and transitions to a Non-TANF case during the review, the review continues. Request financial information from the CP at the time of transition.

    b. The *Notice of Proposed Review* must be served on the non-requesting party. Service can be accomplished by the sheriff or process server by hand delivery in person, or by substituted service. Service may also be accomplished by certified mail with proof of actual receipt by the addressee. Provide notice to the requesting party by first class mail. Refer to Chapter 8, Section B, Methods of Service.

c. Update the Case Event History for the date the Notice of Proposed Review was served.

2. APECS creates a worklist:

   a. Check for the return of completed *Financial Statement*s in 10 days from the date the *Notice of Proposed Review* was generated.

   b. Begin the review as soon as both parties return their completed *Financial Statement*s, but no later than 15 days from the date the *Notice of Proposed Review* was generated unless the requesting party fails to return the financial statement. Proceed to terminate the review in this instance. Refer to Section R, Withdrawing a Request for Review.

3. Use appropriate financial information obtained from both parties, and other sources as necessary, to conduct the review following the procedures outlined in Section G, Determining Income, and Section M, Deviation from the Child Support Guidelines.

4. If the non-requesting parent does not return the requested *Financial Statement*, obtain available financial information using any or all of the following procedures:

   a. Generate an *Administrative Summons* to the parent to appear at the office and provide financial information, if necessary.

   b. Generate a *Subpoena Duces Tecum* to the parent or his/her employer.

   c. Obtain information from employers by telephone or generate the Employer's Verification Letter.

   d. Use the parent’s financial information obtained from employers' wage reports to VEC.

   e. Obtain financial information from the LDSS when the parent has applied for food stamps, Medicaid, or fuel assistance.

   f. Use information provided by the other parent if documentation is provided.

   g. Use existing financial information available in the case record if information is not available from other sources.

5. Enter the information required to calculate the obligation onto the APECS Obligation Calculation Worksheet. Print a copy of the worksheet for each party. Compare the

review results (the new obligation amount) to the current support amount. Refer to Section D., Virginia's Child Support Guideline, and Section H., Determining the Monthly Income Child Support Obligation.

6. Decide if an adjustment to the obligation is needed.

   a. An adjustment is needed if a material change in circumstances has occurred. A material change in circumstances has occurred if

      1) the difference between the existing child support obligation amount and the new obligation amount is at least ten percent (higher or lower) of the existing obligation amount, and

      2) the change in the monthly obligation is at least $25 per month.

   b. Do not adjust the obligation if the above conditions do not exist.

7. When adjustment of the obligation amount is determined to be appropriate, ensure that the arrearage is adjusted, as appropriate, retroactively to the date the *Notice of Proposed Review* was served on the non-requesting party.

8. Ensure that medical support is addressed in the order. Refer to Chapter 17, Medical Support, for more information on adding a health care obligation to the order.

(1-1-98)(5-1-98)(3-1-01))(1-1-02) (7-1-02)(07-01-06)(10-1-07)

T. Adjusting Administrative Support Orders **(07-07-2010)**

1. Generate an ASO indicating the ASO resulted from a review of the obligation and begins on the date the *Notice of Proposed Review* was served on the non-requesting party. The monthly obligation amount and the NCP's unreimbursed medical/dental expense percentage calculated on the worksheet automatically transfer to the ASO. Ensure the ASO reflects the total arrearage (principal, interest, and fees) owed through the end of the month preceding the month the *Notice of Proposed Review* was served on the non-requesting party. Use the date of entry of the original order as the beginning date of the arrearage.

2. Serve or have the NCP waive service of the adjusted ASO. Mail a copy of the ASO to the CP.

3. **The appeal period for the ASO is 10 days. For NCPs this is 10 days from the date of service. For CPs this is 15 days from the date of mailing, which allows 5 days for mail delivery. Refer to Chapter 25, Appeals, Hearings and Reviews.**

4. **The new obligation remains in effect until adjusted by a subsequent ASO or is superseded by a court order.**

5. **Complete the APECS Order Maintenance Module after the appeal period has expired. When adding the modified order to APECS, place an end date on the current order without changing the start date.**

6. **Review the subaccount and adjust the arrearage, as appropriate, retroactive to the date the *Notice of Proposed Review* was served on the non-requesting party.**

   a. **Complete a worksheet with the new information.**

   b. **Compare the new worksheet with the original used to establish the order.**

   c. **Decide if the change meets the threshold for adjustment described above.**

   d. **Mail both parties the *Notice of Results of Challenge of Financial Review Results*. This action does not start a new 15 day challenge period.**

   e. **The parties may not challenge the results of an administrative review.**

   f. **Adjust the obligation following the steps above.**

(1-1-98)(5-1-98)(9-1-03)(7-1-04)(3-1-05)(7-1-06)(7-7-10)

U. Modifying Court Support Orders (10-01-2008)

1. If the court order does not specify that the award amount deviates from the guideline, and the court will accept DCSE filing the *Motion to Approve Proposed Modified Order:*

   a. Via first class mail send both parties, a Notice of the Results of Financial Review of a Court Support Order providing the results of the review. Attach a copy of the worksheet used for the review.

   b. Send the court which entered the order or the court having current jurisdiction the following information:

      1) The *General Information Relating to the Review of Court-Ordered Support*

2) The Motion To Approve Proposed Modified Order and a copy of the last order

3) A completed Order of Support (Civil) (DC-628)

4) The Obligation Calculation Worksheet

5) A Notice for each party to be served.

c. The court serves copies of the motion on both parties and dockets the case for entry of order for 30 days after service on both parties is accomplished.

1) If either party requests a hearing with the court within 30 days of receipt, the court notifies all parties of the hearing date.

2) If a hearing is not requested within the 30 day period, the court enters the order without a hearing and forwards a copy of the order to both parties and the district office.

d. Create a self-generated worklist for 40 days after the motion is sent to court to find out the status of the motion and to send a follow-up request if necessary.

e. Complete the APECS Order Maintenance Module within five days of receipt of the order. When adding the modified order to APECS, place an end date on the current order without changing the start date.

2. If the court order specifies that the award amount deviates from the guideline or if the court will not accept DCSE filing the *Motion to Approve Proposed Modified Order* or if the District Manager or designee determines it would be more expedient:

a. Conduct the review 15 days after the *Notice of Proposed Review* is generated.

b. If the non-requesting party does not return the *Financial Statement*, utilize other sources to obtain financial information as outlined in Section S, Review Support Orders.

c. Immediately prepare a motion to amend if the review indicates modification is appropriate.

d. Notify the parties that a motion to amend has been filed with the court by sending a *Notification Of Action Taken By DCSE* to the CP, and a *Contact Letter to NCP* to the NCP.

e. If the review indicates no change is justified, send the parties the *Notice of the Results of Financial Review of Court Support Order*.

f. Complete the APECS Order Maintenance Module within 5 days of receipt of copy of the order. When adding the modified order to APECS, place an end date on the current order without changing the start date.

3. To ensure that the Division meets the requirements for review and or modification of child support orders, case workers are required to do the following in shared custody cases, prior to filing a motion to amend in court:

   a. elicit any necessary information from the CP and NCP to generate shared custody draft guidelines;

   b. determine whether there has been a 10% or $25 per month change in circumstances;

   c. determine whether there are any special circumstances that exist, if the order is less than three years old;

   d. place a copy of the completed guideline worksheets in the agency file.

(3-1-98)(9-1-03)(10-1-08)

V. Review and Adjust Interstate Support Orders (04-01-2007)

1. Interstate cases have the same time periods for review and adjustment as intrastate cases.

2. Virginia as initiating state:

   a. Decide whether to conduct a review and in which state to conduct it. Refer to Chapter 11, Central Registry and Interstate Rules, for procedures to decide which state conducts the review.

   b. Send the request for review via the *Child Support Enforcement Transmittal #1 – Initial Request* to the other state within 20 days of deciding that a case review is to be conducted by that state.

      1) Send the request for review to the other state's central registry if this is the first contact.

2) Send the request to the local (other) office in the responding state if this is not the first contact.

c. Mail a copy of any notice received from the responding state to the parent in Virginia within five business days of receiving such notice.

3. Virginia as responding state

a. Make a decision whether to conduct the review within 15 days of receipt of a request for a review of a child support order. Refer to Determining Whether to Conduct a Review section above.

b. Register the order for modification following the rules found in Chapter 11, Central Registry and Interstate Rules.

c. Send the pre-review and post review notices to the parent in the initiating state through the IV-D agency in the initiating state.

d. Conduct the review using the steps in the Reviewing Support Order section above.

e. Use Virginia's child support guideline to calculate the support obligation.

f. Via first class mail send both parties a Notice of the Results of Financial Review of a Court Support Order document providing the results of the review. Attach a copy of the worksheet used for the review.

g. Petition the court to modify the order. Refer to Chapter 11, Central Registry and Interstate Rules.

h. Complete the APECS Order Maintenance Module within five (5) days of receiving a copy of the order.

(09-01-1999)(04-01-2007)

W. Change of Physical Custody of a Child for Whom Support is Ordered (07-01-2006)

When DCSE receives a referral from a LDSS or an Application for Child Support Enforcement Services from a person other than the obligee named in the ASO (e.g., caretaker, relative or individual who claims to have physical custody of the child) handle as follows:

1. In all cases where the support order was entered by a court, refer the matter to a court having jurisdiction. Refer to Chapter 26, Judicial Support Actions, Section K, Change of Physical Custody of a Child When Support is Ordered by a Virginia Court.
2. For cases with ASOs, mail the Change of Physical Custodian form (DCSEP-800) to notify the parties of receipt of an application for services from a different caretaker, and to afford parties named on the ASO to dispute the new applicant's custody claim.

3. If one of the parties named on the ASO responds challenging the custody as claimed by the applicant

    a. refer the matter to the applicant LDSS in foster care cases, and continue case handling (including review of the parents' financial and medical support obligations) with the applicant as payee, or

    b. attempt to contact the parties in a non-assistance case regarding the current physical custody of the child(ren) and what custody arrangements are planned for the foreseeable future. If the obligee on the ASO and the applicant both claim physical custody of the child(ren), refer the matter to court. Close the applicant's case and continue to send payments to the obligee as shown on the ASO until the matter is resolved by the court. Refer to Chapter 37, Case Closure.

4. If no response is received questioning the applicant's custody claim within 10 days following the date the notice is mailed, evaluate the case situation to determine what is needed to establish or adjust support obligations for both parents.

    a. Set up new cases for both parents named on the ASO (as the obligee is now an NCP). Add the existing NCP's current obligation to his/her new case. If arrears are owed change the existing case type to

        1) ARRN for collection of arrears owed to the obligee, or to the obligee and the Commonwealth, or

        2) ARRP for collection of arrears owed to the Commonwealth.

    b. If either parent's location cannot be determined, or it is unlikely that paternity can be established within 60 days, pursue the legal parent whose location is known to establish or adjust an obligation.

        1) Continue to attempt location and/or paternity establishment of the other parent as needed.

2) When the other parent is located and his/her legal responsibility has been established, initiate a review to determine both parents' support obligations. Even though one of the legal parents may be unobligated, a review must be conducted because both parents' financial circumstances must be evaluated in calculating the support obligation. If either parent has income less than $600 per month, do not include that parent's income in a worksheet computation. Refer to "Minimum Orders" in this chapter, and the following section.

3) Serve an ASO on the unobligated parent to establish a support award amount. Adjust the award amount for the parent already having a support order if the change meets the criteria set forth in this chapter.

c. Determine each parent's obligation as follows:

1) Calculate each parent's obligation using one obligation worksheet when both have monthly income exceeding $600.

2) If either parent has less than $600 monthly income, do not include his/her income on an obligation worksheet, but establish a $65 per month minimum order unless he/she meets the criteria set forth in this chapter, see Section E., "When Obligations Are Not Established." This can include <u>both</u> parents. If only one parent in this situation has monthly income of $600 or above, calculate that parent's obligation using zero income for the other parent.

3) Impute income to either parent whose location is known and who has failed to provide financial information or been determined to be voluntarily unemployed.

d. Issue an ASO to each parent as appropriate. Upon proper service and expiration of the administrative appeal period, update APECS with new obligation amounts.

5. When the NCP and CP live in another state, file a UIFSA action in the other state to establish an order against the obligee and NCP. DCSE may attempt to use Long Arm procedures, if appropriate to attempt necessary case actions which may include establishing paternity, and reviewing each parent's liability for support.

(12-15-1998)(01-01-2006)(07-01-2006)

X. Termination of the ASO (05-01-1998)

1. The ASO remains in effect when the case is closed (i.e., CP requested direct pay) unless terminated for one of the reasons below:

a. The CP can request that the case be closed because of reconciliation with the NCP.

b. The NCP has become the CP.

c. The child has been adopted.

d. Parental rights have been terminated.

e. The NCP is deceased and there are no assets.

2. No current support is due and no arrears accrue from the date the ASO is terminated.

   a. Stop all action to collect or enforce current support or arrears owed to the CP.

   b. Continue collection of a debt owed to the Commonwealth of Virginia until all arrears have been satisfied.

3. If the CP reapplies for child support services or TANF for the children listed on the terminated order

   a. Issue a new ASO.

   b. Only arrears that accrued before the termination of the ASO can be claimed.

4. Obtain the district manager's approval to terminate an ASO.

5. Complete the ASO Termination (DCSEP-753). The signature of the district manager or his/her designee is required for the ASO Termination.

6. Mail a copy of the ASO Termination to the CP and NCP by first class mail.

7. File a copy of the ASO Termination in the paper file.

8. Create a Case Event History event documenting the termination of the ASO.

(05-01-1998)(9-1-1999)

Y. Extending The ASO Child Support Obligation (10-01-2007)

1. Until 7/1/95, child support ordered by ASO automatically terminated on a child's eighteenth birthday. The ASO was modified to add a provision for extension of support after that date to extend support until the earlier of the child's graduation from high school or nineteenth birthday, provided that he or she is a full-time high school student, not self-supporting, and living in the home of the parent receiving child support.

2. APECS defaults a participant's emancipation date to the participant's eighteenth birthday when the participant is identified as CHILD on a case.

3. APECS automatically produces the Notification of Emancipation of Dependent approximately 60 calendar days before the dependent's emancipation date:

   a. A case with a per child order produces the Notification of Emancipation of Dependent as each child approaches their emancipation date.

   b. A case with an order that does not specify an amount per child produces the Notice of Emancipation of Dependent when the youngest child approaches their emancipation date.

   c. The Notice will not be produced for any dependent whose emancipation date is past their 18th birthday, or if the Custodial Parent does not have a mail or residential address.

   d. The Notice is also available as an on-line document in APECS.

4. When the Notice of Emancipation of Dependent is generated:

   a. APECS creates a case event (NEMD) that contains the child's name and date of birth.

   b. APECS generates a worklist for 20 calendar days after the document is mailed to check for a response from the CP.

   c. If the CP returns the information requested and indicates the child is still attending school, not self-supporting, and continues to live in the CP's home,

      1) Update the Emancipation Date field on the Participant Data screen with the child's emancipation date;

      2) Update the order end date on the support order screen;

3) complete the Supplemental ASO if the current ASO was issued prior to 7/1/95, to extend support to the earlier of age 19 or graduation from high school. Refer to Chapter 8, Service of Process and Notarization Chapter for more information.

d. If the CP does not return the information requested, support terminates for the child on the eighteenth birthday.

(09-01-1999)(11-01-2001)(01-01-2007)

Y.1 Emancipation - Child Support Obligation (04-07-2010)

1. When a dependent emancipates in a child support order, review the terms of the order to determine if the order is for one dependent or multiple dependents. A multiple dependent order can be a per child order or a unitary order. A per child order reflects each dependent's portion of the total obligation, and a unitary order does not.

   a. If a per child order or a one child order exists at the time a dependent emancipates, determine the payment terms of the order. An order may be payable monthly, semi-monthly, bi-weekly, or weekly (payment cycle). Do not prorate the support owed in accordance to the payment terms of the order. Liability for the support owed at the time a dependent emancipates is directly related to the payment terms of the order:

      1) An NCP is responsible for the child support due for the entire month in which a dependent emancipates. Do not prorate the support if an order is payable monthly; or

      2) until the end of the semi-monthly period in which the dependent emancipates. Do not prorate the support if an order is payable semi-monthly; or

      3) until the end of the bi-weekly period in which the dependent emancipates. Do not prorate the support if the order is payable bi-weekly; or
      4) until the end of the weekly period in which the dependent emancipates. Do not prorate the support if the order is payable weekly.

   b. If a unitary order exists at the time a dependent emancipates, no change to the support obligation occurs until the youngest dependent emancipates.

2. A hold is placed at the case account level to prevent the disbursement of money when:

   a. an order exists with only one dependent and the dependent emancipates; or

   b. a per child order exists and a dependent emancipates; or

c. the youngest dependent on a unitary order emancipates.

3. If the emancipation of a dependent terminates the current support order, close and zero out the current support extension/subaccount after APECS charges current support once following the emancipation date. Refer to Chapter 18, Receivables.

4. If current support is reduced or terminated due to the emancipation of a dependent, review the case to determine if the *Order/Notice to Withhold Income for Child Support (ONWI*) should be modified or released. **Chapter 20, Section D provides:**

Chapter 20, Section D, The Monthly Amount to be Paid on Arrears

1. **When Current Support is Still Payable**

   a. **When the court order or ASO specifies an amount to be withheld for arrears, use the ordered amount. This amount should be reflected in the APECS field "CT ORD ARRS FREQ AMT$" on the Support Order Screen.**

   b. **When the court order or ASO does not specify an amount to be paid for arrears and all arrears are payable to DCSE, the withholding for arrears is 25% of current support or $65, whichever is greater.**

      <u>FOR EXAMPLE</u>: If current support is $200, the payment on arrears would be $65 because $65 is greater than $50 (25% of $200).

2. **When Current Support Is No Longer Payable**

   a. **When a court order or ASO includes a current support payment but does not specify a periodic payment amount for arrears, then once the current support ends the withholding for arrears continues in the amount of the most recent current support order amount.**

   b. **When a court order or ASO includes (i) a current support payment and (ii) a payment for arrears, then once the current support ends the withholding for arrears shall continue in the total amount due (current plus arrearages) until all arrearages are paid.**

3. **Current Support Was Never Ordered – TANF**

   a. **If all children on the case have emancipated and if the court order or ASO specifies a total amount of arrears due but does not specify a periodic payment for arrears, determine the withholding for arrears by calculating what the current support would be under the guideline and add 25% of that amount or $65, whichever is greater.**

      FOR EXAMPLE: If the calculated obligation under the guideline would be $400, then the withholding amount for arrears would be $500, which is $400 plus $100 (25% of $400). This is greater than $400 plus $65.

   b. **If not all children on the case have emancipated, the withholding for arrears shall be $65.**

5. Initiate case closure if the emancipation of a child terminates the current support order, and no arrears exist. Refer to Chapter 37, Case Closure.

(01-01-2007)(4-7-2010)

Z. APECS Documents (03-01-2005)

1. *Administrative Support Order* (ASO)
2. *Employer Information Request*
3. *Contact Letter to NCP*
4. *Financial Statement*
5. *Administrative Summons*
6. *Change in Payee Notice*
7. *Subpoena Duces Tecum*
8. *Child Support Enforcement Transmittal*
9. *Notice of Proposed Review*
10. *Notice of the Results of Financial Review of Court Support Order*
11. *General Information Relating to the Review of Court-Ordered Support*
12. *Notice of Review Withdrawal*
13. *Review Request Denied*
14. *Review and Adjustment Notification*
15. Obligation Calculation Worksheet

(3-1-99)(9-1-99)(9-1-04)(3-1-05)(10-1-07)

Appendix A, Schedule of Monthly Basic Child Support Obligations (07-01-2001)

COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-599	65	65	65	65	65	65
600	110	111	113	114	115	116
650	138	140	142	143	145	146
700	153	169	170	172	174	176
750	160	197	199	202	204	206
800	168	226	228	231	233	236
850	175	254	257	260	263	266
900	182	281	286	289	292	295
950	189	292	315	318	322	325
1000	196	304	344	348	351	355
1050	203	315	373	377	381	385
1100	210	325	402	406	410	415
1150	217	337	422	435	440	445
1200	225	348	436	465	470	475
1250	232	360	451	497	502	507
1300	241	373	467	526	536	542
1350	249	386	483	545	570	576
1400	257	398	499	563	605	611
1450	265	411	515	581	633	645
1500	274	426	533	602	656	680
1550	282	436	547	617	672	714
1600	289	447	560	632	689	737
1650	295	458	573	647	705	754
1700	302	468	587	662	721	772
1750	309	479	600	676	738	789
1800	315	488	612	690	752	805
1850	321	497	623	702	766	819
1900	326	506	634	714	779	834
1950	332	514	645	727	793	848
2000	338	523	655	739	806	862
2050	343	532	666	751	819	877
2100	349	540	677	763	833	891
2150	355	549	688	776	846	905
2200	360	558	699	788	860	920
2250	366	567	710	800	873	934
2300	371	575	721	812	886	948
2350	377	584	732	825	900	963
2400	383	593	743	837	913	977
2450	388	601	754	849	927	991

COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2500	394	610	765	862	940	1006
2550	399	619	776	874	954	1020
2600	405	627	787	886	967	1034
2650	410	635	797	897	979	1048
2700	415	643	806	908	991	1060
2750	420	651	816	919	1003	1073
2800	425	658	826	930	1015	1085
2850	430	667	836	941	1027	1098
2900	435	675	846	953	1039	1112
2950	440	683	856	964	1052	1125
3000	445	691	866	975	1064	1138
3050	450	699	876	987	1076	1152
3100	456	707	886	998	1089	1165
3150	461	715	896	1010	1101	1178
3200	466	723	906	1021	1114	1191
3250	471	732	917	1032	1126	1205
3300	476	740	927	1044	1139	1218
3350	481	748	937	1055	1151	1231
3400	486	756	947	1067	1164	1245
3450	492	764	957	1078	1176	1258
3500	497	772	967	1089	1189	1271
3550	502	780	977	1101	1201	1285
3600	507	788	987	1112	1213	1298
3650	512	797	997	1124	1226	1311
3700	518	806	1009	1137	1240	1326
3750	524	815	1020	1150	1254	1342
3800	530	824	1032	1163	1268	1357
3850	536	834	1043	1176	1283	1372
3900	542	843	1055	1189	1297	1387
3950	547	852	1066	1202	1311	1402
4000	553	861	1078	1214	1325	1417
4050	559	871	1089	1227	1339	1432
4100	565	880	1101	1240	1353	1448
4150	571	889	1112	1253	1367	1463
4200	577	898	1124	1266	1382	1478
4250	583	907	1135	1279	1396	1493
4300	589	917	1147	1292	1410	1508
4350	594	926	1158	1305	1424	1523
4400	600	935	1170	1318	1438	1538
4450	606	944	1181	1331	1452	1553
4500	612	954	1193	1344	1467	1569
4550	618	963	1204	1357	1481	1584

COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
4600	624	972	1216	1370	1495	1599
4650	630	981	1227	1383	1509	1614
4700	635	989	1237	1395	1522	1627
4750	641	997	1247	1406	1534	1641
4800	646	1005	1257	1417	1546	1654
4850	651	1013	1267	1428	1558	1667
4900	656	1021	1277	1439	1570	1679
4950	661	1028	1286	1450	1582	1692
5000	666	1036	1295	1460	1593	1704
5050	671	1043	1305	1471	1605	1716
5100	675	1051	1314	1481	1616	1728
5150	680	1058	1323	1492	1628	1741
5200	685	1066	1333	1502	1640	1753
5250	690	1073	1342	1513	1651	1765
5300	695	1081	1351	1524	1663	1778
5350	700	1088	1361	1534	1674	1790
5400	705	1096	1370	1545	1686	1802
5450	710	1103	1379	1555	1697	1815
5500	714	1111	1389	1566	1709	1827
5550	719	1118	1398	1576	1720	1839
5600	724	1126	1407	1587	1732	1851
5650	729	1133	1417	1598	1743	1864
5700	734	1141	1426	1608	1755	1876
5750	739	1148	1435	1619	1766	1888
5800	744	1156	1445	1629	1778	1901
5850	749	1163	1454	1640	1790	1913
5900	753	1171	1463	1650	1801	1925
5950	758	1178	1473	1661	1813	1937
6000	763	1186	1482	1672	1824	1950
6050	768	1193	1491	1682	1836	1962
6100	773	1201	1501	1693	1847	1974
6150	778	1208	1510	1703	1859	1987
6200	783	1216	1519	1714	1870	1999
6250	788	1223	1529	1724	1882	2011
6300	792	1231	1538	1735	1893	2023
6350	797	1238	1547	1745	1905	2036
6400	802	1246	1557	1756	1916	2048
6450	807	1253	1566	1767	1928	2060
6500	812	1261	1575	1777	1940	2073
6550	816	1267	1583	1786	1949	2083
6600	820	1272	1590	1794	1957	2092
6650	823	1277	1597	1801	1965	2100

COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
6700	827	1283	1604	1809	1974	2109
6750	830	1288	1610	1817	1982	2118
6800	834	1293	1617	1824	1990	2127
6850	837	1299	1624	1832	1999	2136
6900	841	1304	1631	1839	2007	2145
6950	845	1309	1637	1847	2016	2154
7000	848	1315	1644	1855	2024	2163
7050	852	1320	1651	1862	2032	2172
7100	855	1325	1658	1870	2041	2181
7150	859	1331	1665	1878	2049	2190
7200	862	1336	1671	1885	2057	2199
7250	866	1341	1678	1893	2066	2207
7300	870	1347	1685	1900	2074	2216
7350	873	1352	1692	1908	2082	2225
7400	877	1358	1698	1916	2091	2234
7450	880	1363	1705	1923	2099	2243
7500	884	1368	1712	1931	2108	2252
7550	887	1374	1719	1938	2116	2261
7600	891	1379	1725	1946	2124	2270
7650	895	1384	1732	1954	2133	2279
7700	898	1390	1739	1961	2141	2288
7750	902	1395	1746	1969	2149	2297
7800	905	1400	1753	1977	2158	2305
7850	908	1405	1758	1983	2164	2313
7900	910	1409	1764	1989	2171	2320
7950	913	1414	1770	1995	2178	2328
8000	916	1418	1776	2001	2185	2335
8050	918	1423	1781	2007	2192	2343
8100	921	1428	1787	2014	2198	2350
8150	924	1432	1793	2020	2205	2357
8200	927	1437	1799	2026	2212	2365
8250	929	1441	1804	2032	2219	2372
8300	932	1446	1810	2038	2226	2380
8350	935	1450	1816	2045	2232	2387
8400	937	1455	1822	2051	2239	2395
8450	940	1459	1827	2057	2246	2402
8500	943	1464	1833	2063	2253	2410
8550	945	1468	1839	2069	2260	2417

COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
8600	948	1473	1845	2076	2266	2425
8650	951	1478	1850	2082	2273	2432
8700	954	1482	1856	2088	2280	2440
8750	956	1487	1862	2094	2287	2447
8800	959	1491	1868	2100	2294	2455
8850	962	1496	1873	2107	2300	2462
8900	964	1500	1879	2113	2307	2470
8950	967	1505	1885	2119	2314	2477
9000	970	1509	1891	2125	2321	2484
9050	973	1514	1896	2131	2328	2492
9100	975	1517	1901	2137	2334	2498
9150	977	1521	1905	2141	2339	2503
9200	979	1524	1909	2146	2344	2509
9250	982	1527	1914	2151	2349	2514
9300	984	1531	1918	2156	2354	2520
9350	986	1534	1922	2160	2359	2525
9400	988	1537	1926	2165	2365	2531
9450	990	1541	1930	2170	2370	2536
9500	993	1544	1935	2175	2375	2541
9550	995	1547	1939	2179	2380	2547
9600	997	1551	1943	2184	2385	2552
9650	999	1554	1947	2189	2390	2558
9700	1001	1557	1951	2194	2396	2563
9750	1003	1561	1956	2198	2401	2569
9800	1006	1564	1960	2203	2406	2574
9850	1008	1567	1964	2208	2411	2580
9900	1010	1571	1968	2213	2416	2585
9950	1012	1574	1972	2218	2421	2590
10000	1014	1577	1977	2222	2427	2596

For gross monthly income between $10,000 and $20,000, add the amount of child support for $10,000 to the following percentages of gross income above $10,000:

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

For gross monthly income between $20,000 and $50,000, add the amount of child support for $20,000 to the following percentages of gross income above $20,000:

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2%	3.5%	5%	6%	6.9%	7.8%

For gross monthly income over $50,000, add the amount of child support for $50,000 to the following percentages of gross income above $50,000:

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
1%	2%	3%	4%	5%	6%

(7-1-01)(4-1-06)

A. Description of Medical Support Services (07-7-2010)

1. Medical support services are part of the full range of child support services provided to service recipients.

2. Medical support services include:

   a. Location of the NCP or putative father (PF) and establishment of paternity, if necessary.

   b. Establishment of a health care coverage order,

   c. Enforcement of a health care coverage order against noncustodial parents,

   d. Enforcement of court-ordered medical support payments that are a specific dollar amount,

   e. Monitoring the provision of health insurance coverage and the payment of medical expenses, and

   f. Collection and distribution of court-ordered medical support payments that are a specific dollar amount to the

      1) non-TANF CP when no amount is owed to the state for medical expenses incurred while the family received TANF, AFDC/FC or Medicaid, or

      2) Department of Medical Assistance Services (DMAS) when an amount is owed for medical expenses because the family is receiving or previously received TANF, AFDC/FC or Medicaid.

3. Requirements for Health Care Providers:

   a. No insurer, health services plan, or health maintenance organization, henceforth referred as a provider of coverage, shall refuse to enroll a child under a parent's coverage because

      1) the child was born out of wedlock;

      2) the child is not claimed as a dependent on the parent's federal income tax return; or

      3) the child does not reside with the parent or in the provider of coverage's service area.

b. Upon receipt of proof that a parent eligible for family coverage has been ordered by a court or by DCSE to provide health coverage for a child, the provider of coverage shall:

1) Permit such parent to enroll the child under family coverage without regard to enrollment season restrictions;

2) If such parent is enrolled but fails to make application to obtain coverage for the child, enroll the child upon application by the child's other parent or by the Department of Social Services; and

3) Not disenroll or otherwise eliminate coverage of the child unless the provider is given satisfactory written evidence that:

a) Such court or administrative order is no longer in effect;

b) Such child is or will be enrolled in comparable health coverage through another provider of coverage which will take effect not later than the effective date of termination of the child's coverage under the policy or contract issued by the provider of coverage; or

c) Family health coverage has been eliminated under the contract between the employer and the provider of coverage.

(8-1-97)(9-1-99)(1-1-01)(3-1-03)(7-1-07)(10-1-07)(7-1-09)(7-7-10)

B. Time Requirements

1. Take action to establish a health care coverage order at the time the child support order is established or at anytime when it is determined such action is needed.

2. Take action to enforce the health care coverage order within 30 calendar days of establishing an *Administrative Support Order* (ASO) or adding a court order for health care coverage in the Automated Program to Enforce Child Support (APECS), or, if service of process is necessary to take an enforcement action, within 60 calendar days of identifying noncompliance with an order or location of the noncustodial parent (NCP), whichever occurs later. Examples of noncompliance are

a. insurance coverage becomes reasonably available to the NCP and the dependents are not enrolled, or

b. the NCP becomes delinquent in paying the specific dollar amount order as medical support in an amount equal to one month's payment.

(09-01-1999)

C. Requirements for Non-TANF Cases (07-7-2010)

1. Non-TANF Cases

a. All non-TANF applicants must be provided with the full range of services, including medical support services.

1) All *Administrative Support Orders* must include a provision for health care coverage.

2) The NCP, the CP, or both parents can be ordered to provide health care coverage; however, the Division has determined that on an ASO both parents will not be ordered to provide the coverage except in rare instances.

3) The Review and Adjustment process on an *ASO* not previously addressing medical support must include the addition of a provision for health care coverage.

b. All petitions to court for the establishment of a support order must also include a request for inclusion of health care coverage.

1) The Judge may order the NCP, the CP, or both parents to provide health care coverage.

2) The Review and Adjustment process on any court order not already including a provision for health care coverage will include a petition to the court to include health care coverage in the modified order.

2. The Family Access to Medical Insurance Security Plan (FAMIS) (07-01-2002)

a. The Family Access to Medical Insurance Security Plan (FAMIS) provides health insurance to children up to 19 years of age who are uninsured and who are not eligible for Medicaid. FAMIS is funded by the state and federal government and is administered by the Virginia Department of Medical Assistance Services.

1) Anyone interested in information on the FAMIS plan may call (866) 873-2647, 8 a.m to 8 p.m., Monday through Friday and 9 a.m. to 12 p.m. on Saturday.

2) DCSE District offices can obtain a supply of FAMIS brochures by contacting

Commonwealth Mailing Systems at (804) 780-0076 or on-line at **http://www.famis.org**

b. All FAMIS applicants are provided with information on the services offered through DCSE; however, applying for DCSE services is not an eligibility requirement for the receipt of FAMIS.

c. All Non -TANF service recipients will be provided with information on the FAMIS plan after DCSE has determined that no other health care coverage is available through either parent's employer. Refer to Section G of this chapter**.**

(5-1-97)(9-1-99)(1-1-01)(5-1-01)(7-1-01)(7-1-02)(9-1-03)(7-1-07)(7-1-09)(7-7-10)

D. Requirements for Public Assistance Cases (**11-2-2010**)

1. TANF or AFDC/FC Cases

Provide TANF or AFDC/FC recipients with the full range of child support services, including medical support services, except when good cause is claimed and found to exist. Refer to Chapter 37, Case Closure, for instructions on handling good cause cases.

2. Medicaid Cases

a. Effective January 1, 2007, Medicaid recipients have the option of applying for DCSE services.

b. When a Medicaid-only application is approved by the local department of social services (LDSS),

1) The LDSS will provide the approved Medicaid recipient with a "fact sheet" encouraging application for DCSE services.

2) If the Medicaid recipient forwards the completed application to DCSE, a MAOF case is set up.

c. When a TANF or AFDC/FC case transitions to a Medicaid case, continue to provide full services (MAOF) to the CP unless the CP elects medical support services only (MAOP).

1) For an MAOP case, determine whether health care coverage is available to the NCP at reasonable cost. If it is, establish an order for the NCP to provide that coverage. If it is not, establish an order stating that health care coverage is not available at reasonable cost.

2) **In either case, it is necessary to allocate the unreimbursed medical expenses between the CP and the NCP according to their gross incomes. Use any available evidence to determine those incomes.**

d. Take no action on a Medicaid case if good cause exists or a good cause claim is pending. Refer to Chapter 37, Case Closure.

3. Noncooperation

a. On Medicaid-only cases approved prior to January 1, 2007

1) If a Medicaid-only recipient fails to cooperate in the provision of child support and/or medical support services, this may make him/her ineligible for Medicaid benefits; however, the child(ren) continue to be eligible. When the Medicaid recipient has been determined non-cooperative, and ineligible for Medicaid benefits, continue to work the case providing full services for the child(ren) where possible without the CP's assistance. Use whatever information is available and attempt to obtain more information. This might include

a) obtaining information from the eligibility worker,

b) obtaining copies of court orders, or

c) contacting family members.

2) Send the Cooperation /Noncooperation Notification to the LDSS if a service recipient receiving Medicaid (MAOF/MAOP) fails to cooperate in the provision of child support or medical support services. Refer to Chapter 3, Interaction With Local Agencies, for a definition of noncooperation and the procedures to follow when a Medicaid recipient fails to cooperate with the Division of Child Support Enforcement (DCSE).

b. On Medicaid-only cases approved after January 1, 2007, there is no requirement for the recipient to cooperate with DCSE as a condition of eligibility. Therefore, there is no reason for DCSE to report non-cooperation to the LDSS. If the CP's cooperation is essential for the next step in providing full services, the case should be fully documented and coded MAOP.

c. If the case is a previous TANF case that is now a Medicaid case, the client is required to cooperate with DCSE as long as anyone is still active to Medicaid and noncooperation should be handled, as instructed above, if it occurs.

4. Closure Requests on Medicaid Cases

   a. Once a Medicaid case is opened by DCSE, even by application, it may not be closed at the request of the CP until the Medicaid benefits have ended for all participants.

   b. If case closure is requested, the CP does have the option of changing the case type from full services (MAOF) to partial services (MAOP).

   c. Child-only Medicaid-only cases (where the child(ren), but not the CP, is receiving Medicaid benefits) may be closed for:

      1) Non-Cooperation

      2) Loss of Contact

      Note: If the case opened with the CP active to Medicaid but the CP has since ceased to be eligible for benefits, the case is now considered to be Child-only and may be closed for one of the reasons listed above.

Refer to Chapter 37, Case Closure, for Non- Cooperation and Loss of Contact closure procedures.

(5-1-1998)(09-01-1999)(01-01-2007)(04-01-2007)(10-01-2008)(12-1-08)(7-7-10)(11-2-10)

E. Establishing Health Care Coverage Orders (10-09-2009)

1. If there is no order for health care coverage, initiate action to establish a health care coverage order if such coverage is determined to be available to either party at a reasonable cost (no greater than 5% of combined monthly available income as shown on the Child Support Guidelines Worksheet). If the cost for the health care coverage exceeds 5% of combined monthly available income, it should still be ordered if the parties both have signed a Agreement to Provide Health Care Coverage, Form DCSEP-851). (Note: Pursuant to the Administrative Support Order, at such time as health insurance becomes available at a reasonable cost as defined in Va. Code § 63.2-1900, the party to whom such health care coverage becomes available (either the CP or the NCP) is required to inform DCSE of that availability.)

2. Prioritize cases needing establishment of a health care order based on the potential for enforcing the order. Those where the employer of the NCP or CP is known have the highest priority.

3. Establish paternity, if necessary. Refer to Chapter 15, Paternity, for procedures.

4. When establishing or reviewing a child support order, establish a health care coverage order at the same time.

    a. For *Administrative Support Order*s (ASO), a provision for health care coverage is part of the order.

        1) The CP should be ordered to provide the health care coverage if appropriate under the facts and circumstances of the case and:

            a) the CP currently has the child(ren) enrolled in an insurance plan, the cost of the insurance is reasonable, and the CP chooses to maintain the coverage; or

            b) the CP has coverage available at a reasonable cost and chooses to enroll the child(ren);

            c) the CP is the only party who has health care coverage available at reasonable cost; or

            d) the CP has health care coverage available, the cost of which is not reasonable, but both parties agree in writing (by signing an Agreement to Provide Health Care Coverage, Form DCSEP-851) to enroll the children in that coverage.

        2) If the CP is ordered to provide the health care coverage, workers must:

            a) enter a “C” in the HCC ORDERED field on the Support Order Screen (05/04) and

            b) set the APECS “CP REQ MED SUPPORT” field on the overview screen (03/06) to “No” (N).

        3) The NCP should be ordered to provide the health care coverage if appropriate under the facts and circumstances of the case and:

            a) the CP chooses not to maintain existing health care coverage and the NCP has coverage available at a reasonable cost;

            b) the CP chooses not to enroll the child(ren) in available coverage and the NCP has coverage available at a reasonable cost;

            c) the NCP is the only party who has health care coverage available at a reasonable cost;

            d) the NCP has health care coverage available, the cost of which is not

reasonable, but both parties agree in writing (by signing an Agreement to Provide Health Care Coverage, Form DCSEP-851) to enroll the children in that coverage.

4) If the NCP is ordered to provide the health care coverage, workers must:

a) enter a "Y" in the HCC ORDERED field on the Support Order Screen ((05/04) and

b) set the APECS "CP REQ MED SUPPORT" field on the overview screen (03/06) to "yes" (Y).

5) If both parents are ordered to provide the health care coverage, workers should document this information on APECS behind the child's Medical Support Screen (03/10).

b. For court orders, petition the court to ensure that a provision for health care coverage is included in the order.

5. If an *ASO* exists which does not address the health care coverage provision, establish a health care coverage order by issuing an *ASO*.

6. If a court order exists which does not address the health care coverage provision, proceed as required by the court having jurisdiction. Refer to Chapter 26, Judicial Support Actions, for modifying a court order.

7. Document that health care coverage has been ordered on APECS in the "terms" field on the Support Order screen after the order has been successfully served, and the appeal period has elapsed.

8. Update the APECS Create Medical Insurance screen.

(9-1-99)(1-1-01)(7-1-01)(7-1-07)(10-9-09)

F. Coverage By The Obligor's/Obligee's Spouse (07-01-2007)

1. The obligor/obligee may elect to meet the medical support provision by having the dependent child(ren) enrolled on his or her present spouse's health insurance policy even if coverage is available through the obligor's/obligee's employer.

2. If this option is requested by the obligor/obligee**,** obtain verification from the obligor/obligee that the dependent child(ren) is enrolled on the spouse's health care coverage policy. This includes

a. the obligor's/obligee's spouse's employer's name and address, and

b. insurance information.

3. The health insurance premium covering the dependent child(ren) is handled the same on the APECS *Obligation Calculation Worksheet* whether the insurance is actually provided by the obligor/obligee or his/her spouse. It is added to the basic obligation amount from the schedule prior to determining each parent's obligation, then subtracted from the obligor's/obligee's obligation. Refer to Chapter 16, Establish, Review and Adjust Orders.

(8-1-97)(9-1-99)(7-1-07)

G. Enforcing Health Care Coverage Orders (07-01-2007)

1. When the NCP has been ordered to provide health care coverage and has not done so, enforce the order if health insurance is available through the employer, unions, or other groups.

   a. After the administrative appeal period has expired for an ASO that includes a provision for health care coverage, send the *National Medical Support Notice (NMSN)* to the employer.

   b. Judicial action is used to enforce health insurance coverage when the NCP's employer is not known.

2. An administrative order requires coverage of the dependent children only. A court order may require coverage for a spouse, former spouse, and dependent children.

3. Take administrative action to enforce health coverage even if the NCP states that the children are enrolled under his employer's health plan. This will verify the provision of coverage and ensure that the children cannot be removed from the plan by the NCP.

   a. Generate the *National Medical Support Notice*. Refer to Chapter 8, Service of Process and Notarization Chapter, for procedures on serving the order upon the employer.

   b. When the Employer Response form is received, the information noted on the form about why health care coverage is not available should be entered into the APECS system as follows:

      1) the employer does not maintain or contribute to plans providing dependent health

care coverage.

a) delete the MHI1 worklist for the related employer.

b) enter the code OBNA as the delete disposition.

2) the employer is among a class of employers (for example, part-time or non-union) that are not eligible for family health coverage under any group health plan maintained by the employer or to which the employer contributes.
   a) delete the MHI1 worklist for the related employer.

   b) enter the code OBNA as the delete disposition.

3) Health care coverage is not available because the employee is no longer employed.

   a) delete the MHI1 worklist for the related employer.

   b) enter the code OBNA as the delete disposition.

   c) enter the end date on the related employer on the NCP's employment history and add a note to record any additional information received.

4) State or Federal withholding limitations and/or prioritization prevent the withholding from the employee's income of the amount required to obtain coverage under the terms of the plan.
   a) delete the MHI1 worklist for the related employer.

   b) enter the code WLPW as the delete disposition.

   c) When a Plan Administrator Response provides any information on insurance company names, addresses, telephone numbers, policy numbers or group numbers, coverage availability or premium costs, workers must:

      (1) create or update the NCP's medical insurance record.

      (2) add or update covered participants, employer information and insurance company information to the medical insurance record.

      (3) generate the *Health Insurance Notice (CP)* from APECS document generation indicating the appropriate information.

4. Judicial Enforcement of a Health Care Coverage Order

a. If the NCP's employer is unknown, file a show cause petition with the court to enforce the administrative or judicial order.

b. If health insurance coverage is not available through the employer, but is available through a union or other group, file a show cause petition with the court to enforce the order.

c. Refer to Chapter 26, Judicial Support Actions, for instructions on filing petitions with the court.

5. The NCP may request a review of the amount of the child support obligation after the employer begins deducting health insurance premiums from his wages. Refer to Chapter 16, Establish, Review, and Adjust Orders, for instructions on reviewing and adjusting a child support obligation when the NCP requests a review.

6. The Employee Retirement Income Security Act (ERISA) was amended effective August 22, 1996. Per the amendment, an ASO has the same force and effect as a Qualified Medical Child Support Order (QMCSO).

7. When the CP is ordered to provide the health care coverage, send the *Employer Information Request* to the CP's employer to verify that the child(ren) is enrolled and to obtain policy information. When employers provide information on covered dependents, workers must create a medical insurance record (using the CP's MPI number) in APECS, entering the insurance company names, telephone numbers, policy and/or group numbers, coverage availability, premium costs, etc.

(5-1-97)(9-1-99)(7-1-02)(9-1-03)(7-1-07)

H. Enforcing Health Care Coverage through the Military (10-01-2006)

1. It is not appropriate to send the National Medical Support Notice to the Department of Defense for active duty or retired military personnel. TRICARE, the military medical benefit, is considered an entitlement to military personnel and their dependents, and not health insurance; thus DMDC cannot comply with the NMSN to enroll dependents.

2. Once the child's eligibility status in the Defense Enrollment Eligibility Reporting System (DEERS) is verified, this eliminates any need for the IV-D agencies to send the NMSN to DMDC for a dependent of military personnel. Child support enforcement agencies can determine a child eligible to be enrolled in TRICARE by the following means:

a. By the appearance of an appropriate Department of Defense Federal Employer Identification Number (FEIN) on the New Hire Report or the Quarterly Wage Report for either the NCP or the CP indicating that either parent is active duty or

retired military, or

b. Through the DMDC/Federal Case Registry match.

c. The Department of Defense FEINs are:

Army	Active Duty FEIN 359990000
Navy	Active Duty FEIN 349990000
Marine Corps	Active Duty FEIN 539990000
Air Force	Active Duty FEIN 849990000
Coast Guard	Active Duty FEIN 529980000
NOAA	Active Duty FEIN 520821608
Retired Military	FEIN 340727612

3. If the NCP cannot or will not initiate the enrollment, the CP may initiate the process by going to the nearest RAPIDS ID Card Issuing Activity Center. (RAPIDS stands for Real-Time Automated Personnel Identification Card System and refers to the process through which individuals receive ID cards.)

a. The Department of Defense has verified that all branches of the military must comply with allowing the custodial parent to initiate this process if the NCP refuses to cooperate. The service regulation cites are:

Air Force: Instruction 36 - 3026(I)

Army: Regulation 600-8-14

Marine Corp: Order P5512.11B, Change 2
Commandant Instruction M5512.1
Commissioned Corps Personnel Manual 29.2,
Instructions 1 and 2

Navy: BUPERS Instructions 1750.10A, Change 2

b. Before the enrollment can be completed, an attempt will be made to have the military member sign the paperwork. The amount of time for the process will vary depending on the location and the assignment of the military member. If the military member is unwilling to sign, the verifying official may sign after all efforts to obtain the signature have failed and those efforts have been documented. The military member may not decline coverage for his/her child.

4. Location of the nearest RAPIDS Center may be found via the internet at http://www.dmdc.osd.mil/rsl.owa/home. If internet access is not available the CP may contact the DMDC Support Office telephone center help line Monday through Friday between 9:00 to 6:30 p. m. (ET) at (800) 538-9552.

5. The CP should contact the enrollment site, prior to the visit, for information about the specific documents that will be needed to enroll the child(ren).

6. For civilian employees of the Department of Defense, the NMSN should continue to be sent to the human resources office of the DoD as provided in the New Hire Report and Quarterly Wage Report responses. Addresses for the HR offices are included as part of the information provided to states with the FPLS match.

(1-1-2000)(09-01-2000)(09-01-2003)(10-1-06)

I. Enforcing Medical/Dental Payments (07-01-2004)

1. Take no action to enforce orders for a nonspecific dollar amount for medical/dental expenses. This includes the unreimbursed medical/dental provision of all administrative and court orders.

2. All orders for specific dollar amounts are enforced using all the enforcement remedies described in the enforcement chapters of this manual.

3. Verify that a subaccount has been set up on APECS for the medical/dental support order dollar amount. If a subaccount has not yet been established, establish one. Refer to Chapter 18, Receivables, for instructions.

(09-01-1999)(07-01-2004)

J. Consumer Credit Protection Act Requirements (09-01-2003)

When both child support and a health insurance premium are to be collected through income withholding:

1. Always enter the child support as the priority on the *National Medical Support Notice.*

2. If the amount of the child support plus the health insurance premium is less than the Consumer Credit Protection Act (CCPA) maximum, the employer secures the health care coverage by processing the premium to the insurance company and remits the child support payment to DCSE.

3. If the maximum amount allowed by the CCPA is not sufficient to remit the child support to DCSE and cover the insurance premium, the employer should remit the monies to DCSE as child support and notify DCSE that the coverage is not available.

(01-01-2001)(09-01-2003)

K. Monitor Provision of Medical Support Services (07-01-2007)

1. Monitor the provision of health insurance coverage once ordered. If DCSE is aware that ordered services are not being provided,

   a. verify service of the NMSN and employer's response to it, and

   b. when necessary, request the Legal Counsel to write to the employer regarding the requirements of the law.

2. If the dependents are not enrolled because health care coverage is not available through the obligor's employer, monitor the case to determine if health insurance has become available to the obligor.

   a. Generate an NMSN when the NCP changes employers.

   b. Periodically generate the *Employer's Request for Information* document to determine if health care is now available.

(9-1-99)(9-1-03)(7-1-07)

L. Review and Adjust Health Care Coverage Orders (07-01-2001)

When either party requests a review of an existing order, the review must include the addition of a provision for health care coverage, if health care coverage was not addressed in the original order. Follow the procedures in this chapter for establishing a health care coverage order.

(11-1-96)(9-1-99)(7-1-01)

M. Terminating Medical Support (07-01-2007)

1. The medical support portion of an order ceases at the same time as the monetary child support award. Therefore, when the youngest child on an order emancipates, steps must be taken to terminate any medical support enforcement actions that are in place.

a. Generate the APECS *Health Insurance Order Release* document if the NCP's employer is honoring a NMSN and health insurance is no longer to be enforced.

b. To stop other enforcement actions in place, follow the procedures for terminating the actions found in the chapter that covers that enforcement action.

2. For all open cases, where the youngest active child emancipates, the APECS Update Support Order screen must be updated to reflect:

a. "N" in the "HCC Ordered" field,

b. 0% in the "Uninsured MEDL/DENTL" field,

c. and "MCOR" in the "Reason for Mod" field.

(7-1-07)

N. Department of Medical Assistance Services (DMAS)(10-01-2007)

1. Information regarding third party liability (e.g. health insurance) is automatedly reported to DMAS in TANF, AFDC/FC or Medicaid cases so that Medicaid and other state medical benefit expenditures can be reduced.

2. This information is reported to DMAS on a monthly basis.

3. Staff must update the APECS Medical Insurance screens with all available health insurance information obtained on the children. The information should be entered under the NCP's MPI number if the insurance is provided by the NCP and under the CP's MPI number if the insurance is provided by the CP.

(9-01-99)(7-01-02)(10-01-07)

O. Interstate Cases (09-01-1999)

Take all appropriate actions you would take on an in-state case within the applicable mandated time frames. Refer to Chapter 11, Central Registry and Interstate Rules.

(09-01-1999)

P. Documents (10-01-2007)

1. Manual documents

a. *Application for Child Support Enforcement Services*

b. *Absent Parent/Paternity Information Form*

c. *Medicaid-only Information Transmittal*

d. *Cooperation /Noncooperation Notification*

2. APECS-generated documents

a. *Health Insurance Notice - CP*

b. *National Medical Support Notice (NMSN)*
c. *Health Insurance Order*

d. *Health Insurance Order Release*

e. *Administrative Support Order* (ASO)

f. *Employer's Request for Information*

(1-1-01)(9-1-03)(10-1-07)

DIVISION OF CHILD SUPPORT ENFORCEMENT
CHAPTER 18 RECEIVABLES (**09-03-2010)**

A. General Information (07-01-2003)

1. The purpose of this chapter is to provide procedures and information regarding establishing and maintaining receivable subaccounts and financial records.

2. The chapter refers the reader to the Automated Program to Enforce Child Support (APECS) User Manual,

   a. pages 5.5-1 through 5.5-15 for functional processing steps on how to add or update an order on APECS,

   b. to establish subaccounts on APECS, and

   c. for information on charging.

3. The chapter refers the reader to the DCSE Program Manual

   a. Chapter 9, Eligibility for Services, for information on when enforcement of spousal support is a IV-D service;

   b. Chapter 12, Case Initiation, for procedures to change the payee to the Division of Child Support Enforcement (DCSE);

   c. Chapter 28, Allocation and Distribution, for overpayment information and IRS fees;

   d. Chapter 31, Adjustments, for how to adjust IRS fees and out-of-state fees, overpayments, and discharge of arrears;

   e. Chapter 32, Interest, for information on interest;

   f. Chapter 35, Fees, for information on genetic test fees and attorney fees; and

   g. Chapter 37, Case Closure, for steps to close a case for good cause.

(3-1-2000)(7-1-03)

B. General Rules (07-01-2003)

1. Enter the obligation on APECS within two business days

   a. after the appeal period expires when an administrative order is established or modified, or

   b. of the receipt of the court order.

2. Establish receivable subaccounts for arrears owed to the custodial parent (CP) or the Commonwealth.

3. Establish receivable subaccounts using the support order or adjustment module.

4. Refer to the APECS User Manual, pages 5.5-1 through 5.5-15, for functional processing steps on how to add or update an order on APECS.

(10-24-1995)(7-1-03)

C. Types of Support Receivables (07-01-2003)

Each type can have an extension for current support, arrears, and interest. Types of support receivables are as follows:

1. Child Support

   A receivable that records obligations and payments for child support.

2. Medicaid Support

   A receivable for medical support, established by court order for a specific dollar amount, and payments received. Payments are disbursed to the Medicaid agency.

3. Medical Support

   A receivable for medical support, established by court order for a specific dollar amount, and payments received. Payments are disbursed to the CP.

4. Spousal Support

   A receivable that records obligations and payments for spousal support.

5. Miscellaneous Support

   A receivable that records payments received by DCSE for a type of support other than the four types of support mentioned above.

(10-24-1995)(1-1-01)(7-1-03)

D. Types of Extensions (07-01-2003)

1. Current Support (CSUP)

2. TANF Arrears (AFDCA)

3. TANF Arrears Interest (AFDCAI)
4. AFDC/FC Arrears (FCARA)
5. AFDC/FC Arrears Interest (FCARAI)
6. Temporarily Assigned Arrears (TTNFA)
7. Temporarily Assigned Arrears Interest (TTNFAI)
8. Conditionally Assigned Arrears (CTNFA)
9. Conditionally Assigned Arrears Interest (CTNFAI)
10. Unassigned Pre-Assistance Arrears (UNTFA)
11. Unassigned Pre-Assistance Arrears Interest (UNTFAI)
12. Unassigned During Assistance Arrears (UNDFA)
13. Unassigned During Assistance Arrears Interest (UNDFAI)
14. Medicaid Arrears (MEDIA)
15. Medicaid Arrears Interest (MEDIAI)
16. Non-TANF Arrears (NPAAA)
17. Non-TANF Arrears Interest (NPAAAI)
18. Genetic Test Fee (AFBT)
19. Attorney Fee (AFLG)
20. Parental Kidnapping Fee (AFKD)
21. Internal Revenue Service (IRS) Intercept Fee (AFII)
22. Credit Card Fee (AFCC)
23. Insufficient Check Fee (AFNF)
24. Other State Arrears (OSTA)

25. Voluntary Payment (VLTY)

(9-1-1999)(7-1-03)

E. Miscellaneous Fees (07-01-2003)

1. Fees Charged Noncustodial Parents (NCPs) by Other States

2. Fees Charged CPs by Other States

3. Collection and Monitoring Fees

   These cases are not on APECS; therefore, the fees are not on APECS.

4. Charges For Copying Files

(1-1-1996)(7-1-03)

F. Categories of Receivables (07-01-2003)

Each category has a receivable for current support and a receivable for arrears, if owed.

1. TANF Instate and Out-of-State

2. Aid to Families with Dependent Children in Foster Care (AFDC/FC) Instate and Out-of-State

3. Medicaid-only

4. State and Local Foster Care (SLFC)

5. Non-TANF

6. Non-IV-D

(3-1-2000)(7-1-03)

G. Fees (07-01-2003)

1. Genetic Test Fee

   a. Charge an NCP the genetic test fee when the test results are used to administratively establish paternity, or the court orders the NCP for the payment of the fee.

b. Charge a CP the genetic test fee when the court orders the CP for the payment of the fee.

c. Collect the genetic test fee in advance from the party challenging the test result when a CP or an NCP challenges the result of a genetic test and requests additional genetic testing.

d. Collect the genetic test fee in advance from the party seeking relief when a CP or an NCP seeks relief from legal determination of paternity and the court orders genetic testing.

e. The fee is the amount charged by the genetic testing vendor.

f. Refer to Chapter 35, Fees, Section F, Genetic Test, for the steps to set up a genetic test fee subaccount on APECS.

2. Attorney Fee

a. The attorney fee is $120 per action.

b. Refer to Chapter 35, Fees, Section E, Attorney Fees for the steps to set up an attorney fee subaccount on APECS.

3. IRS Intercept Fee

a. The subaccount is established when the intercept payment is posted to the NCP's subaccount.

b. The fee is due the Commonwealth when all or part of the intercept payment is applied to the NCP's arrears. This applies to fees paid after January 1, 1996.

c. The fee is not due the Commonwealth when the entire intercept payment is refunded to the NCP. Refer to Chapter 31, Adjustments.

4. Fee Charged an NCP by Another State

a. When the CP is in Virginia and the NCP is in the other state, no action is required.

b. When the CP is in the other state and the NCP is in Virginia, increase the receivable subaccount by the amount of the fee. Refer to Chapter 31, Adjustments, for adjustment information.

5. Fee Charged to a CP by Another State

a. When the CP is in Virginia and the NCP is in the other state, decrease the receivable

subaccount by the amount of the fee. Refer to Chapter 31, Adjustments, for adjustment information.

b. When the CP is in the other state and the NCP is in Virginia, increase the receivable subaccount by the amount of the fee. Refer to Chapter 31, Adjustments, for adjustment information.

(3-1-2000) (9-1-01)(11-1-01)(3-1-02)(7-1-03)

H. Recovery and Recoupment (07-01-2003)

1. Overpayments

Refer to Chapter 28, Allocation and Distribution; refer to Chapter 29, Disbursements; and refer to Chapter 31, Adjustments.

2. IRS Intercept Adjustments

Refer to Chapter 28, Allocation and Distribution; refer to Chapter 29, Disbursements; and refer to Chapter 31, Adjustments.

(9-1-1999)(3-1-2000)(7-1-03)

I. Interest (03-01-2000)

Refer to Chapter 32, Interest.

(3-1-2000)

J. Adding Orders to APECS (01-01-2008)

Use the APECS order module to

1. calculate the arrears. If the charging date for the current month has passed, include the current month's obligation.

2. enter the obligation.

a. Do not complete the ordered frequency and amount fields for arrears extensions on APECS unless a court order specifically directs DCSE to distribute payments in a manner different from the child support distribution rules.
b. If a case has both AFDCA and NPAAA extensions on APECS, do not enter an ordered frequency and amount on either extension unless

1) a court order specifically states that Non-TANF arrears are to be paid before any

TANF arrears. Such an exception must be ordered and included in the language of the court order. If so, enter the ordered frequency and amount in the NPAAA extension only; or

2) a court order specifies a frequency and separate amounts to be paid towards each type of arrears, TANF and Non-TANF. If so, enter the appropriate ordered frequency and amounts in the AFDCA and NPAAA extensions.

c. If a NCP owes TANF arrears on one case and Non-TANF arrears on another case, do not enter the ordered frequency and amount for arrears on either case. APECS will distribute the payments, according to the established distribution hierarchy, without this information.

3. enter terms of the order and notes. For example, when the judge orders a periodic payment on a genetic test fee or attorney fee, enter this information on APECS.

4. set the intercept and consumer reporting agency indicators when an arrears receivable is not to be certified or referred.

5. Entering an initial order in APECS:

a. Create an order in APECS (menu 05/04), Display Support Order Screen, entering the order date (the date a judge signs a court order or the date indicated on an ASO) and the start date (court order: the first day of the month following the court hearing date or as otherwise ordered by the judge; ASO: the first day of the month following service of the ASO).

b. Enter in the notes section of the Display Support Order screen the effective date (court order: the date of the filing of the petition or as otherwise ordered by the judge; ASO: the date of service of the ASO.

c. Create a current support extension to add the current support amount and any arrears amount stated in the order. NOTE: APECS will automatically charge the current support amount on the first day of the following month if the order is entered in APECS prior to the start date. If the order is entered after the start date, APECS will automatically charge for the month in which the order is entered.

d. Immediately refer the case to fiscal staff to perform the following steps:

1) Fiscal worker use the adjustment module in APECS (menu 05/06/01) to enter the arrears amount of the support calculated for the period between the effective date of the order and the date that the first monthly payment is due. If the order is entered in a later month, a full month's obligation would need to be added for each month that has passed since the start date of the order.

2) The calculations may require the determination of a partial month's obligation owed from the effective date through the end of that month, plus any full month's obligation due prior to APECS automatically charging on the first. The fiscal worker will determine, when necessary, the partial month's obligation amount by prorating the new monthly amount by the number of days from the effective date through the end of the month for the arrears adjustment. NOTE: When calculating the prorated amount, it is recommended to arrive at the daily rate by multiplying a monthly order by 12, a semi-monthly order by 24, a bi-weekly order by 26, and a weekly order by 52 and then dividing it by 365.

6. Entering a modified order in APECS:

a. Enter the end date for the old order in APECS (menu 05/04), Display Support Order Screen. Select the old order to enter the end date and press PF9. The end date on the old order must be the day before the start date of the modified order (example: modified order start date is 8/1/06, enter 7/31/06 as the end date on the old order).

b. Create a modified order in APECS (menu 05/04), Display Support Order Screen, entering the order date (the date a judge signs a court order or the date indicated on an ASO) and the start date (court order: the first day of the month following the court hearing date or as otherwise ordered by the judge; ASO: the first day of the month following service of the ASO).

c. Enter in the notes section of the Display Support Order screen the effective date (court order: the date of the notice to the responding party or as otherwise ordered by the judge; ASO: the date the *Notice of Proposed Review* is served on the nonrequesting party, except when a modified ASO does not result from a Review and Adjustment and there is no *Notice of Proposed Review*. In that case, the effective date will be the date of service of the modified ASO)and select PF6.

d. Update the current support extension. Do not manually adjust the current support subaccount. For a modified order, the proper way to correct the amount of the current support is through the Order Module in APECS. APECS will automatically adjust the current support subaccount based on the amount of current support entered through the Order Module.

e. Immediately refer the case to fiscal staff to perform the following steps:

1) Fiscal workers use the adjustment module in APECS (menu 05/06/01) to adjust the arrears (pursuant to the modified order) through the end of the current month. This may require calculating the support owed for the period between the effective date of the order and the date that the first monthly payment is due. If the order is entered in a later month, a full month's obligation would need to be added for each month that has passed since the month of the start date of the modified order.

2) The calculations for the arrears adjustment may require the determination of a partial month's obligation owed from the effective date through the end of that month plus any full month's obligation due prior to APECS automatically charging on the first. The fiscal worker will determine, when necessary, the partial month's obligation amount by prorating the new monthly amount by the number of days from the effective date through the end of the month for the arrears adjustment.

3) Fiscal worker should reset the charge date field in APECS (menu 07/07), Reset Order Screen, to the first day of the following month (example: fiscal worker updates the Reset Order Screen on 8/10/06, the charge date should be reset to charge on 9/1/06). Do not reset the start date. NOTE: It is not necessary to reset the charge date to the first of the month if the charge date in APECS is already set to the first of the month based on the old order.

7. Establishment of an IRS interest fee subaccount is an automated APECS adjustment function.

8. Use the manual adjustment module to establish the following subaccounts:

   a. parental kidnapping fee

   b. genetic test fee

   c. attorney fee

   d. credit card fee

   e. insufficient fee

   f. voluntary payment

(3-1-2000)(7-1-03)(10-1-06)(1-1-08)

K. Order Terms (07-01-2003)

1. Enter order terms (four character code) in APECS from the list below:
   a. Administrative Orders

      1) ADAI = Arrears and Insurance

      2) ADAO = Arrears Only

      3) ADCA = Current Obligation and Arrears

4) ADCS = Current Obligation Only

5) ADIN = Medical Insurance Only

6) ADMD = Modification for Decrease-Support Only

7) ADMG = Modification for Medical Insurance

8) ADMI = Modification for Increase-Support Only

9) ADOD = Order Set by Default

10) ADSA = Current Support and Medical Support and Arrears

11) ADSM = Current Support and Medical Support

12) ADSO = Suspend Administrative Support Order (ASO)

b. Consent Order

1) CCSP = Current Support-Paternity (Use only with paternity establishment.)

2) CMDI = Modification for Decrease and Insurance

3) CMDS = Modification for Decrease-Support Only

4) CMFM = Modification for Medical-Current Support Unchanged

5) CMII = Modification for Increase and Insurance

6) CMIS = Modification for Increase-Support Only

c. Court Orders

1) JFPS = Paternity Established-Current Support Ordered

2) JFCA = Current Obligation and Arrears

3) JFCS = Current Obligation-Only

4) JDCM = Current and Medical Support

5) JFAO = Arrears Only

6) JFMA = Current and Medical Support and Arrears

7) JFAA = Arrears Held in Abeyance

8) JFJA = Judgment on Arrears

9) JFMS = Medical Support Only

10) JFIN = Medical Insurance Only

11) JFIF = Medical Insurance and Fixed Expenses

12) JFMF = Fixed Medical Expenses

13) JFVM = Variable Medical Expenses

14) JFES = NCP Ordered to Report Employment Status

15) JFMI = Modification-Increase Ordered

16) JFMD = Modification-Decrease Ordered

17) JFMG = Modification-Medical Insurance Ordered

18) JFSS = Support Order Suspended

19) JFCO = Conditional Order

20) JFNP = No Proration of Obligation Amount with Emancipation

21) JFTO = Temporary Order

22) JFOD = Order Set by Default

23) JFOV = Current Support Order Vacated

24) JFPO = Paternity Established-Support Not Ordered

(3-1-2000)(7-1-03)

L. Charging (10-01-2006)

1. Charging of support orders for the current month is an automated APECS function. Refer to the APECS User Manual.

a. Orders charge on the effective date of the order if the order was initially established on APECS. Orders issued since July 1, 2006 charge on the first day of the month unless otherwise ordered by the court.

b. Orders charge on the first day of the month for cases converted from SUPE and ACSES.

c. APECS converts order amounts that are not monthly to a monthly order amount using the following formula:

1) Weekly Orders

a) Figure out the last charge date.

b) Figure out how many full weeks are in the current charge cycle.

c) Multiply the order amount by the number of weeks in the current charge cycle.

2) Biweekly Orders

a) Refer to steps a) and b) above.

b) Divide the ordered amount by two to figure out the weekly equivalency amount.

c) Refer to step c) above.

3) Semimonthly Orders

Multiply the order amount by two.

4) Quarterly Orders

Divide the order amount by three (3).

5) Yearly Orders

Divide the order amount by 12.

2. If a modified support obligation is entered in APECS during the charge cycle by a worker using the order module, APECS automatically adjusts the current period's charge amount to the new support obligation amount. This occurs as soon as the modified support obligation is entered in APECS.

M. Statement of Account (07-01-2008)

1. A *Statement of Account* is sent to the NCP on a quarterly basis when a case has a balance due. Statements are not sent if a case does not reflect a balance due amount.

2. The NCP receives a *Statement of Account* for each of the NCP's cases that has a balance due.

3. APECS creates a reference number for each Statement of Account. The reference number appears on the *Statement of Account* in the following sample format: 7650000123456N0127.

   The reference number includes the following information:

   a. the first three numbers are the agency code (765)

   b. the next 10 numbers are the NCP's MPI number (including leading 0's)

   c. the next alpha-numeric code is the district code of the case

   d. the next three numbers represent the locality code of the case

4. The *Statement of Account* includes

   a. the date that the *Statement of Account* was printed,

   b. the district office address,

   c. DCSE case number,

   d. reference number,

   e. NCP name and address,
   f. beginning balance,

   g. quarterly total of charges,

   h. quarterly payments and adjustments,

   i. ending balance, and

   j. a payment coupon.

(9-1-99)(3-1-2000)(1-1-01)(7-1-08)

N. Receivable Maintenance **(09-03-2010)**

The receivable balance on a case in APECS is maintained based on a support order issued by a court or an administrative support order issued by a child support agency. Occasionally, the receivable balance may have to be recalculated and adjusted in APECS due to a change in the ordered amount or due to an error made. Such an adjustment, however, cannot be based on a request by a CP to arbitrarily change the arrearage amount or to forgive an arrearage.

1. To figure out the correct receivable balance on a case, district office fiscal staff may have to recalculate the obligation and payments history on a case from its inception and make necessary adjustments to the receivable balance on APECS.

2. The formula for computing the correct receivable balance in a subaccount is to add the obligations (effective the support order date) and subtract any payments made. If the NCP is ordered or incurs other charges, i.e., attorney fees, genetic test fee, etc., an adjustment would need to be made to the appropriate subaccount to add these amounts to the receivable balance.

   a. For older cases (pre-conversion to APECS), use the *Fiscal Record* in the case file and the APECS *Case Account Statement* to verify or calculate the correct receivable balance.
   b. For newer cases (post-conversion to APECS), use the APECS Case Account Statement.

   c. For cases that are reopening due to a reapplication for services,

      1) ensure that there is a complete and legible ***Statement of Payments Received*** covering any period that the case was obligated and not open for IV-D services. Refer to Section N, Receivable Maintenance, item 5 for guidance on direct payments.

      2) the formula for computing the correct balance is to reinstate the arrearages (all subaccounts including interest) that may have been adjusted to zero when the case previously closed, compute and add the obligations for the period the case was closed and subtract any payments made as reflected on the ***Statement of Payments Received***.

      2) if, in the meantime, a court order was issued addressing the arrearages, use the court ordered amount.

3. If proof of payment is needed, any of the following constitute proof of payment:

   a. copy of an endorsed check or money order

b. receipt signed by the CP

c. Leave and Earning Statement (LES) or other statements verifying voluntary allotment payments

d. signed statement from the CP

e. other documents at the discretion of the Accountant Senior or the District Manager

4. Direct payments made by the NCP before the establishment of an order

   a. If the CP is not receiving public assistance, these payments are not considered support payments and credit is not given for the direct payments made before the establishment of an order.

   b. If the CP is receiving TANF and if the NCP is being obligated for retroactive support and presents receipts, copies of payments, or other proof of payment for the period that the retroactive support order covers,

      1) give the NCP credit for the payments, and

      2) report the direct payments made to the CP to the LDSS for possible fraud.

5. Direct payments made by the NCP after the establishment of an order or receipt of a *Change in Payee Notice* directing payments through DCSE

   Do not give the NCP credit for payments paid to anyone other than DCSE or a court or IV-D agency in another state after the NCP is ordered by a court or an administrative order to make payments to DCSE or is served with a *Change in Payee Notice* directing payments through DCSE.

6. Direct payments made by the NCP during the time a case is closed

   a. These payments should match the ***Statement of Payments Received*** completed by the CP at the time of reapplication for services.

   b. If the NCP presents receipts or copies of endorsed payments for periods during which the case was closed, compare them with the ***Statement of Payments Received*** obtained for the period the case was closed.

      1) If these payments are listed on the ***Statement of Payments Received***, use the ***Statement of Payments Received*** to give the NCP credit for payments made.

      2) If a payment is not listed on the ***Statement of Payments Received***, contact the NCP and the CP to review the differences.

a) If the CP agrees that the receipts were for child support payments, obtain a written statement or a new ***Statement of Payments Received*** and give the NCP credit for the payments.

b) If the CP does not agree that the receipts were for child support payments, advise the NCP that only a court can give credit for those payments.

3) If the NCP wants to have the court review the case, the NCP can file a Motion to Amend or Review Order with

a) the court that entered the order or is enforcing the order or

b) the court where the CP lives if the order is an administrative order.

7. If a judge orders a reduction in arrears based on payments made to someone other than DCSE, adjust the receivable balance to the amount of the new order. Refer to Chapter 31, Adjustments, for procedures to adjust subaccounts.

8. If a child support obligation decreases due to the emancipation of a dependent.

9. Voluntary receivables

a. Allow payments to distribute to the CP until an order is established.

b. Establish a voluntary receivable when the NCP or putative father (PF) pays before an order is established or received.

c. Remove the voluntary obligation when an order is established.

d. Payments posted to voluntary accounts are reported on the federal OCSE 156 and the quarterly Accounts Receivable Report as voluntary payments.

10. Spousal support receivables

a. Spousal only cases are Non-IV-D cases.

b. Cases with spousal support and child support are categorized according to the category of the child support.

c. Spousal support that accrues after the child support order ends is categorized as Non-IV-D.

d. Refer to Chapter 9, Eligibility for Services, to decide if enforcement of spousal support is a IV-D service.

11. Arrears held in abeyance

    a. Enter information as a term of the court order. Also enter a review date.

    b. Add the amount the judge ordered held in abeyance to APECS. Set indicators to exclude the amount from automated enforcement.

    c. Create a self-generated worklist to review the case in one year or an earlier date if an end date or review date is stated in the order.

12. Good cause

    When good cause is found to exist at the time of application for public assistance, the MAPPER 501 information and a good cause status code are entered on ADAPT by the LDSS. APECS does not build a case based on the MAPPER 501 good cause information.

    a. Public assistance applicants claiming good cause are asked at the time of application if they have previously received public assistance or have a child support case with DCSE.

        1) If the response is affirmative, DCSE is notified of the good cause claim manually, via the *Good Cause Communication* form.

        2) Upon receipt of the *Good Cause Communication* form, search APECS for an existing case involving the CP and the NCP against whom good cause is claimed. If a case is found on APECS, change the case type, as appropriate, and close the case using good cause as the closure reason. Refer to Chapter 37, Case Closure, for steps to close the case.
        3) If the response is negative, the *Good Cause Communication* form is not sent by the local agency.

    b. For a case with an existing support order, arrears continue to accrue while good cause exists and the case is closed on APECS. The arrears can be enforced when good cause no longer exists.

13. Assignment of Arrears to the Commonwealth

    Effective October 1, 2009, the assignment of support rights to the Commonwealth is limited to the amount of support that accrues during the period that a family receives assistance, not to exceed the cumulative amounts of unreimbursed public assistance paid to the family. Therefore, there will be no new temporarily-assigned arrearages. Arrears that accumulate prior to receipt of public assistance will remain payable to the family for cases that open to TANF on or after October 1, 2009.

a. new case

Establish a TANF receivable for the support owed to the CP within two business days of receiving a ***Statement of Payments Received***.

b. Non-TANF case

APECS automatically establishes a TANF receivable for support owed to a Non-TANF CP when the CP is approved for TANF. If the CP has a TANF and a Non-TANF category,

1) Do not transfer the Non-TANF arrears to TANF on or after October 1, 2009. Arrears that accumulate prior to receipt of public assistance will remain payable to the family for cases that open to TANF on or after October 1, 2009.

2) the NCP is responsible for children receiving TANF and children on Non-TANF. The district office staff takes all of the following actions:

a) Prorate the arrears between the children.

b) Transfer the portion for the child receiving TANF and establish a Non-TANF receivable for the arrears that accumulated prior to the child receiving TANF. Arrears that accumulate prior to receipt of public assistance will remain payable to the family for cases that open to TANF on or after October 1, 2009.

c) If the order is not a per child order, refer the case to court to have the order changed to a per child order and to have the arrears adjudicated.

14. Fees

Request redistribution of genetic test fees and attorney fees allocated to other receivable subaccounts when the other subaccounts are paid in full, if applicable.

15. Case Closure

a. Remove the arrears in TANF, AFDC/FC, and SLFC cases that accrued as a result of an error made by staff.

b Remove the arrears in Non-TANF, interstate and Medicaid cases.

c. Refund to the NCP any overpayments.

d. Refer to Chapter 31, Adjustments.

O. Discharge of Arrears (03-01-2002)

1. The Commissioner has the authority to discharge

   a. uncollectible TANF and AFDC/FC arrearages (typically ARRP or FC case types, but can also be ARRN case type once the Non-TANF arrearages are paid in full), and

   b. uncollectible fees owed to the Commonwealth. The uncollectible fees may exist on any case type on APECS.

2. District office staff take the following actions to initiate the discharge of uncollectible TANF or AFDC/FC arrearages, or any uncollectible fees owed:
   a. Verify that the case meets a case closure criterion; and

   b. verify that there are no conditionally assigned (CTNFA) arrearages; and

   c. verify that there has not been a payment posted on the case in the past twelve (12) months.

   d. Review the participant and the case event histories on APECS to verify that there is no recent information which could result in a collection of the TANF or AFDC/FC arrearages, or any fees owed.
   e. If the above conditions are met, release all liens or other enforcement actions pending on the case.

   f. Close the case using appropriate steps outlined in Chapter 37, Case Closure. Do not zero out the subaccount balances.

3. The uncollectible TANF or AFDC/FC arrearages, or any uncollectible fees owed on a closed case will be transferred to a Doubtful Account when such an account is established on APECS.

(9-1-1999)(3-1-2000)(3-1-2002).

P. Unreimbursed Public Assistance (07-01-2003)

1. Unreimbursed Public Assistance (URPA) is the amount of the entire TANF grants received by the CP minus the support collected from the NCP(s) and distributed to the federal and state governments.

2. APECS automatically adjusts the URPA amounts when payments are distributed or redistributed.

3. Make manual adjustments to correct URPA amounts that are incorrect or were incorrect

when they converted from SUPE.

(03-01-2000)(07-01-2003)

Q. Documents (9-03-2010)

1. ***Statement of Payments Received***

2. *Case Account Statement*

3. *Change in Payee Notice*

4. *Fiscal Record*

5. *Good Cause Communication Form*

6. *Motion to Amend or Review Order*

(11-1-99)(3-1-2000)(9-3-10)

R. Reports (01-01-2001)

1. Federal OCSE 156

2. Accounts Receivable Report

(9-1-1999)(3-1-2000)(1-1-2001)

DIVISION OF CHILD SUPPORT ENFORCEMENT
CHAPTER 19 ENFORCEMENT RULES **(10-09-2009)**

A. Purpose of Chapter (11-01-1997)

The purpose of this chapter is to provide policy, procedures, and information regarding

1. administrative enforcement actions the Division takes,

2. enforcement standards,

3. enforcement actions not to use when the noncustodial parent (NCP) is a minor, who meets compulsory school attendance laws,

4. when not to enforce support owed by other NCPs, and

5. when to enforce spousal support.

(11-01-1997)

B. General (09-01-1999)

1. The Division administratively enforces compliance with child support orders.

2. Attempt to enforce current support and arrears through administrative actions before petitioning the court for enforcement, unless court action is more appropriate.

3. When a customer requests enforcement of an out-of-state order and both parents live in Virginia, use all available enforcement actions to enforce the out-of-state order.

4. If administrative enforcement of an out-of-state order fails and both parents live in Virginia, register the order with the appropriate juvenile court for enforcement using the *Request for Registration of Foreign Support Order* (DC-685) and attach the appropriate documents (e.g., DC-635 - *Motion for Show Cause*, DC-617- *Motion and Notice of Proposed Payroll Deduction Order for Support*).

5. Issue an immediate income withholding when a new *Administrative Support Order* (ASO) is entered unless the CP and NCP, on a non-Temporary Assistance for Needy Families (TANF) case, sign an Alternate Payment Arrangement.

6. Enforce arrears using the following administrative enforcement remedies:

   a. Income Withholding

   b. Liens

   c. Orders to Withhold and to Deliver

d. Seizure and Sale

e. Federal and State Income Tax Refunds and Lottery Intercepts

f. IRS Full Collection

g. Consumer Reporting

h. Garnishment of Federal Employees

i. Comptroller Vendor Debt Set-Off

j. Bonds

k. Foreclosure

l. Lump Sum Payment

m. Criminal Prosecution of NCPs in Interstate Cases

n. Suspension of Occupational, Professional, Recreational, or Driver's License

o. Passport Denial

p. Demand Letter

q. Financial Institution Data Match (FIDM)

7. Other states may request Virginia to search various data bases to uncover information regarding a child support obligor who is in arrears. DCSE will search state data bases and seize identified assets of delinquent obligors, using the same techniques as used in intrastate cases, upon request of another state. This is called high-volume administrative enforcement for interstate cases (AEI).

8. Document the Automated Program to Enforce Child Support (APECS) Case Event History to show why enforcement action is not taken on a case.

(11-1-1997)(5-1-1999)(9-1-1999)

C. Program Standards for Enforcement (05-01-1999)

1. When the NCP fails to pay in an amount equal to the support order for one month, APECS identifies the case as delinquent.

2. Begin enforcement when the support order is identified as past due.

3. Unless service of process is necessary, take enforcement action within 30 calendar days of identifying arrears or locating the NCP, whichever occurs later. The exception to this is the federal tax refund intercept.

4. When service of process is necessary before taking an enforcement action, make diligent effort to complete service.

   a. When process is served, take enforcement action within 60 calendar days of identifying arrears or locating the NCP, whichever occurs later, or

   b. document unsuccessful attempts to serve process.

5. Issue an income withholding order when a case becomes delinquent. It is not necessary to have a judicial or administrative hearing prior to withholding income on a delinquent case. Refer to Chapter 20, Enforcement by Income Withholding.

6. When an enforcement attempt is unsuccessful,

   a. examine the reason for failure when the attempt fails and

   b. decide when to take an enforcement action in the future.

(11-1-1997)(5-1-1999)

D. Enforcement and Minor NCPs (10-24-1995)

1. Minor NCPs who meet compulsory school attendance laws are required to pay child support. Do not use the following enforcement actions against minor NCPs who meet compulsory school attendance laws:

   a. Suspension of Driver's Licenses

   b. Seizure and Sale of Property

   c. Incarceration

2. Use all administrative and judicial enforcement actions to enforce the support order when a minor NCP, whose child receives TANF, does not meet compulsory school attendance laws.

(10-24-1995)

E. Enforcement and Incarcerated Felon NCPs (03-01-2000)

1. A guardian ad litem must be appointed when an enforcement action is initiated against an NCP who is an incarcerated felon.

   a. Generate the *Legal Services Case Referral* document to refer the case to legal services.

   b. Forward the paper file and the *Legal Services Case Referral* document to the Legal Counsel.

2. Enforcement actions initiated with service of process successful prior to the NCP's incarceration as result of a felony may remain in place.

(11-1-1997)(3-1-2000)

F. Exceptions to Enforcement Action **(10-09-2009)**

1. Do not enforce when

   a. an NCP is ordered through an ASO to pay support for a child on TANF and the NCP is the custodial parent (CP) on a TANF case for another child; **no support debt is incurred while the NCP receives such assistance;**

   b. an NCP is ordered through an ASO to pay support for a child in Foster Care and the NCP is receiving public assistance benefits (including SNAP, Medicaid, TANF, or other similar benefits) for the benefit of minor dependent children; no support debt is incurred while the NCP receives such assistance;

   c. an NCP receives or received TANF-Unemployed Parent (TANF-UP) benefits; do not establish an order for an NCP for the time TANF-UP is paid;

   d. an NCP receives Supplemental Security Income; arrears continue to accrue while the NCP receives Supplemental Security Income; any arrears that accrue during the period are subject to enforcement actions when the NCP no longer receives Supplemental Security Income; or

   e. good cause exists. For a case with an existing support order, arrears continue to accrue while good cause exists and the case is closed in APECS. The arrears can be

enforced when good cause no longer exists.

2. If the NCP appears to have a long-term physiological, mental, or economic hardship, refer the case to the district manager to decide whether to enforce the order.

3. If an NCP receives Social Security Administration benefits, General Relief, auxiliary grants, or other benefits and resides in a home that cares for residents with a mental or physical disability, take the case to court. The court decides whether to enforce the order.

(11-1-1997)(3-1-2000)(4-1-06)(2-2-09)(10-9-09)

G. Spousal Support (01-01-2003)

1. DCSE enforces spousal support when a current child support obligation or child support arrearage is being enforced.

   a. In a TANF case, spousal support does not have to be included in the same order as the child support. Redirect spousal support to DCSE when the case is active to TANF.

   b. In a non-TANF or Medicaid-only case, the spousal support has to be included in the same order as the child support to qualify for federal income tax refund intercept. Other enforcement actions do not require the spousal support and child support to be in the same order.

2. DCSE does not collect or enforce spousal support only. Spousal support enforcement services end when a current child support obligation no longer exists and there are no child support arrearages. Generate a *Change in Payee Notice* to the NCP directing that future payments be made to the payee directly, and release any enforcement action(s) for the collection of spousal support.

3. If the case meets case closure criteria, refer to Chapter 37, Case Closure.

(11-1-1997)(3-1-2000)(1-1-03)

H. Bankruptcy (10-01-2006)

1. Request Legal Counsel to review the case when a case has bankruptcy as an issue. Refer to Chapter 5, Section I, Interaction with the Judicial System.

2. Do not initiate any new action until Legal Counsel has reviewed the case. Legal Counsel will advise the worker how to handle the case.

(10-1-06)

A. General (07-01-2008)

1. Federal law requires all states to use the standardized *Income Withholding for Support* (IWO) when implementing an income withholding. Issue an IWO against all income except the following, which are exempt from garnishment under federal and state law:

    a. Supplemental Security Income (SSI)

    b. growing crops not severed

    c. benefits from group life insurance policies except insurance proceeds from group insurance policies provided through the Virginia Retirement System

    d. proceeds from industrial sick benefits insurance

    e. burial contracts

    f. benefits for victims of crime

    g. public assistance payments

    h. annuities to survivors of federal judges

    i. college work study

    j. child support payments, whether current or arrears, received by a parent for the benefit of and owed to a child in the parent's custody

2. Issue an IWO when there is a new hire data match or an employer is found or provided. Issue the IWO within two business days of the receipt of the state new hire data or the National Directory of New Hires (NDNH) on APECS.

3. Provide the NCP with a concurrent notice through the employer that the withholding order has been issued to the employer and the withholding action has commenced. Send a copy of the IWO to the employer to be delivered to the NCP.

4. When the NCP has more than one employer, serve the IWO on the employer that provides sufficient income to meet the total amount to be withheld. When the income from one employer is not sufficient to meet the total amount to be withheld, serve IWOs on other employers as necessary to withhold the total amount.
5. Transfer the income withholding order to the NCP's new employer if the NCP changes employers.

    1. The NCP cannot stop the withholding by paying the overdue support.
7. Income withholdings can only be released by DCSE.

8. Income withholding orders take priority over any other type of lien created by state law against an employee's income, except prior similar income withholding orders and the Internal Revenue Service (IRS) levies.

    a. The IRS regulation, however, exempts from levy the amount of wages necessary to comply with a child support order that was entered prior to the date of levy.

    b. In most cases the child support exemption is automatically implemented by the obligor's employer, as directed in the instructions of Form 668-W which is sent to the employer by the IRS. This would result in the child support obligation being honored before determining the amount to withhold for the IRS in compliance with the levy.

    c. The employer must have knowledge of the child support order and the dollar amount necessary to comply with order. The employer may already have this information if the IV-D agency is using income withholding to enforce the order. However, if necessary, the DCSE can send a copy of the order to the employer.

(12-15-98)(7-1-04)(7-1-07)

B. Employer Responsibilities and Rights (07-01-2007)

1. The employer provides a copy of the IWO to the employee. The employer is responsible for notifying DCSE of the NCP's new employer and the address of that employer, if known, when the NCP changes employment.

2. The employer may charge the NCP $5 for each reply or remittance sent to DCSE.

3. The employer is subject to a fine if he discharges, refuses to employ, or takes disciplinary action against the NCP because of an income withholding order.

4. The employer is liable for the support amount if he fails to deduct and remit the support as ordered. However, employers are not liable for failing to honor the IWO unless DCSE can show that the employer had actual notice of the withholding order.
5. The employer may void an income withholding within five business days from the date the order is served on the employer if the income withholding order

    a. does not contain the NCP's correct social security number;

    b. does not specify an amount to be withheld per pay period;

    c. does not contain the maximum percentage that can be withheld by law;

    d. contains information in conflict with the employer's records (e.g. incorrect social security number);

e. orders payment other than to DCSE; or

f. orders payment to DCSE other than by combined single payment without the employer's express written consent. This provision applies where the employer employs 10,000 or more employees.

6. The employer prorates among orders when there is more than one order for withholding support for an obligor for different families.

   a. Prorating among the orders is based upon the current amounts due pursuant to more than one judicial or administrative order or a combination thereof. Prorate by allocating a percentage to each order based on the total dollar amount of current support ordered.

   b. Any remaining amount is prorated among any accrued arrearages.

7. Employers with 100 employees or more, and all payroll processing firms with 50 clients or more, must remit payments by electronic funds transfer. Refer to Chapter 27, Payment Processing, for electronic funds transfer (EFT Payments) information.

(12-15-98)(5-1-99)(7-1-04)(7-1-06)(7-1-07)

C. Consumer Credit Protection Act Limitations (03-01-2005)

The total amount withheld from income for either the insurance premium, the support payment, or a total of the two may not be more than the amount allowed under the Consumer Credit Protection Act (CCPA). APECS designates the child support to be the priority when it is determined that the NCP's earnings are insufficient to cover both the deduction for the financial child support and the cost of the insurance premium.

1. If the NCP is not delinquent and

   a. if the NCP is supporting a spouse or child other than those for whom the withholding is being implemented, 50% is the maximum of net pay that may be withheld.

   b. if the NCP has no dependents other than those for whom the withholding is being implemented, 60% is the maximum of net pay that may be withheld.

2. If the NCP is delinquent and

   a. the NCP is supporting a spouse or child other than those for whom the withholding is being implemented, and

      1) the support payments are delinquent for a period which is equal to or less than 12 weeks, the maximum of net pay that may be withheld is 50%, or

2) the support payments are delinquent for a period which is more than 12 weeks, the maximum of net pay that may be withheld is 55%.

b. the NCP has no other dependents, and

1) the support payments are delinquent for a period which is equal to or less than 12 weeks, the maximum of net pay that may be withheld is 60%, or

2) the support payments are delinquent for a period which is more than 12 weeks, the maximum of net pay that may be withheld is 65%.

3. Determine the CCPA maximum based on dependent information on the most recent financial statement completed by the NCP or, if there is no evidence of the existence of other dependents, assume that the NCP does not have other dependents.

(04-18-1994)(9-1-2002)(03-01-2005)

D. The Monthly Amount to be Paid on Arrears **(07-07-2010)**

1. When Current Support is Still Payable

a. When the court order or ASO specifies an amount to be withheld for arrears, use the ordered amount. This amount should be reflected in the APECS field "CT ORD ARRS FREQ AMT$" on the Support Order Screen.

b. When the court order or ASO does not specify an amount to be paid for arrears and all arrears are payable to DCSE, the withholding for arrears is 25% of current support or $65, whichever is greater.

<u>FOR EXAMPLE</u>: If current support is $200, the payment on arrears would be $65 because $65 is greater than $50 (25% of $200).

2. When Current Support Is No Longer Payable

a. When a court order or ASO includes a current support payment but does not specify a periodic payment amount for arrears, then once the current support ends the withholding for arrears continues in the amount of the most recent current support order amount .

b. When a court order or ASO includes (i) a current support payment and (ii) a payment for arrears, then once the current support ends the withholding for arrears shall continue in the total amount due (current plus arrearages) until all arrearages are paid.

3. Current Support Was Never Ordered – TANF

   a. If all children on the case have emancipated and if the court order or ASO specifies a total amount of arrears due but does not specify a periodic payment for arrears, determine the withholding for arrears by calculating what the current support would be under the guideline and add 25% of that amount or $65, whichever is greater.

      FOR EXAMPLE: If the calculated obligation under the guideline would be $400, then the withholding amount for arrears would be $500, which is $400 plus $100 (25% of $400). This is greater than $400 plus $65.

   b. If not all children on the case have emancipated, the withholding for arrears shall be $65.

(12-15-1998) (7-1-06)(4-7-10)(7-7-10)

E. Exemption to Implementing Withholding (12-15-1998)

Do not implement an income withholding when any of the following occur:

1. the parties agree to an alternative payment arrangement.

   a. Complete the *Alternative Payment Arrangement Agreement* document or obtain a written request from each party.

   b. Ensure that both the CP and the NCP sign the form or other written request.

   c. Enter a "Y" in the *Alternative Payment Arrangement Agreement* indicator field on APECS Update/Create Support Order screen when other written document is used. If there is no *Alternative Payment Arrangement Agreement* between the parties, enter a "N" in the *Alternative Payment Arrangement Agreement* indicator field on APECS Update/Create Support Order screen.

   d. Document the case event history on APECS to show that the parties agreed to an alternative payment arrangement when a written document is provided other than the APECS-generated *Alternative Payment Arrangement Agreement*.

   e. Retain the form or other written request in the paper file.

2. the NCP provides proof that income withholding is not in the best interest of the child; this is known as good cause.

   a. The CP's agreement is not necessary.

b. If withholding is being implemented as part of modifying an existing order, review the payment records to see if the NCP paid as ordered and no arrears exist.

c. Complete the *Alternative Payment Arrangement Agreement* form or obtain a written request.

d. Ensure that the NCP signs the *Alternative Payment Arrangement Agreement* form or other written request.

e. Enter a "Y" in the *Alternative Payment Arrangement Agreement* indicator field on APECS Update/Create Support Order screen when other written document is used. If there is no *Alternative Payment Arrangement Agreement* between the parties, enter a "N" in the *Alternative Payment Arrangement Agreement* indicator field on APECS Update/Create Support Order screen.

f. Document the case event history to show that the NCP established good cause.

g. Retain the form or other written request in the paper file.

3. If the NCP is unemployed at the time the order is established, an exemption cannot be granted. Implement the withholding when the NCP obtains employment.

4. If withholding is in place and the NCP requests an exemption, withholding remains in place and is released only when the criteria for releasing is met.

(12-15-1998)

F. Issuing the IWO (10-01-2008)

1. Immediate Issuance of IWO

a. A new or modified ASO issued after 1995 includes a requirement for the immediate withholding of child support from the NCP's income. Payments do not have to be delinquent for withholding to occur. A *Withholding of Income (Notice of Proposed Action)* is not required prior to issuing the IWO based on orders issued after 1995.

1) The NCP has 10 days from the date of service or waiver of service of an ASO to contest it. Issue the IWO to the NCP's employer after 10 days if the NCP does not contest the ASO, unless an alternative payment arrangement plan has been made.

2) Do not issue the IWO until the administrative appeal is resolved if the NCP contests the ASO.

b. If the court did not issue an income withholding, DCSE issues an IWO.

2. Initiated Issuance of the IWO

   a. Implement an income withholding

      1) when support payments are past due in an amount equal to one month's support payment (delinquency criterion) APECS generates a worklist when a case meets the delinquency criterion. Implement the income withholding within 15 calendar days of receiving the worklist; or

      2) when the employer becomes known and the case meet the delinquency criterion; or

      3) if an NCP misses a payment after an *Alternative Payment Arrangement Agreement* has been signed. No advance notice is required in this case. Update the *Alternative Payment Arrangement Agreement* indicator on APECS to a "N"; or

      4) at either party's request even if no arrears are owed.

   b. *Withholding of Income (Notice of Proposed Action)*

      1) Generate the *Withholding of Income (Notice of Proposed Action)* document only if the support order does not contain a clause for immediate income withholding and the NCP has not been issued the *Withholding of Income* (*Notice of Proposed Action)* document previously.

      2) Document the case event history to show that the *Withholding of Income (Notice of Proposed Action)* document was served.

      3) Do not enforce the IWO during the pendency of an administrative appeal of proposed withholding if a *Withholding of Income (Notice of Proposed Action)* has been served and is contested.

   c. On-line Generation of the IWO

      The IWO is issued on Virginia orders and out-of-state orders.

      1) If the *Withholding of Income (Noticed of Proposed Action)* has to be served on the NCP, generate the IWO after the appeal period has expired.

      2) Verify the worker ID number on the document generation confirmation screen. If the worker generating the document is not the responsible worker on the case, change the worker ID to the responsible worker's ID. Worklists and other correspondence regarding the IWO will go to the selected worker ID.

3) Select the correct employer from the list of employers attached to the NCP. APECS will not allow the generation of the IWO if no employer exists or if one is not selected.

4) APECS supplies the amount and frequency of current support owed. APECS will mark the signature block indicating that the entity issuing the IWO is a government agency.

5) Enter the amount required for an arrearage payment.

6) Print the IWO. APECS will check to see if the case has been referred to a third party collection agency and notify the worker that the case must be retrieved. Make a photocopy of the IWO to be included in the paper file.

7) Make a photocopy of the IWO and include with the original to be served on the employer. The employer will provide the copy of the IWO to the NCP which gives the NCP notice that the income withholding has commenced.

8) Serve the NCP's employer by first class mail, certified mail, by electronic means, or by using service of process, refer to Chapter 8, Section B., Methods of Service. When using certified mail, a return receipt is not required. If the employer does not honor the withholding action, send the action again as outlined above. If certified mail is utilized for subsequent attempts for service, request a return receipt to ensure the proof of service. Employers are not liable to the Division for failing to honor the IWO unless the Division can show that the employer had actual notice of the withholding order.

9) APECS will create a “WWEA-Withholding of Income” case event when the document is generated.

10) The process serve date and the method of service entered on the document supplemental screen on APECS will be entered in the appropriate fields in the case events. This date will be the date the document is printed.

11) APECS generates a 45-day worklist “WWE1-With of Income: Check for Compliance.” The worklist cannot be deleted until a valid payment type is posted or there is no active employer record on the NCP’s employment history.

12) APECS updates the income withholding field on the case update/display screen with the type of income withholding entered on the document supplemental screen and the date generated.

13) APECS updates the income withholding indicator on the NCP’s employment history screen to a “Y” for the employer selected to indicate that an income withholding is in place for that employer.

14) Generate a Notification of Action Taken by DCSE document to notify the CP that the IWO has been issued. Send the document by first class mail.

15) If the employer voids the IWO, document the case event history, correct the IWO, and return it to the employer.

d. Batch Generation of the IWO

The batch generation of the IWO is automated and does not require worker initiation.

1) APECS matches the state new hire file using the NCP's SSN daily.

2) A subsequent match is made comparing the NCP's name to the name on APECS; the full last name and the first four letters of the first name must be an exact match.

3) Matched cases are checked for an open status.

4) The NCP's employment history is checked on open cases with matching names. If the state new hire employer is not active and the income withholding indicator is not marked with a "Y", the employment history is updated.

5) APECS searches the third party table for the state new hire employer by the State ID and then by the Federal EIN, and then by the Federal EIN in the State ID field.

6) If APECS does not find the state new hire employer in the table, the employer is added, using the Federal EIN as the key.

7) If the state new hire employer is found in the table, the first one found is linked to the NCP's employment history. The start work date will be the date provided from the New Hire Center or the date the IWO is generated. The income withholding indicator is updated with a "Y".

8) If the state new hire employer is found in the table by State ID and no Federal EIN is present, the Federal EIN will be updated.

9) APECS creates a worklist to the responsible worker on the case. The case is reprioritized by the batch process overnight. A worklist (REPO) will go to the responsible worker to indicate that the case was reprioritized.

10) For every IWO generated in batch, a Notification of Action document will be generated and the following case event and worklist will be created:

a) a WWEA - "Withholding of Income" case event and

b) a WWEI worklist for 45-day review for payment will be created.

11) The worker will not get the NHRM worklist when the IWO is generated. The New Hire Report in CONTROL-D will show a double asterisk "**" in front of each case that had the IWO automatically generated.

12) For every IWO generated in batch, APECS will update automatically as follows:

a) For the WWEA case event, the "Process Served Date" will be updated and the "Method of Service" will be updated to "M" to indicate that it was served by certified mail.

b) Any existing NHRM worklists will automatically delete.

c) The "Income Withholding" indicator will be updated with a valid income withholding type and so will the date.

d) All IWO documents generated through the batch process will be sent electronically to a vendor for mailing via first class mail.

e) If a copy of an IWO document generated through the batch process is needed, contact the APECS Unit.

13) There are exceptions to the automatic generation of the IWO. These situations all create the NHRM (New Hire Report Match) worklist for follow up by staff. The IWO will not automatically generate if any of the following exist:

a) names do not match.

b) case type of NIVD **or** LOCO.

c) no active order and no open subaccounts.

d) a "Y" indicator in the Alternative Agreement field on the Support Order screen.

e) A UADC or USSI unworkable code.

f) an "I" in the interstate field.

g) a blank income withholding field.

h) case type of MAOP or MSO with no Health Care Coverage ordered.

i) case type of MAOP or MSO with Health Care Coverage ordered and an open subaccount.

j) case never had current extension built.

k) no frequency amount entered on a current support extension.

l) arrears subaccount open with no balance due.

14) If an IWO is not generated in batch, workers will continue to receive the NHRM worklist. Staff manually issue the IWO when they receive the NHRM worklist. The IWO must be issued within two business days of receipt of the NHRM worklist.

15) In addition to the new hire process, APECS is searched to identify NCPs that have an employer linked to their employment history online and the worker has entered a "Y" in the "Print Now" field to indicate that they want a batch IWO generated. The "Print Now" field can be used anytime a new employer is linked to an NCP. This step will eliminate the need for the worker to generate the IWO online. The "Print Now" field defaults to a "N" unless the worker changes it. Using the default "N" indicates that the IWO should not be printed in batch.

c. Electronic Income Withholding for Support (EIWO)

1) The Federal Office of Child Support (OCSE) has developed an electronic format using a standardized file layout to transmit income withholdings to employers. Transmitting income withholdings electronically will

a) increase processing efficiency and improve the speed with which payments are made to families;

b) reduce the time from income withholding order preparation to employer processing as well as errors from manual processing;

c) reduce postage costs and paper processing.

2) Virginia has implemented the electronic Income Withholding for Support (E-IWO) using the standardized electronic format with following employers. DCSE will no longer send original, modifications, amendments, or terminations of income withholding orders in a paper format to these employers.

Army – Active Duty FEIN is 359990000; Reserve Duty FEIN is 351819323
Navy – Active Duty FEIN is 349990000; Reserve Duty FEIN is 341586724
Marine Corps – Active Duty and Reserve Duty FEIN is 539990000
Air Force – Active Duty FEIN is 849990000; Reserve Duty FEIN is 849980000

Retired Military Pay – FEIN is 340727612
Department of Defense Civilian – FEIN is 311575142
Department of Energy Civilian – FEIN is 530197006
Department of Human Services Civilian – FEIN is 530196960
Environment Protection Agency Civilian – FEIN is 520852695
Department of Veterans Affairs Civilian – FEIN is 741612229
Broadcasting Board of Governors (BBG) – FEIN is 522260085
United States Postal Service – FEIN is 4107960000

3) The SDNH and NDNH batch function in APECS process new hire information reported by any of the employers listed above.

4) The employment history screen (WEAATEHB) 03,13 includes an area for the caseworker to select Amend or Termination. If there is a modification or amendment to the original order, the worker will indicate so by placing a “Y” on the line beside AMEND. For Terminations the caseworker will indicate so by placing a “Y” on the line beside TERMINATION. The worker must also enter a “Y” in the Print Now Field. The indicators will remain visible on the AATEHB screen until the nightly batch process has been completed. The system will not allow an Amend or Termination if there is not an existing original income withholding order nor will the system allow the user to use the Amend or Termination field unless the employer is an EIWO employer.

5) Events for the E-IWO will appear as WWEA -Withholding of Income - EIWO. The notes section of the Withholding of Income -EIWO event will indicate if the order is an original, amendment or termination. The Method of Service data element on the APECS case event WWEA - Withholding of Income will be "E" for Electronic

(12-15-1998)(9-1-99)(3-1-01)(7-1-03)(7-1-04)(3-1-05)(7-1-08)(10-01-08)

G. Issuance of the IWO as a health insurance order (07-01-2004)

The IWO is no longer used to enforce the health insurance order. The National Medical Support Notice (NMSN) is used to enforce the provision of health care coverage through employment-related group health plans pursuant to a child support order. Please refer to Chapter 17, Medical Support.

(8-1-1997)(7-1-1998)(12-15-1998)(7-1-2004)

H. Transferring the IWO (07-01-2003)

1. The DCSE can transfer its own income withholding or a court’s income withholding.

2. Generate the IWO document showing the new employer's name and address.

3. Serve the NCP's employer by first class mail, certified mail, by electronic means, or by any of the method of service, refer to Chapter 8, Section B., Methods of Service.

4. If a court's income withholding order is transferred, send the court which entered the order a copy of the IWO.

(8-1-1997)(12-15-1998)(03-01-2001)(07-01-2003)

I. Modifying the IWO (07-01-2004)

When one of the conditions under which an income withholding is modified occurs:

1. Generate the IWO document showing the revised withholding information. Check the "amended Order/Notice" block on the IWO. Complete the "Mod Increase" field.

2. Serve the NCP's employer by first class mail, certified mail, by electronic means, or by using any of the methods of service (as described in Chapter 8, Section B., Methods of Service).
3. Document the case event history to show that the withholding was modified.

(12-15-1998)(03-01-2001)(07-01-2003)(7-1-2004)

J. When to Modify the IWO (01-01-2007)

Modify the withholding order when

1. the amount to be withheld does not include current support that is enforceable by DCSE, but DCSE will continue to collect arrears owed to the Commonwealth; or

2. the amount to be withheld decreases because the arrears are paid and DCSE will only collect current support; or

3. the amount to be withheld increases because DCSE will collect additional arrears that have accrued; or

4. the amount to be withheld increases or decreases because a court order modifies the amount of current support or the specific amount to be paid on arrears; or

5. the amount to be withheld decreases because a dependent of a per child order emancipates; or

6. the whereabouts of the child or caretaker are unknown; DCSE will not collect current support, but will collect arrears owed to the state.

(12-15-1998)(09-01-1999)(7-1-2004)(01-01-2007)

K. When to Release the IWO (07-01-2004)

Release the withholding order when one of the following occurs:

1. current support terminates and all arrears have been paid, or

2. DCSE is not collecting current support owed by the NCP and arrears are not owed to the Commonwealth, or

3. Legal Counsel informs the DCSE worker to release the IWO because of bankruptcy.

4. The whereabouts of the child or caretaker are unknown; DCSE will not collect current support, but will collect arrears owed to the state.

5. When one of the conditions under which income withholding is released occurs:

a. Generate the *Release of Income Withholding Order* document.

b. Serve the NCP's employer by first class mail, certified mail or by electronic means.

c. Document the release of the withholding in the Case Event History.

(12-15-1998)(07-01-2003)(7-1-2004)

L. Unemployment Compensation Benefits (07-01-2003)

1. Unemployment benefits are intercepted for the payment of child support. APECS runs a batch program each evening that is submitted to the Virginia Employment Commission (VEC) to

   a. determine which NCPs need to be submitted to VEC;

   b. recalculate withholding amounts and percentages when there is a change in withholding amount or percentage;

   c. determine which NCPs need to be released.

2. APECS automatically selects NCPs to submit to the Virginia Employment Commission for intercept of unemployment benefits that

   a. are obligated with open subaccounts, excluding fees;

   b. have an arrears only case and are past due in an amount greater than or equal to one month's support;

c. have an open workable case type on APECS;

d. have one or more of the following case types on APECS:

1) ADC

2) FC

3) SLFC

4) NADC

5) ARRP

6) ARRN

7) MAOF

8) MAOP

9) OSTA

e. don't have a "Y" indicator in the Alternative Agreement field on the Support Order screen.

3. APECS automatically updates NCPs that have been submitted to VEC intercept of unemployment benefits when

a. total amount due changes

b. CCPA percentage changes

c. Alternative payment agreement indicator for one of the NCP's eligible cases is changed to "Y" or "N"

4. APECS automatically releases NCPs that have been submitted to VEC intercept of unemployment benefits when

a. all cases close for the NCP

b. there are no open subaccounts for child support

c. the NCP's cases no longer meet submission criteria

d. the worker has manually released the NCP on-line

e. a change has been made to the NCP's SSN

f. the alternative payment agreement indicator for the only case is set to "Y".

5. How to Release a VEC Withholding

   To release an NCP go to the VEC UI BENEFIT INTERCEPT screen and enter an "E" in the EXCLUSION INDICATOR field. The press PF2. The evening batch process will update the NCP's STATUS INDICATOR to "R". The following night VEC will release the NCP's withholding.

6. How to include a VEC withholding that has been previously released

   Once an NCP's withholding has been released by placing an "E" in the EXCLUSION INDICATOR field as described above, the NCP will remain excluded from VEC UI benefit intercept until a worker removes the release. To include an NCP, go to the VEC UI BENEFIT INTERCEPT screen and enter an "I" in the EXCLUSION INDICATOR field.

7. How to exclude an NCP from being submitted to VEC

   To exclude an NCP who has not been submitted to VEC (STATUS INDICATOR field is blank), go to the VEC UI BENEFIT INTERCEPT screen. If more than one case is to be excluded enter and "E" next to each case to be excluded. Press <ENTER> to update.

8. How to exclude a case from VEC withholding calculations

   To exclude one or more of an NCP's cases from being used in calculating the VEC UI benefit withholding amount, enter an "E" next to each case to be excluded on the CHANGE VEC UI EXCLUSION INDICATOR BY CASE screen.

9. How to include a case in VEC withholding calculations

   To include one or more of an NCP's cases that have been excluded from being used in calculating the VEC UI benefit withholding amount, enter an "I" next to each case to be included on the CHANGE VEC UI EXCLUSION INDICATOR BY CASE screen.

(12-15-1998)(03-01-2001)(07-01-2003)

M. Garnishing Federal Employees (07-01-2004)

1. Use the IWO to garnish pay of active or retired federal employees. A list of designated federal agencies for processing income withholding for child support is available from the Internet athttp://www.acf.dhhs.gov/programs/cse/pol/dcl/dcl9549.htm. http://www.acf.hhs.gov/programs/cse/pol/DCL/dcl-00-118.htm.

2. The designated agent responds within 30 calendar days of the date of service of the IWO to give a status report regarding the situation.

3. Governmental entities are not required to vary their normal pay or disbursement cycles to comply with the garnishment.

4. The governmental entity notifies DCSE if there is no money due the NCP, if the NCP has transferred employment, or if there is a new disbursing entity.

5. NCPs residing out-of-state whose federal wages or benefits will be garnished are served and provided an opportunity to appeal to the Department's hearing officers. If an action is appealed, do not withdraw or discontinue the action.

(12-15-1998)

N. Mandatory Military Allotment (07-01-2004)

1. General Information

a. The mandatory military allotment requires a delinquency of two months' support.

b. Use the Mandatory Military Allotment only if attempts to implement the IWO failed because of the difference in delinquency criteria for use (e.g. one month's support for the IWO versus two months' support for the Mandatory Military Allotment).

c. Use for full-time active members of the Army, Navy, Air Force, Marine Corps, and Coast Guard. This includes training duty.

d. Can be used for current or delinquent child or child and spousal support.

e. Can be used to enforce both court orders and administrative orders.

f. Arrears may be included in the monthly amount requested in the Mandatory Military Allotment only if a support order specifies the payment of arrears.

g. Notification of the delinquent support obligation is sent to the designated agent of the appropriate branch of the military.

h. The NCP is given the opportunity to consult with a judge advocate or legal officer. When this cannot be arranged, the allotment begins the first end-of-month payday, 30 calendar days from the date the notice is served.

i. The limitations of the Consumer Credit Protection Act apply to military allotments.

2. Implementing

    a. For members of the Army, Navy, Air Force, and Marine Corps

        1) generate the *Military Allotment Request* document, and

        2) document the case event history.

    b. For members of the Coast Guard

        1) generate the *Coast Guard Allotment Request* document, and

        2) document the case event history to show service of the form.

3. Transferring

    a. Since members of one branch of the service do not transfer to another branch, there is no transfer process with the Mandatory Military Allotment.

    b. If the member leaves military service

        1) generate the *Release of Income Withholding Order* to release the Mandatory Military Allotment,

        2) generate the IWO to implement the Mandatory *Withholding of Income*,

        3) do not generate the *Withholding of Income (Notice of Proposed Action)* document.

4. Modifying

    a. If the amount to be withheld increases or decreases, generate the appropriate Mandatory Military Allotment. Check the block indicating that this is a modified withholding order.

    b. Document the case event history to show that the withholding was modified.

5. Releasing

    a. Generate the *Release of Income Withholding Order* document.

    b. Document the case event history to show that the withholding was released.

6. Handling income withholding when the NCP is called to active duty

a. Employers are required to tell DCSE when they cannot make the deduction for child support from a NCP's wages and to give the reason why.

b. When an employer provides DCSE with information that the NCP has been called to active duty, the district office transfers the withholding to the appropriate branch of service. If the employer states that the deduction cannot be made but does not give the specific information, the district office specialist contacts the employer to find out the reason.

c. The withholding order sent to the designated official for the appropriate branch of service indicates that withholding should be for the amount of child support ordered or the maximum percentage allowable under the Consumer Credit Protection Act, whichever is less.

d. The child support amount is reviewed if either party requests a review.

e. DCSE allocates collections among cases when there are multiple families for the same NCP.

f. It is not the employer's responsibility to transfer the withholding.

(12-15-1998)(7-1-2004)

O. Public Health Commissioned Officers (12-15-1998)

1. An involuntary allotment can be used to collect support from commissioned officers on active duty for a period of six months or more.

2. It can be used to collect child or child and spousal support.

3. The NCP has arrears equal to the support due for two months.

4. The NCP is given notice of the allotment and the opportunity to consult with a legal officer.

5. Whether the NCP has the consultation or the consultation cannot be arranged, the allotment begins the first end of the month payday after the PHS Personnel Division is served.

6. Generate the IWO document. Refer to the section for issuing the IWO.

(12-15-1998)

P. Interstate Income Withholding (12-15-1998)

1. UIFSA allows an income withholding order to be issued and sent to the NCP's employer in another state.

   a. Employer located in a state other than Virginia

      1) An income withholding order may be mailed directly to an employer in a second state without filing any pleading or registering the order with the tribunal of the second state.

      2) If an interstate case exists with a IV-D agency in another state, do not send a direct income withholding without first notifying the responding state and requesting that the existing interstate case be closed.

      3) Employers are required to honor income withholdings regardless of whether Virginia has jurisdiction over the employer.

      4) Send two copies of the income withholding order to the employer. One copy is for the employer and the other copy is for the employer to give to the NCP.

      5) If the NCP contests the income withholding, the NCP notifies Virginia of the contest.

      6) The district office worker responsible for the case tries to resolve the contest informally.

      7) If the contest cannot be resolved with the NCP informally, release the income withholding order and mail a IV-D Interstate Petition to the central registry in the NCP's state.

      8) Follow instructions on how to complete federal forms for enforcement.

   b. Employer located in Virginia

      1) An income withholding order issued by any state can be mailed directly to an employer in Virginia without going through the central registry.

      2) Virginia employers are required to honor the income withholding order regardless of whether the issuing state has jurisdiction over the employer.

      3) Virginia employers apply Virginia law when receiving an income withholding order directly from another state regarding such issues as

         (a) garnishment limits,

         (b) definition of income,

(c) time period for a contest,

(d) time period that an employer has to forward money, and

(e) administrative fees that an employer can charge.

4) The employer is required to give the NCP a copy of the income withholding.

5) The NCP may contest the income withholding to the

(a) state providing services to the CP, or

(b) person or agency designated to receive payments in the income withholding order, or

(c) CP if there is no IV-D agency or agency designated to receive payments.

6) Virginia does not know about the contest unless the initiating state requests assistance from Virginia.

7) When another state request Virginia to conduct a hearing when it cannot resolve the contest informally, request the other state to send an Interstate IV-D petition to the central registry in Virginia requesting enforcement.

(12-15-1998)

Q. Documents (07-01-2008)

1. *Alternative Payment Arrangement Agreement*

2. *Child Support Enforcement Transmittal*

3. *Coast Guard Allotment Request*

4. *Employer Information Request*

5. *Income Withholding for Support*

6. *Mandatory Payroll Deduction*

7. *Military Allotment Request*

8. *Release of Income Withholding Order*

9. *Withholding of Income (Notice of Proposed Action)*

(12-15-98)(7-1-04)(7-1-08)

A. Purpose of Chapter (11-01-2004)

1. Intercept federal income tax refunds to pay child and spousal arrears owed to the Commonwealth and custodial parents (CP). Intercept state income tax refunds, lottery winnings, and vendor payments to pay current support and arrears owed to the Commonwealth and CPs.

2. Certification of every case which meets the criteria is an automated process.

3. APECS and the Tax Intercept Unit

   a. initiate files, reports, and automated updates to Automated Program to Enforce Child Support (APECS) and monitor actions initiated;

   b. coordinate with the Federal Office of Child Support Enforcement (OCSE), the Department of Taxation, and the Department of Accounts;

   c. provide technical assistance to district office staff;

   d. collect statistics on intercept collections; and

   e. produce Division collection reports.

4. District Offices

   a. monitor and adjust subaccount balances;

   b. review cases and set indicators to prevent certification of subaccounts that do not qualify;

   c. review cases and set indicators to remove subaccounts that do not qualify from certification; and

   d. initiate refunds to noncustodial parents (NCPs) for subaccounts that were certified in error or paid after certified.

5. The chapter refers the reader to the DCSE Program Manual

   a. Chapter 2, Confidentiality and Release of Information, for security and safeguarding information obtained from the Internal Revenue Service (IRS) and the Department of Taxation;

   b. Chapter 18, Receivables, Section G, Fees;

c. Chapter 19, Enforcement Rules, Section C, Program Standards for Enforcement, Section D, Enforcement and Minor NCPs, Section F, Exceptions to Enforcement Action, and Section G, Spousal Support, for cases that the Division of Child Support Enforcement (DCSE) does and does not enforce.

d. Chapter 25, Appeals, Hearings, and Reviews,

1) Section D, Federal Tax Intercept, for administrative review information.

2) Section N, Appeal of IRS Tax Intercept Notices for administrative review information.

e. Chapter 28, Allocation and Distribution, and Chapter 29, Disbursements, for refunds of intercept payments.

f. Chapter 29, Disbursements, Section E, Automated Refunds, for APECS processing when the case is closed to IV-D; and

g. Chapter 35, Fees, Section H, IRS Intercept.

(3-1-1997)(8-1-1997)(5-1-1998)(11-01-1999)(05-01-2001)

A.1. Security Safeguards for Tax information (05-01-1998)

1. The IRS has strict guidelines for safeguarding federal income tax information from unauthorized disclosure and has established severe penalties for the unauthorized disclosure of this information.

   a. The Internal Revenue Code makes unauthorized disclosure of information from a federal income tax return a crime that may be punishable by a fine of $5,000, five years in prison, or both, plus the cost of prosecution.

   b. The Internal Revenue Code also permits a taxpayer to bring suit for civil damages for unauthorized disclosure of return information and allows for the greater of $1,000 for each act of unauthorized disclosure or the actual damages sustained together with possible punitive damages, plus the cost of court action.

2. Any staff having access to the Virginia Department of Taxation's STARS system is required by state and federal law to protect the confidentiality of any and all information contained within the STARS system.

3. All of the tax information available to you is confidential information. Examples:

   a. In a child support case, if the CP asks if the NCP's taxes have been intercepted, you

cannot give an answer. This is confidential information.

b. If a CP asks the source of a payment she received, you cannot disclose tax intercept as the source of that payment. It is confidential information.

c. If a police officer calls and asks that you verify that a certain person has a certain SSN, you cannot give an answer. This is confidential information.

d. Explaining a notice or other document in a taxpayer's possession is not disclosure. You may not, however, reveal any additional tax information unless the person has been properly identified as the taxpayer or authorized representative.

4. Failure to safeguard confidential tax information could be punishable as a Class 2 misdemeanor under the Code of Virginia, as a felony under the Internal Revenue Code, and in addition, the employee could incur a personal liability to the injured party.

5. In order to ensure security is maintained on all federal and state tax information DCSE receives, all physical security requirements listed below must be adhered to by all child support offices in which such information is kept.

   a. Security of Tax Information During Working Hours

      1) Keep all tax information within a restricted area. Limit the access to authorized personnel only. Identify restricted areas and separate them from nonrestricted areas by physical barriers that will control access. Signs identifying it as a "Restricted Area - Authorized Personnel Only" must be posted on or immediately adjacent to the barrier.

      2) Maintain written instructions and procedures that identify staff who are authorized and those who are not authorized to have access to tax files.

   b. Security of Tax Information After Working Hours

      1) Lock all doors to areas containing tax information and exercise strict key or combination control.

      2) All file cabinets and desk drawers in which tax information is stored must be kept locked.

6. Maintain all tax return information obtained from the federal and the state tax agencies separate from DCSE's case records.

7. Upon completion of the use of documents containing tax return information (including any photocopies made), destroy the documents. The proper method of destruction is

shredding the document. Hand tearing is not an acceptable destruction method.

8. Management must periodically review the tax information security safeguards for their effectiveness and compliance with DCSE's security procedures.

(05-01-1998)(11-01-2004)

B. Federal Intercept **(02-03-2010)**

1. All cases in which the NCPs meet the criteria for submission for Federal Tax Offset are automatically processed bi-weekly and the data passed to OCSE electronically via Connect-Direct.

2. In addition to submitting new cases bi-weekly throughout the year, DCSE also has the ability to increase the arrearage amount bi-weekly on cases previously submitted.

3. DCSE staff have the ability to exclude a specific case or all cases attached to an NCP from submission for offset.

4. DCSE staff have the ability to remove an NCP previously submitted for offset.

5. DCSE staff have the ability to add an NCP back for offset when an NCP was previously excluded/removed Tax Offset, Passport denial and/or FIDM.

6. The exclusion/removal indicator process is part of the MAINTAIN INTERCEPT DATE screen, option 13, on the APECS FINANCIAL MANAGEMENT MENU. DCSE staff also have the ability to review NCP exclusion/removal indicators via the AP INQUIRE INTERCEPT DATA screen, option 15, on the APECS INQUIRY FUNCTIONS MENU.

7. Criteria for Automated Certification of Arrears to the IRS

   a. Temporary Assistance for Needy Families (TANF), AFDC/FC, Medicaid-only and Non-TANF Arrears Subaccounts

      1) a legally established child or child and spousal support order

      2) the custodial parent has or is receiving public assistance in Virginia or the custodial parent has applied for services in Virginia.

      3) a copy of the order, or an abstract of the order, and modifications and any of the following is in the paper file or recorded on the automated subaccounts:

         a) a record of payments or

b) an affidavit signed by the custodial parent attesting to the amount of support owed

4) The accuracy of the following information has been verified:

a) Arrears

b) Social Security Number

c) Name

5) The arrears are enforceable. For types of cases that DCSE does not enforce, refer to Chapter 19, Enforcement Rules,

a) Section C, Program Standards for Enforcement;

b) Section D, Enforcement and Minor NCPs;

c) Section F, Exceptions to Enforcement Action; and

d) Section G, Spousal Support.

b. TANF and AFDC/FC Arrears Subaccounts

1) The arrears owed by the NCP are at least $150.

2) The arrears accrued for the support and maintenance of a minor child or a minor child and the CP. The current age of the child is not relevant.

3) Arrears can not include fees or court costs.

c. Medicaid-only and Non-TANF Arrears Subaccounts

1) The arrears owed by the NCP are at least $500.

2) The arrears are owed for

a) the support and maintenance of a minor child or a minor child and the CP. The current age of the child is not relevant; or

b) a disabled adult child whose eligibility was established while the child was a minor; eligibility is established under

(1) Title II, Federal Old-Age, Survivors, and Disability Insurance Benefits, or

(2) Title XVI, Supplemental Security Income for Aged, Blind, and Disabled of the Social Security Act;

c) spousal support when the NCP is paying child support and spousal support to the CP and the same order contains the spousal and child support obligation;

d) interest on support arrears; and

e) a specific dollar amount of medical support included in an order.

3) Arrears cannot include fees or court costs.

4) The CP's current address is on APECS.

d. Interstate Cases

The initiating state (the state in which the public assistance assignment or nonassistance application for IV-D services has been filed) must certify the case for tax offset.

8. Refer to Chapter 19, Enforcement Rules, for types of cases and subaccounts that do not qualify for certification to the IRS.

9. Inquiry Functions

The steps for accessing the DISPLAY OFFSET INDICATORS screen through the Inquiry Option are outlined below:

a. Access APECS and select the Inquiry Functions, option 2 from the APECS MAIN MENU and press enter.

b. The APECS INQUIRY FUNCTIONS MENU will appear. Select option 15, AP INQUIRE INTERCEPT DATA, enter the NCP’s MPI number and press enter.

c. The SELECT INTERCEPT DATA screen appears with four options at the bottom of the screen. To access the DISPLAY OFFSET INDICATORS screen select option F5, INQ OFFSET.

d. The DISPLAY OFFSET INDICATORS screen appears and provides the current status of the offset types. This is an inquiry screen only, so updates cannot be made. If you need to update the offset indicators, follow the procedures for excluding, removing or adding NCPs.

10. Automated Certification

    APECS automatically submits new cases for Federal Offset Program if any of the following apply. OCSE holds all new cases for 30 days. The purpose of the 30-day hold is to allow sufficient time for due process. The 30-day hold begins when OCSE issues the pre-offset notice.

    a. The case has never been submitted to the Federal Offset Program.

    b. An offset on the case resulted in a zero balance, but a new arrearage now exists.

    c. DCSE submitted a modification to the case, which resulted in a zero balance, but a new arrearage now exists.

    d. The case was previously submitted, then deleted, and is now being resubmitted.

11. Stopping an Automated Certification

    District office staff take manual actions to prevent or delete the certification of arrears to the IRS when any of the following conditions exist:

    a. The arrears are not enforceable. Refer to Chapter 19, Enforcement Rules.

    b. A judge orders that the arrears not be certified. The order may be entered before or after the arrears are certified.

    c. The assistant director decides not to certify the arrears based on exceptional circumstances. Exceptional circumstances are defined as the NCP exhibiting indications of overriding, long-term physiological, mental, or economic hardship that appears to materially affect the NCP's ability to earn income or otherwise provide the minimum amount of support.

    d. The NCP or NCP’s spouse files bankruptcy.

    e. A judge orders the arrears held in abeyance.

    f. Spousal support for a non-TANF CP is not included in the same order as the child support.

    g. The Commissioner discharges the arrears.

12. How to manually set the exclusion/removal indicators

a. DCSE staff have two options available for excluding/removing NCPs from Federal Tax Offset, Passport Denial and Financial Institution Data Match (FIDM).

1) Update Case Subaccount Indicators

This option is case specific and will exclude/remove NCP's arrearages for a specific case. Other cases for the NCP will be submitted if they meet the offset criteria.

2) Update Offset Indicators

This option is NCP specific. If this option is selected to exclude/remove an NCP from offset, every case the NCP has will be excluded/removed from the offset.

b. District staff take the following manual actions to exclude cases from certification or to remove NCPs previously submitted for Tax Offset, Passport Denial and/or FIDM:.

1) Select option 5, Accounting Functions, from the APECS MAIN MENU screen.

2) Once the APECS FINANCIAL MANAGEMENT MENU appears, select option 13, MAINTAIN INTERCEPT DATA, and enter the MPI number of the NCP and press enter. The SELECT INTERCEPT DATA screen will appear with five options at the bottom of the screen.

3) To access the exclusion/removal process, select option F5, UPD OFFSET, and the UPDATE OFFSET INDICATORS screen will appear. This screen provides status on the offset programs available through OCSE as well as State Tax and Consumer Reporting Agencies. The only offsets available at this time for updating are Federal Tax (FTX REFUND), Passport Denial (PAS DENIAL), FIDM (FIN MATCH) and State Tax (STX REFUND). When the UPDATE OFFSET INDICATORS screen appears, the cursor is at the indicator field of the FTX REFUND option. Use the TAB key to move to other available offset types.

4) To prevent the NCP from being submitted to OCSE for a particular type of offset or to remove an NCP previously submitted for offset, enter an "N" next to the offset type(s). Once you have marked the offset type(s) with "N," press the F9 key to update.

5) When you return to the UPDATE OFFSET INDICATORS screen after making the change, you will see that FTX REFUND data field has an "N" and that the Change Date (CHANGE DT) reflects the date you updated the indicator. This NCP has now been identified as an exclusion/removal for the offset file.

6) If the NCP you exclude/remove is attached to multiple cases, none of the cases

the NCP is attached to will be offset.

7) If you want to exclude/remove an individual case from offset, you must use the Update Case Subaccount Indicators process. This process will exclude/remove the specific case selected and leave the remaining cases available for offset.

8) All NCPs that have been identified for exclusion/removal will be picked up during the bi-weekly processing and sent to OCSE electronically via Connect-Direct. OCSE processes the file and forwards the information electronically to the Department of Treasury, Financial Management services for Tax Offset and FIDM , and to the State Department for passport denial.

13. How to manually add NCPs previously excluded/removed from Tax Offset, Passport Denial and/or FIDM

a) Select option 5, Accounting Functions, from the APECS MAIN MENU screen.

b) Once the APECS FINANCIAL MANAGEMENT MENU appears, select option 13, MAINTAIN INTERCEPT DATA, and enter the MPI number of the NCP and press enter. The SELECT INTERCEPT DATA screen will appear with five options at the bottom of the screen.

c) To access the exclusion/removal process, select option F5, UPD OFFSET, and the UPDATE OFFSET INDICATORS screen will appear. This screen provides status on the offset programs available through OCSE as well as State Tax and Consumer Reporting Agencies. The only offsets available at this time for updating are Federal Tax (FTX REFUND), Passport Denial (PAS DENIAL), FIDM (FIN MATCH) and State Tax (STX REFUND). When the UPDATE OFFSET INDICATORS screen appears, the cursor is at the indicator field of the FTX REFUND option. Use the TAB key to move to other available offset types.

d) To update/add NCPs previously excluded/removed from being submitted for offset, enter a “Y” next to the offset type(s) you want to add. You can select all of the offsets currently available as additions or a specific offset by selecting the specific offset type. Once you have marked the offset type(s) with a “Y,” press the F9 key to update.

e) When you return to the UPDATE OFFSET INDICATORS screen after making the change, you will see that FTX REFUND data field has a “Y” and that the Change Date (CHANGE DT) reflects the date you updated the

indicator. This NCP has now been flagged for submission to OCSE for offset.

f) All NCPs that have been identified for submission ("Y") will be picked up during the bi-weekly processing and sent to OCSE electronically via Connect-Direct. OCSE processes the file and forwards the information electronically to the Department of Treasury, Financial Management services (FMS) for Tax Offset and FIDM and to the State Department for passport denial.

14. IRS Intercept Pre-Certification Test File

District offices

a. use the Unaccountable Report to take corrective action.

b. update APECS information before the information is extracted to create the final certification file.

15. IRS Intercept Files

a. Refer to the current OCSE Action Transmittal for submission specifications and due dates.

b. Refer to Chapter 7, Document Generation and Record Retention.

c. APECS User Support Unit

1) prepare a written request for Division of Information Systems to generate the

a) IRS pre-certification file,

b) IRS pre-offset notice address file, and

c) IRS final certification file and report;

2) review options;

3) prepare the transmittal documents to mail with files to OCSE;

a) IRS Pre-offset Notice Address File.

(1) Notification of Issuance of Pre-Offset Notice, Offset Notice and Final Case Submittal memo - Forward to the director to approve and sign.

(2) Certification of Verification of Local/State Address and Phone Numbers

to be used on the Pre-offset/IRS Offset Notice to Taxpayers. Forward to the director to approve and sign.

(3) Contact Point for OCSE Issued Pre-Offset Notice memo - Forward to the director to approve and sign.

(4) Federal Tax Offset Contact Form memo - Forward to the director to approve and sign.

(5) Health Resources and Services Administration Payment Information Form - Forward to the Payment Processing Unit manager to approve and sign.

b) IRS Final Certification File

Transmittal Certification form - Forward to the Director to approve and sign.

4) receive files from OCSE; Prepare a written request for Division of Information Systems to process the files, update APECS, and generate reports.

a) Unaccountable Report File

b) Edit Validation Report transmission

c) Collection and Address File - Forward the completed request to the Division of Information System Operations Section supervisor

16. Notice of Intention to Issue Pre-Offset Notices

APECS Unit

a. prepare request for OCSE to issue the notices. Refer to Chapter 7, Document Generation and Record Retention. Forward the letter to the director to approve and sign.

b. estimate the number of cases to be submitted for intercept by using the totals from the pre-certification test tape. Multiply the number of cases times cost per notice. Refer to the current OCSE Action Transmittal for cost per notice and payee information.

17. Tax Intercept Unit requests the Budget and Reporting Unit to prepare an accounting voucher to generate a check to OCSE for printing and mailing the notices. Submit this request 30 calendar days before the check is due to OCSE.

18. Pre-offset Notice Address File

APECS and Tax Intercept Unit

a. verify district office addresses, telephone numbers and locality codes.

b. submit updated addresses to the APECS User Support Unit.

c. APECS Unit updates this information on-line.

19. Final IRS Certification File

a. APECS Unit

1) obtain a check for the balance due OCSE if the original estimate of the cost for mailing pre-offset notices was too low.

2) send files and forms to OCSE by fax/e-mail. Call and verify receipt.

b. Automated Functions Performed Using the Unaccountable File

1) Add an entry to the APECS Event History to explain why a NCP's arrears were removed from the certification file

2) Generate the Unaccountable Report

3) Generate a worklist to the specialist for each case on the report

c. District office staff use the information on the report to take corrective action.

20. Bi-Weekly Modifications and Deletions of the Certified Amount

a. Refer to Appendix A for information on files submitted to OCSE

b. Modifications and deletions of the certified arrears and updates to the intercept module are automated APECS processes when

1) the certified arrears are paid in full;.

2) a payment is credited to the certified arrears;.

3) an adjustment decreases the certified arrears; and

4) the Commissioner discharges the arrears and the APECS subaccount is adjusted.

c. APECS User Support Unit staff, bi-weekly from January through December,

1) receive notification of the transmission of modifications and deletions to OCSE from the Division of Information Systems.

2) receive notification of the transmission of the Edit Validation Report from OCSE to the Division of Information Systems.

3) receive the Edit Validation Report generated from the transmission.

21. IRS Processing of the Certification File

a. Receive the certification file from OCSE.

b. Flag potential intercept cases by the third week in January.

c. Reject cases that do not match because

1) the social security number is not on the IRS file, or

2) the name does not agree with the name on the IRS file, or

3) the combination of name and social security number is not on the IRS file, or

4) the NCP or his or her spouse has filed bankruptcy.

d. Generate the unaccountable file by the end of January. This file contains information on cases that were rejected by the IRS.

e. Receive modification and deletion files. Process the same as the original certification file.

f. Freeze potential refunds upon match.

g. Send a notice informing the NCP that the payment will be forwarded to DCSE.

h. Generate the Collection/Adjustment/Address and Corresponding name Change report and mail to DCSE monthly.

i. Deposit the net payment in the Commonwealth's bank account each month.

22. Notification to and from Other States

APECS generates a Monthly Interstate Status Report to notify other states enforcing the support order that a case is certified to the IRS and when a collection is received from the

IRS.

23. Notification to the NCP

    a. IRS Advance Notice

        1) OCSE mails a notice to the NCP during October.

        2) The notice is mailed to the address on the IRS file.

        3) The notice informs the NCP that his/her arrears have been certified to the IRS for collection.

        4) Refer to Chapter 7, Document Generation and Record Retention, Appendix A.

    b. IRS Notice at Intercept

        1) OCSE notifies the NCP that his/her IRS refund will be sent to DCSE.

        2) The notice is also addressed to the NCP's spouse when a joint return was filed.

        3) The notice tells the NCP's spouse how to protect his or her share of the refund.

        4) The notice may be mailed 30 to 60 days before the payment is received by DCSE.

        5) Refer to Chapter 7, Document Generation and Record Retention.

24. Written and Verbal Intercept Contacts

    a. Before the intercept has occurred, inform callers with questions concerning joint returns to file a 1040X, Amended U. S. Individual Income Tax Return, or Form 8379, Injured Spouse Claim and Allocation.

    b. After the intercept has occurred, refer callers with questions concerning joint returns to the IRS Office for the caller's region. Refer to Appendix B.

    c. Refer to Appendix A for information on why vendors refuse to process rapid refunds for the NCPs, even when the certification has been deleted.

    d. Customer services staff and other staff who do not have primary responsibility for a case

        1) refer to Chapter 6, Documentation Requirements, for information to include in a self-generated event;

2) worklist the staff to whom the case is assigned to report contacts; and

3) worklist the staff's supervisor to report a second contact made after ten days.

e. District office staff should contact the NCP within 10 business days of the NCP's initial contact to resolve the issue. If an administrative review is requested, refer to Chapter 25, Appeals, Hearings, and Reviews,

1) Section C, Administrative Reviews, and

2) Section D, Federal Tax Intercept

25. Notices Returned by the Post Office

a. IRS intercept notices are returned to the district offices.

b. Type a self-generated entry on the APECS Participant History screen with the following information:

1) <NOTICE RETURNED BY PO>

2) Date the notice was returned

c. If APECS has a different address,

1) mail the notice to the APECS address,

2) type a self-generated entry with the following information in the APECS Participant Event History and notes:

a) The Address to which the Notice Was Remailed

b) Date Remailed

d. If APECS has the same address,

1) refer to Chapter 14, Location and

2) type a self-generated entry with the following information in the APECS Participant Event History: <NCP REFERRED TO LOCATE>

26. IRS Intercept Collections and Address Files

a. Files are received by the Director monthly from February through December. They are forwarded through the APECS Use Support Unit to the Divisions of Information Systems.

b. Automated Processing of the File

1) Post Payments. Refer to Chapter 27, Payment Processing.

2) Holds. Refer to Chapter 28, Allocation and Distribution, Section F, Holds.

3) Case Closed to IV-D. Refer to Chapter 29, Disbursements, Section E, Automated Refunds.

4) Establish Fee Subaccounts. Refer to Chapter 18, Receivables, Section G, Fees. Also refer to chapter 35, Fees, Section H, IRS Intercept.

5) Adds Adjustments if the payment to be adjusted has not been manually adjusted.

6) Tax Intercept Letter Regarding Excess Money

Generate the Tax Intercept Letter Regarding Excess Money when the amount collected overpays the outstanding amount certified. Refer to the next step in this chapter and Chapter 7, Document Generation and Record Retention.

7) Update Mailing Addresses

a) If the NCP address field on APECS is blank, the address on the tape is added to APECS as the mail address. The Type field on the APECS Select Participant Address screen contains the code <MAIL>. Refer to the APECS USER MANUAL, pages 4.6-1 through 4.6-3 for instructions to access the screen.

b) If the noncustodial parent address field on APECS contains a mail address the address on the tape is added to APECS as an IRS address.

(1) The Type field on the APECS Select Participant Address screen contains the code <IRS4>. The number behind 'IRS' changes based on the tax year.

(2) Refer to the APECS User Manual, pages 4.6-1 through 4.6-3 for instructions to access the screen.

c) APECS generates a Participant Case Event entry for each address added to APECS. The data field on the APECS View Option 1, Event History contains the following information:

(1) The Effective Date field is the date the entry is recorded.

(2) The Event Class is <0001>.

(3) The Event Type is <IRS4>. The number behind IRS changes based on the tax year.

(4) The Event Description is <ADDRESS INSERTED FROM IRS TA> if the address is added as an IRS type.

(5) If the address is added as a mail type and IRS type, the Event Description is <ADDRESS INSERTED FROM IRS TA> on the first line and <MAIL BUILT BY IRS COLLECTION> on the next line.

d) Refer to the APECS User Manual, pages 4.11-1 through 4.11-4 for instructions to access the screen.

8) Generate Reports

9) Update the Intercept Module.

c. District office staff verify all addresses added to APECS from the IRS Address and Collection tape.

d. Division of Finance staff manually add IRS adjustments when the payment to be adjusted has previously been manually adjusted. Refer to Chapter 31, Adjustments.

27. Overpayment of Certified Arrears

a. Payments made by the NCP after certification reduce the amount that can be collected using the IRS intercept. Also, during the period between certification and intercept, additional arrears may accrue. After posting of tax intercepts, APECS identifies cases with tax intercept excess money. APECS places an automatic hold on the excess payment. For example:

1) If an NCP certified for $1,000 pays $500 on the certified arrears before taxes are intercepted, the maximum that can be retained from an intercepted payment is $500.

2) During the period between the $500 payment and the actual intercept, the NCP may accrue another $500 in arrears, bringing the arrears balance back up to $1,000.

3) Since the second $500 accrued after the NCP was certified, it cannot be retained without permission of the NCP. A hold is placed on the $500 excess payment.

b. APECS automatically generates the Tax Intercept Letter Regarding Excess Money.

1) This letter states that the excess amount will be applied to the case(s) unless the NCP completes and returns the bottom portion of the letter within ten days to the address listed in the letter. The NCP's failure to return the bottom portion of the letter gives DCSE permission, as stated in the letter, to apply the excess amount to arrears that have accrued since the certification. An APECS Case Event entry is automatically created when the letter is generated.

2) Review the Undistributed Receipts Report. Create a self-generated 30-day worklist for each NCP who was mailed the tax intercept excess letter. The NCP is allowed thirty days to contact DCSE to have the money refunded.

c. If the NCP does not return the bottom portion of the letter or does not contact DCSE for a refund within 30 days:

1) For state tax intercept excess money, apply the excess amount to any arrears. If no arrears exist, apply the state tax intercept excess money to current support.

2) For IRS tax intercept excess money, check the NCP's cases to determine if any arrears exist. If a case has arrears, apply the excess amount to any arrears. If the arrears are less than the excess amount, **or if there are no arrears to which the excess amount may be applied**, issue a refund immediately to the NCP **(and the joint tax return filer, if any)** for the difference between the arrears amount and the IRS tax intercept excess amount on hold.

d. If the NCP returns the bottom portion of the letter requesting a refund before the 30 days expire,

1) issue a refund to the NCP immediately.

2) Refer to Chapter 28, Allocation and Distribution, and Chapter 29, Disbursements.

28. District office staff immediately initiate a refund when the arrears were certified in error and payment has been forwarded to DCSE.

29. Advance Refunds

Refer to Chapter 29, Disbursements, Section F, Manual Refunds, for information on advance refunds.

30. Report Refunds to the IRS

    a. APECS reports refunds to the IRS automatically on the Weekly Modifications and Deletions tape.

    b. Reconciliation and Quality Control Unit staff access the Weekly Modifications and Deletions file error report. Locate entries with an adjustment reason code of <FOIR>, IRS intercept refund.

    c. Print entries.

    d. Review to find out why IRS rejected the entries. The main reasons are:

        1) Amount Greater than Amount Intercepted

        2) Tax Year Incorrect

    e. Correct the entry.

(8-1-97)(5-1-98)(11-1-99)(9-1-03)(11-1-04)(4-1-06)(10-1-07)(10-1-07)(02-03-2010)

C. State Tax, Lottery, and Vendor Intercept **(02-03-2010)**

1. Criteria for automatically certifying arrears and interest to the Department of Taxation.

    a. Arrears are owed to the Commonwealth, CPs, or other agencies that have applied for IV-D Services.

    b. The amount of arrears equal or exceed two months current support (monthly obligation x 2) for cases with on-going support. The amount of arrears equal or exceed $25 for arrears only cases.

    c. The arrears are enforceable. For types of cases and subaccounts that DCSE does not enforce, refer to Chapter 19, Enforcement Rules,

        1) Section C, Program Standards for Enforcement;

        2) Section D, Enforcement and Minor NCPs;

        3) Section F, Exceptions to Enforcement Action; and

        4) Section G, Spousal Support.

2. District and regional office staff take manual actions to prevent or delete the certification

of arrears to the Department of Taxation when any of the following conditions exist:

a. The arrears are not enforceable. For types of cases and subaccounts that DCSE does and not enforce refer to Chapter 19, Enforcement Rules,

   1) Section C, Program Standards for Enforcement;

   2) Section D, Enforcement and Minor NCPs;

   3) Section F, Exceptions to Enforcement Action; and

   4) Section G, Spousal Support.

b. A judge orders DCSE not to certify the arrears. The order may be entered before or after DCSE certifies the arrears.

c. The assistant director decides not to certify the arrears based on exceptional circumstances.

d. A judge orders the arrears held in abeyance.

e. The Commissioner discharges the arrears.

3. Inquiry Functions

   a. Select option 15 - AP Inquire Intercept Data on the APECS Inquiry Functions Menu. Refer to the APECS User Manual, page 14.16-1 for functional processing steps.

   b. Review the Intercept Appeals Status field and the Frozen section on the Select Intercept Data screen to see if the arrears were certified and the status of the certification.

   c. If the Frozen section is not completed, review the paper file to find out why the arrears were not certified.

4. District office staff take the following manual actions to prevent or delete the certification of arrears to the Department of Taxation.

   a. Update the APECS Order screen with the following information when the arrears are not to be certified based on a court order.

      1) Set the indicator to <N> when the arrears are to be held in abeyance.

      2) Type <DO NOT CERTIFY ARREARS FOR TAX INTERCEPT PER COURT

ORDER> in the notes section.

b. Type a self-generated entry with the following information in the APECS Case Event History: <ARREARS NOT CERTIFIED TO DOT>

c. Type Case Event notes for the entry with the following information:

1) Why the Arrears Are Not to be Certified

2) Actions Taken and Dates Taken

3) If the Case Was Referred to a Supervisor

4) Why the Case Was Referred to a Supervisor

5) Date the Case Was Referred to a Supervisor

a) That the Arrears Are Not be Certified in the Notes Section

b) That the Arrears Are Held in Abeyance

d. Type a self-generated worklist to review the action in one year or an earlier date based on the outcome of the actions taken.

e. Send a mail message to supervisor to

1) review the case for referral to court to have the order amended and

2) to set the state intercept indicator.

5. District Supervisors

a. Type a self-generated entry with the following information in the APECS Case Event History and notes:

1) If the Case Was Referred to Court

2) Reason for Action

3) If the Case Was Deleted from Certification

4) Dates of Actions

b. Send a mail message to the assistant director to review the case when it appears that

exceptional circumstances may exist not to certify the arrears.

6. Assistant Director's Office

The assistant director's office staff take the following actions to prevent the certification of arrears or remove the certification of arrears to the Department of Taxation:

a. Type a self-generated entry of the APECS Event History screen as follows:

1) <REFER NCP TO COURT> or

2) <DO NOT REFER NCP TO DOT> or

3) <REFER NCP TO DOT> and

4) Reason for the Action

b. Type Case Event History screen notes for the entry with the following information:

1) Actions Taken

2) Dates of Actions Taken

3) Actions to be Taken

c. Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

d. Send a mail message to the district office supervisor to set the state intercept indicator to stop the certification or remove a certification that occurred in error.

e. Type a note for the message explaining the situation.

f. Type a self-generated worklist to review the action in one year or an earlier date based on the outcome of the actions taken.

g. Type a note to the worklist explaining the situation.

1) Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

2) Attach event notes to the entry with the following information:

a) Actions Taken

b) Dates of Actions

7. On-line Deletions

   a. District office staff send a mail message to Reconciliation and Quality Control Unit staff to delete the NCP on-line when exceptional circumstances require this action.

   b. Reconciliation and Quality Control Unit Staff

      Reconciliation and Quality Control Unit staff use on-line query to the Department of Taxation to remove certifications in exceptional circumstances when DCSE needs to delete the certification before the next tape is generated and ran.

8. **Program Guidance Team**

   a. reviews changes in state intercept regulations,

   b. develops recommendations for Division implementation of the changes,

   c. ensures that DCSE's policy and procedures are modified as needed.

9. Certification to the Department of Taxation certifies the arrears with the following agencies:

   a. Department of Accounts

   b. Department of Lottery

   c. Department of Taxation

10. State Intercept Tapes

    APECS User Support Unit

    a. Division of Information Systems to generate the

       1) the Department of Taxation certification tape and report as of November 30 and

       2) the Department of Taxation Rejection Report, and

    b. send request to the Division of Information Systems coordinator.

11. Monthly Additions, Modifications, and Deletions

a. Additions, modifications, and deletions to the certified arrears and updates to the intercept module are automated APECS processes when

1) additional arrears accrue on a previously certified case or arrears accrue on a case not previously certified;

2) the arrears are paid in full;

3) a payment is posted to the arrears;

4) an adjustment decreases or increases the arrears; or

5) the Commissioner discharges the arrears and the APECS subaccount is adjusted.

b. APECS User Support Unit

1) receive notification of the transmission of modifications and deletions to the Department of Taxation from the Division of Information Systems,

2) receive notification of the transmission of the Rejection Report from the Department of Taxation to the Division of Information Systems, and

3) receive reports generated from the tape from January through December.

12. The Department of Taxation

a. receives certification tapes,

b. flags potential intercept cases by the first week in January,

c. rejects cases that do not match because

1) the social security number is not on the Department of Taxation file, or

2) the name does not agree with the name on the Department of Taxation file, or

3) the combination of name and social security number are not on the Department of Taxation file,

d. generates a report of NCPs that the Department of Taxation rejected by the middle of January,

e. freezes potential state tax refunds upon match,

f. mails the initial notice informing the NCP that the state tax refund payment will be forwarded to DCSE and if only a portion of the payment is to be forwarded to DCSE or DCSE releases the entire payment, informs the NCP of the amount,

g. notifies any other agency that certified the NCP of the amount available,

h. forwards any refund remaining after all agencies have released the payment to the NCP, and

i. forwards an Interagency Transfer Voucher and an Agency list of Offset Payments to DCSE.

13. Notification to and from Other States

APECS generates the Monthly Interstate Status Report to notify any other state enforcing the support order that a case is certified for or removed from state intercept and when a collection is received from state intercepts.

14. Notification to the NCP

a. The Department of Taxation mails the NCP a notice that the state tax refund is being held for DCSE. Refer to Chapter 7, Document Generation and Record Retention.

b. APECS generates a notice within 10 days of receiving notice from the Department of Taxation that the refund is being held.

1) Refer to Chapter 7, Document Generation and Record Retention.

2) The NCP has 30 calendar days to file a written objection to the intercept.

15. Written and Verbal Intercept Contacts

a. Customer services staff and other staff who do not have primary responsibility for a case

1) type self-generated entry on the APECS Participant Event History screen to document the contact,

2) refer to Chapter 6, Documentation Requirements, for information to include in a self-generated event,

3) worklist the staff to whom the case is assigned to report contacts, and

4) worklist the staff's supervisor to report second contacts made after ten days.

b. District office staff contact the NCP within 10 business days of the NCP's initial contact. If an Administrative Review is requested, refer to Chapter 25, Appeals, Hearings, and Reviews, Section C, Administrative Reviews General.

16. Notices Returned by the Post Office

a. State intercept notices are returned to the Central Office.

b. Type a self-generated entry on the APECS Participant Event History screen with the following information:

1) <STATE TAX NOTICE RETURNED BY PO>

2) Date the Notice Was Returned

c. If the address on APECS is different from the address on the notice,

1) re-mail the notice,

2) type a self-generated entry on the APECS Participant Event History screen with the following information:

a) <STATE TAX NOTICE REMAILED>

b) Date Remailed

d. If the address on APECS and the notice is different from the address on the tax return,

1) remail the notice,

2) add the address to APECS,

3) type self-generated entries on the APECS Participant Event History screen with the following information:

a) <STATE TAX NOTICE REMAILED>

b) <NCP ADDRESS UPDATED>

c) Source of the Address

d) Date Remailed

e. If the address on APECS is the same as the address on the notice,

1) refer to Chapter 14, Location, and

2) type a self-generated entry on the APECS Participant Event History screen as follows: <NCP REFERRED TO LOCATE>

3) re-mail the notice when a new address is received.

17. When notification that an intercept has occurred is received from the Department of Taxation,

a. the APECS daily,

1) generates the State Income Tax or Lottery Winnings Intercept Notification Letter to NCP

2) transmits appeals to the Department of Taxation; and

3) generates the State Set-Off Debt Collection report.

b) the Reconciliation and Quality Control Unit manually generates the Vendor Payment Intercept Notification.

18. State Intercept Collections Tapes

a. APECS automatically processes payment Information.

1) Refer to Chapter 27, Payment Processing, for payment posting information.

2) Refunds payments to NCP if the non-TANF case is closed.

3) Generation of the Tax Intercept Letter Regarding Excess Money when the amount collected overpays the arrears on all cases. Refer to the next step in this chapter and Chapter 7, Document Generation and Record Retention.

4) Generate Reports

5) Updates the Intercept Module

b. District Office Staff

1) type the date the approval to retain the overpayment is received on the Case Event History screen,

2) remove the worklist item from the worklist file, and

3) refund the payment if the NCP has not signed and returned the letter when the worklist is received 15 work dates after the letter is generated.

19. Overpayment of Certified Arrears

a. Payments made by the NCP after intercept reduce the amount that can be retained from the intercept. Obtain written authorization from the NCP to retain the overpayment. For example:

1) If the arrears are $1,000 and the NCP pays $500 on the arrears, the maximum that can be retained from an intercepted payment is $500.

2) Since the $500 payment reduced the arrears the NCP must give permission for DCSE to retain the extra $500.

b. APECS automatically generates the Tax Intercept Letter Regarding Excess Money.

1) This letter requests the NCP's permission to apply excess money to additional arrears which have accrued since the arrears were originally certified.
2) A 15 day worklist to the specialist is created when the letter is generated.

c. Retain the payment when the NCP signs and returns the letter.

d. District office staff take the following actions when the NCP returns the letter within 15 days:

1) Type a self-generated entry on the APECS Case Event History screen.

2) Type the date the approval to retain the overpayment was received.

3) remove the worklist item from the worklist file.

e. District office staff take the following actions when the NCP does not return the letter within 15 days.

1) Initiate a refund to the NCP.

2) Refer to Chapter 28, Allocation and Distribution, and Chapter 29, Disbursements.

20. District office staff immediately initiate a refund when they find out that the arrears were certified in error and payment has been forwarded to DCSE.

21. Payments Transferred by the Department of Taxation in Error

    Reconciliation and Quality Control Unit Staff

    a. receive notice that a payment was transferred in error and

    b. process the refund to the Department of Taxation after the payment posts to APECS.

(3-1-1997)(8-1-1997)(5-1-1998)(11-1-1999)(03-01-2001)(05-01-2002)(2-3-2010)

D. Department of Lottery Processing (08-01-1997)

The Department of Taxation processes claims for the Department of Lottery.

(08-01-1997)

E. Department of Accounts Processing (05-01-1998)

1. The Department of Accounts decides if a payment is eligible for intercept and computes the amount that may be intercepted.

2. Eligibility of educational loans and grants is determined by the source of the payment not by to whom the payment is made. If the check is payable to the student and it is a third party's money, DCSE can intercept the payment and the third party must settle with the student.

    a. District office staff contact the Reconciliation and Quality Control Unit when the intercept of an educational loan or grants is challenged.

    b. Reconciliation and Quality Control Unit staff contact the Department of Accounts to reevaluate the intercept.

    c. The final decision as to whether the money can be retained is made by the Department of Accounts.

    d. Reconciliation and Quality Control Unit staff notify district office staff of the decision.

3. If the payment meets the definition of earnings, the amount that may be intercepted is determined by the Consumer Credit Protection Act. When an NCP challenges the intercept, calculate the amount that may be retained before a hearing. Refer to Chapter 20, Enforcement by Wage Withholding, Section C, Consumer Credit Protection Act Limitations.

4. The Department of Accounts issues a check to the NCP if any money remains after the certified amount is paid to DCSE.

(8-1-1997)(05-01-1998)

F. Documents (11-01-1999)

1. Transmittal Certification

2. Notification of Issuance of Pre-Offset Notice, Offset Notice and Final Case Submittal memo

3. Certification of Verification of Local/State Address and Phone Numbers to be Used on the Pre-offset/IRS Offset Notice to Taxpayers.

4. Contact Point for OCSE Issued Pre-Offset Notice memo

5. Federal Tax Offset Contact Form

6. Health Resources and Services Administration Payment Information Form

7. IRS Advance Notice

8. IRS Notice at Intercept

9. *Tax Intercept Letter Regarding Excess Money*

10. *State Income Tax/Lottery Winnings Intercept Letter to NCP*

11. *Vendor Payment Intercept Notification*

(8-1-1997)(11-01-1999)

G. Reports (08-01-1997)

Interstate Status Report

(08-01-1997)

Appendix A, IRS Process (11-01-2004)

Certification occurs on an on-going basis. Generally the entire caseload is sent each October. The information is added to the IRS files at this time. Letters to the NCPs are generated from this information.

DCSE's modifications and deletions began with the mailing of these letters. The OCSE holds the deletions and modifications received through the middle of November and forwards then all to the Financial Management Services (FMS) at once.

The IRS does not process the deletions and modifications received from the OCSE until the third or forth week in January.

This causes problems for NCPs who attempt to file rapid refunds during January and the first week in February. Since their account has a hold, the vendor cannot process the rapid refund. The vendor does not normally refund the fee charged for this service.

After the end of January DCSE submits bi-monthly update files to the federal Office of Child Support Enforcement. The federal office forwards the update files to the FMS. The results are forwarded to the OCSE and DCSE the following week.

(11-01-1999)(11-01-2004)

Appendix B, IRS Regional Offices (04-18-1994)

(04-18-1994)

Appendix C, Federal Pre-Offset Notice (09-01-2003)

OCSE Pre-Offset Notice

CHILD SUPPORT ENFORCEMENT DIVISION
DEPARTMENT OF REVENUE MS 01550
550 W 7TH AVE 4TH FL
ANCHORAGE AK 99501-6699
INSTATE 800.478.3300

CHILD SUPPORT ENFORCEMENT DIVISION
W 7TH AVE 4TH FL
ANCHORAGE AK 99501-6699
PHONE(S): 907.269.6900

CURRENT DATE

** CONTACT ADDRESS ABOVE **

MR AND/OR MS JOHN DOE
3331 ANYSTREET BLVD
ANYTOWN USA 99999-0123

SSN	CASE NUMBER	LOCAL ID	PAST DUE AMOUNT CLAIMED
992-XX-3456	33331Z97RN1	001	$520 (NON-TANF)

The agency identified above has determined that you owe past-due child and/or spousal support. Our records show that you owe at least the amount shown above. If your case was submitted to the United States Department of the Treasury for collection in the past, this amount is subject to collection at any time by Administrative Offset and/or Federal Tax Refund Offset. If your case has not already been submitted to the United States Department of the Treasury and you do not pay in full within 30 days from the date of this notice, this amount will be referred for collection by Administrative Offset and/or Federal Tax Refund Offset. Under Administrative Offset (31 U.S.C.3716), certain Federal payments that might otherwise be paid to you will be intercepted, either in whole or in part, to pay past-due child and/or spousal support. Under Federal Tax Refund Offset (42 U.S.C.664;26 U.S.C.6402), any Federal Income Tax Refund to which you may be entitled will be intercepted to satisfy your debt. The amount of your past-due support will also be reported to consumer reporting agencies.

If you owe or owed arrearages of child support in an amount exceeding $2,500, the agency identified above will certify your debt to the State Department pursuant to 42 USC 654(31). Once you are certified, the Secretary of State will refuse to issue a passport to you, and may revoke, restrict or limit a passport that was previously issued.

Your debt will remain subject to Federal Tax Refund Offset, Administrative Offset, and/or passport certification until it is paid in full. Important: If you owe current support, any further arrears accruing due to payments missed may be added to your debt and will be subject to collection by Federal Tax Refund Offset and/or Administrative Offset now or in the future without further notice. To determine additional amounts owed or the total amount past-due which the agency has submitted for collection, you may contact us at the address or phone number listed above.

You have a right to contest our determination that this amount of past-due support is owed, and you may request an administrative review. To request an administrative review, you must contact us at the address or phone number listed above within 30 days of the date of this notice. If your support order was not issued in our state, we can conduct the review or, if you prefer, the review can be conducted in the state that issued the support order. If you request, we will contact that state within 10 days after we receive your request and you will be notified of the time and place of your administrative review by the state that issued the order. All requests for administrative review, or any questions regarding this notice or your debt, must be made by contacting the agency identified above.

If you are married, filing a joint income tax return, and you incurred this debt separately from your spouse, who has no legal responsibility for the debt and who has income and withholding and/or estimated tax payments, your spouse may be entitled to receive his or her portion of any joint Federal Tax Refund. If your spouse meets these criteria, he or she may receive his or her portion of the joint refund by filing a Form 8379 - Injured Spouse Claim

and Allocation. Form 8379 should be attached to the top of the Form 1040 or 1040A when you file, or filed according to other instructions as indicated on the Form 8379.

(3/1/1997)(09-01-2003)

Appendix D, Federal Offset Notice (07-01-2004)

OCSE Offset Notice

Department of the Treasury
Financial Management Service
P.O. Box 1696
Birmingham, AL 3520 1-1686

THIS IS NOT A BILL PLEASE RETAIN FOR YOUR RECORDS

{Date}

{Name/Address}

Dear {Debtor Name}

As authorized by Federal Law, we applied all or part of your Federal payment to a debt you owe. The government agency (or agencies) collecting your debt is listed below.

AGENCY: TIN Num:
{Creditor Agency Name/phone/address} Debt Trace Num:
Acct Num:
Amount this Creditor:
Creditor: Site:

PURPOSE: {Child Support}
Amount: {Amount sent to the Creditor Agency}

The Agency has previously sent notice to you at the last address known to the Agency. That notice explained the amount and type of debt you owe, the rights available to you, and that the Agency intended to collect the debt by intercepting any Federal payments made to you, including tax refunds. If you believe your payment was reduced in error or have questions about this debt, you must contact the Agency at the address and telephone number shown above. The U.S. Department of the Treasury's Financial Management Service cannot resolve issues regarding debts with other agencies.

We will forward the money taken from your Federal payment to the Agency to be applied to your debt balance; however, the Agency may not receive the funds for several weeks after the payment date. If you intend to contact the Creditor Agency immediately, please have this notice available.

{Signature}
{Title}
Debt Management Services
(800) 304-3107
PAYMENT SUMMARY
PAYEE NAME: PAYMENT TYPE:
PAYMENT BEFORE REDUCTION: PAYMENT DATE:
TOTAL AMOUNT OF THIS REDUCTION:
PAYING FEDERAL AGENCY {Paying Federal Agency} If the paying agency is IRS tax refund include:
(See Insert on Tax Refund Offsets for Additional Information).

CHAPTER 22 ENFORCEMENT BY CONSUMER REPORTING **(09-21-2009)**

A. Consumer Reporting Agencies (11-01-2002)

1. The Division of Child Support Enforcement (DCSE) reports arrears to four consumer reporting agencies.

   a. Innovis Data Solutions

   b. Equifax Information Service Center

   c. Trans Union Credit Information Company

   d. Experian (TRW) Information Services

2. Information is only reported to entities that

   a. can use the information systematically and timely and

   b. furnish evidence that the entity is a consumer reporting agency.

(5-1-1998)(09-01-1998)(11-01-2002)

B. DCSE Liaison (09-01-1998)

The manager of the Customer Services Unit functions as a liaison between DCSE and consumer reporting agencies. This manager requests program and procedure changes and resolves concerns with interaction between the agencies and DCSE.

(09-01-1998)

C. Staff Responsibilities **(09-21-2009)**

1. Central Office staff

   a. initiate **files**, reports, automated updates, and monitor the actions initiated,

   b. coordinate with the consumer reporting agencies, and

   c. provide technical assistance to district office staff.

2. District office staff

   a. monitor and adjust subaccount balances,

   b. review cases and set indicators to prevent referral of subaccounts that do not qualify,

c. remove subaccounts that do not qualify from referral,

d. complete an automated Universal Data Form using e-OSCAR (electronic - Online Solution for Complete and Accurate Reporting) to remove arrears referred to credit reporting agencies in error,

e. process Credit Agency Reporting Letters returned by the post office, and

f. file authorization to release arrears information documents signed by the noncustodial parent (NCP),

g. review the Monthly Credit Bureau Removal Report, D398. Refer to Section J.

h. provide the NCP with 10 days notice prior to requesting a consumer report when attempting to enforce a child support obligation either judicially or administratively. Refer to Section N, Requesting Consumer Agency Reports.

(9-1-98)(10-1-07)(7-16-08)(9-21-09)

D. Automated Notification to NCP (09-01-1998)

1. Automated Program to Enforce Child Support (APECS) automatically generates the Consumer Reporting Agency Notice using batch processing. These notices tell NCPs that their arrears will be referred to consumer reporting agencies and the dollar amount that will be initially reported. APECS generates the letters monthly during the first weekend of the month except when month end processing occurs during the first weekend. When this occurs, the letters are generated the second weekend of the month. Criteria for generating
the letters follow.

a. The NCP has a mailing or IRS address on APECS.

b. Arrears are owed to the Commonwealth or Custodial Parents (CP)

c. The total arrears on IV-D cases with an active support order is equal to or greater than three months current support. Arrears on arrears only cases are at least $500. Arrears on non-IV-D cases are not included in computing the arrears.

d. The status code on the APECS Select Intercept Data screen is

1) blank for not previously submitted or

2) <D> for previously deleted.

e. The NCP lives in Virginia or in Long Arm situations the NCP resides out-of-state and no other states are involved in enforcing the case. The APECS <Jurisdct> field on the APECS Display Case Information Screen is <IN-S>. APECS does not generate a letter if the Jurisdct field is <AP-O> or <BOTH>.

f. The arrears are enforceable. Refer to Chapter 19, Enforcement Rules,

1) Section C, Program Standards for Enforcement;

2) Section D, Enforcement and Minor Noncustodial Parents;

3) Section E, Exceptions to Enforcement Action; and

4) Section G, Spousal Support.

2. APECS generates the following entries when it generates the Credit Agency Reporting Letter:

a. Refer to Chapter 6, Documentation Requirements, Section I, Participant Event History Entries, for entry written to the Participant Event History.

b. <L> is written in the Credit Bureau Reporting Status Field on the APECS Select Intercept Data screen. The <L> indicates that a letter has been generated notifying the NCP of the intent to refer the arrears.

(1-1-1997)(09-01-1998)

E. Referral Process **(09-21-2009)**

1. New Referrals

APECS generates a **file** that includes new NCPs to refer to consumer reporting agencies once a month. Refer to Section D, Step 1 for when the **file** is generated.

a. Refer to Section D, Step 1, items a-c and e-f, above for the criteria for referring cases.

b. APECS selects NCPs with account balances greater than 3 months support or $500 on arrears only case and a <L> in the Credit Bureau Reporting Status field on the APECS Select Intercept Data screen.

c. When APECS selects an NCP, it

1) generates an entry to the Participant Event History.

a) The Effective Date is the date APECS selects the case.

b) The Event Class is <0002>.

c) The Event Type is <FCRS>.

d) The Event Description is <AP SUBMITTED TO CREDIT BUREAU>

e) There are no Event Notes.

2) changes the <L> in the Credit Bureau Reporting Status field on the APECS Select Intercept Data screen to <S>. The <S> indicates that the NCP's arrears were referred to consumer reporting agencies.

g. The **file** is forwarded to consumer reporting agencies.

h. The **file** includes new referrals and increases or decreases to arrears previously reported.

i. APECS refers the arrears if the NCP does not contest the action within 10 calendar days.

j. APECS replaces the <L> with an <S> on the APECS Credit Bureau Reporting Status screen. An "S" says arrears reported.

k. APECS replaces the <S> with an <E> on the APECS Credit Bureau Reporting Status screen when the youngest child on the case reaches emancipation and the delinquency date is seven years or older. An "E" means that the participant is no longer being reported. A participant event is created.

2. Cases Not Referred

a. If the NCP has a <L> in the Credit Bureau Reporting Status field and his/her account balances are less than 3 months support or $500 on an arrears only case, APECS changes the <L> to a blank and does not select the NCP to add to the **file**.

b. If the NCP has a <L> in the Credit Bureau Reporting Status field and does not have a mailing address or IRS address, APECS changes the <L> to a blank and does not select the NCP to add to the **file**.

c. APECS also does not select NCPs if the Credit Bureau Reporting Status field has an

1) <A>. This code says to postpone for 60 calendar days while an appeal is under consideration.

2) <T>. This code says to postpone for reason other than an appeal.

3) <P>. This code says to permanently exclude the arrears from referral.

3. Manually Generated Referrals

   NCPs who owe less are reported manually when a consumer reporting agency requests information for a specific NCP as part of a security check or loan application.

4. Consumer reporting agencies also gather information by searching public records.

(09-01-1998)(9-21-09)

F. Inquiry Functions (09-01-1998)

1. Select option 15 - AP Inquire Intercept Data on the APECS Inquiry Functions Menu.

2. Review the Credit Bureau Reporting Status and Effective Date fields on the Select Intercept Data screen to
   see if the arrears have been referred.

3. If the Credit Bureau Reporting Status and Effective Date fields are not completed, review the paper file to find out why the arrears were not referred. Refer to Section H, Stopping Automated referrals, for reasons not to refer arrears.

(09-01-1998)

G. Administrative Reviews and Appeals (09-01-1998)

Refer to Chapter 25, Appeals, Hearings and Reviews,

1. Section C, Administrative Reviews,

2. Section E, Consumer Reporting Agencies, and
   Section G, Administrative Appeals.

(09-01-1998)

H. Stopping Automated Referrals (09-01-1998)

1. District and regional office staff take manual actions to prevent the referral of arrears or to remove arrears referred to consumer reporting agencies when any of the following conditions exist:

   a. The arrears are not enforceable. For cases DCSE does and does not enforce refer to

Chapter 19, Enforcement Rules,

1) Section C, Program Standards for Enforcement;

2) Section D, Enforcement and Minor NCPs;

3) Section F, Exceptions to Enforcement Action; and

4) Section G, Spousal Support.

b. The NCP does not live in Virginia.

c. The assistant director decides not to refer the arrears based on exceptional circumstances.

d. A judge orders the arrears held in abeyance.

e. The Commissioner discharges the arrears.

2. District office staff take manual actions to prevent the referral of arrears or to remove arrears referred to consumer reporting agencies in error. Update case management and financial information on APECS if needed to document that the arrears are not enforceable. If updating case management and financial data resolves the referral, type a self-generated entry on the APECS Participant Event History screen as follows:

a. type a note to explain the action taken and why.

b. if updating case management and financial data does not resolve the referral, type a self-generated entry on the APECS Participant Event History screen as follows:

1) <CASE REFERRED TO SUPERVISOR>

2) Type a note to explain

a) why the case(s) were referred to supervisor,

b) action requested, and

c) date case referred to supervisor.

3) Refer to Chapter 6, Documentation Requirements, G, Self-Generated Event History Entries, for general information on self-generated event history entries and notes.

4) Worklist supervisor to

a) review the case(s) and

b) set the consumer reporting agency indicator.

3. The district manager or designee approves the use of the following codes:

   a. <P> This code says to permanently exclude the arrears from referral.

   b. <R> This code says to remove the NCP's arrears from credit reporting agency records.

4. District office supervisors and staff who have primary responsibility for a case

   a. enter one of the following consumer reporting status codes on the APECS Credit Bureau Reporting Status screen.

      1) <T> This code says to postpone for reasons other than an appeal

      2) <A> This code says to postpone for 60 calendar days while an appeal is under consideration.

      3) <P> Refer to item 3 above for the meaning of this code.

      4) <R> Refer to item 3 above for the meaning of this code.

   b. type a self-generated entry on the APECS Participant Event History screen as follows:

      1) If the consumer reporting status code is <T> or <P> on the APECS Credit Bureau Reporting Status screen, type

         a) <DO NOT REPORT NCP TO CRA> or

         b) <NCP REMOVED FROM CRA>.

      2) If the consumer reporting status code is <T> on the APECS Credit Bureau Reporting Status screen, type

         a) <NCP REFERRED TO COURT> or

         b) <NCP SCHEDULED FOR ADMINISTRATIVE REVIEW> or

         c) <NCP REFERRED TO ASSISTANT DIRECTOR>.

3) If the consumer reporting status code is <A> on the APECS Credit Bureau Reporting Status screen, type <NCP REQUESTED APPEAL HEARING>.

4) If the consumer reporting status code on the APECS Credit Bureau Reporting Status screen is blank, type <NCP REPORTED TO CRA>.

c. Type a note. Include the following information.

1) If the indicator was set to prevent referral or remove a referral that had occurred in error, and

2) Dates of actions.

d. Refer to Chapter 6, Documentation Requirements, G, Self-Generated Event History Entries, for general information on self-generated event history entries and notes.

e. Create a mail message to the assistant director to review the case when it appears that exceptional circumstances exist not to certify the arrears.

4. District office staff take manual actions to prevent the referral of arrears or to remove arrears referred to consumer reporting agencies when exceptional circumstances exist not to refer the arrears.

a. Type a self-generated entry on the APECS Participant Event History screen as follows:

1) <REFER NCP TO COURT> or

2) <DO NOT REFER NCP TO CRA> or

3) <REFER NCP TO CRA> and

b. Type a note to explain the action taken and why.

1) actions taken,

2) dates of actions taken,

3) actions to be taken,

c. Refer to Chapter 6, Documentation Requirements, G, Self-Generated Event History Entries, for general information on self-generated event history entries and notes.

d. Worklist a district office supervisor to set the consumer reporting agency indicator to stop a referral or remove a referral that has occurred in error.

e. Type a self-generated entry on the APECS worklist to review the action in one year or an earlier date based on the outcome of the actions taken.

(09-01-1998)

I. Removing Referred NCPs **(09-21-2009)**

1. Remove NCPs previously referred when

   a. the arrears are not enforceable,

   b. the arrears were reported in error,

   c. a default order is amended and the amended arrears balance is less than 3 months support or $500 on an arrears only case. If the amended arrears balance is more than 3 months support or $500 on an arrears only case, do an update and not a removal.

   d. a mistake was made in the identity of the NCP,

   e. the assistant director authorizes the removal due to extraordinary circumstances, or

   f. Virginia requests the assistance of another state to enforce the order.

2. Take the following actions to remove the NCP's name from consumer reporting agencies when one or more of the above conditions exist:

   a. Check to ensure that the NCP is not linked to other cases in which there is a valid debt of more than 3 months support or $500 on an arrears only case.

   b. Complete an automated Universal Data Form using e-OSCAR for each NCP.

   c. e-OSCAR sends the automated Universal Data Form to the following agencies:

      1) Equifax Information Service Center

      2) Innovis Data Solutions

      3) Trans Union Credit Information Company

      4) Experian (TRW) Information Services

   e. Enter the status code <R> on the APECS Credit Bureau Reporting Status screen.

   f. Document APECS with a self-generated Participant Event History entry as follows: <NCP REMOVED FROM CRA>.

g. Create a self-generated note for the entry on APECS. Record the referral removal reason, who approved the removal, and the date the automated Universal Data Form was completed on e-OSCAR.

h. Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries on APECS.

3. APECS takes the following actions:
   a. generates the monthly CB Removal Report, and

   b. replaces the <R> with a <D> on the APECS Credit Bureau Reporting Status screen. The <D> indicates that the NCP was referred to the consumer reporting agencies for removal.

   c. replaces the <R> with a <D> on the APECS Credit Bureau Reporting status screen. The <D> says the arrears were removed.

4. Letter to NCP

   Prepare a letter informing the NCP that s(he) has been removed from credit reporting agency files.

5. **An NCP is no longer reported to credit reporting agencies when the youngest child on the case reaches emancipation and the delinquency date is seven years or older. A status code of "E" will be displayed on the Credit Bureau Reporting screen to identify that the participant is no longer being reported. A participant event is created.**

(5-1-98)(9-1-98)(9-1-01)(9-1-02)(11-1-02)(10-1-07)(9-21-09)

J. Monthly Credit Bureau Removal Report, D398 (10-01-2007)

1. APECS generates the Monthly Credit Bureau Removal Report, D398, during the first weekend of the month except when month end processing occurs during the first weekend. When this occurs, the report is generated the second weekend of the month. The report is used to

   a. generate removal letters to consumer reporting agencies,

   b. reconcile NCPs on the Daily Removal log with NCP's on the report, and

   c. verify that NCPs are not removed in error.

2. Access the Monthly Credit Bureau Removal Report, D398, on Control D and verify that

a. arrears identified for removal are removed and

b. arrears are not removed in error.

3. The following data elements are on the report:
   a. NCP's Name

   b. NCP's Social Security Number

   c. NCP's MPI Number

   d. NCP's Address

   e. NCP's Arrears

   f. NCP's Status

   g. NCP's Case Numbers

   h. NCP's Case Types

4. Verify that all subaccount balances equal zero if the NCP was referred in error.

5. If the NCP was removed based on the jurisdiction code being <AP-O> or <BOTH> and the NCP has a Virginia address, review the NCP's case(s) to decide if the jurisdiction code needs to be changed to <IN-S>.

(09-01-1998)

K. Customer Contacts (09-01-1998)

1. Customer services staff and other staff who do not have primary responsibility for a case

   a. refer to Chapter 6, Documentation Requirements, for information to include in a self-generated event history entry,

   b. worklist the specialist to report contacts,

   c. attach a note to the worklist fully explaining the situation,

   d. worklist the specialist's supervisor to report second contacts made after ten days, and

   e. attach a note to the worklist fully explaining the situation.

2. The specialist responsible for the case receives the written request for an administrative review or appeal hearing. Within two business days of receiving the request

    a. forward the request for an appeal hearing. Refer to Chapter 25, Appeals, Hearings and Reviews.

    b. place a temporary hold on the referral by typing a <T> or <A> on APECS Credit Bureau Reporting Status Screen. This will postpone the submittal for 60 days.

    c. verify the arrears, or worklist a fiscal staff to verify the arrears.

    d. attach a note to the worklist fully explaining the situation.

    e. refer to Chapter 25, Appeals, Hearings and Review, for other actions to take.

    f. remove the temporary hold after the case is reviewed and all necessary action is taken or the decision from the appeal hearing is rendered.

    g. refer to Chapter 6, Documentation Requirements, for standard information to include in a self-generated event history entry. In addition, include the following information:

        1) the date the request for an administrative review or appeal hearing was received,

        2) the date the request was forwarded to the Hearing Officer,

        3) the date the arrears were verified,

        4) the result of the verification process, and

        5) the date the NCP was contacted to schedule an appointment to review the arrears.

3. Central office customer services staff receive and process or coordinate the processing of inquiries from consumer reporting agencies and financial institutions for information on a specific NCP.

    a. If a financial institution is requesting the information,
        1) ask if they have a signed authorization to obtain the information;

        2) request a faxed copy of the authorization;

        3) provide the information once the authorization is received.

    b. If a consumer reporting agency is requesting the information,

1) verify the identity of the caller, and

2) request the NCP's name, address, and social security number.

c. Limit the information provided to

1) high balance,

2) current balance, and

3) the last two payments on the account.

d. Create a self-generated Participant Event History entry as follows:

1) <ARREARS INFORMATION REQUESTED BY>. Add the name of the entity that requested the information.

2) Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

e. Create a note for the entry with the following information:

1) the name of the person requesting the information,

2) whether the information was requested in writing or by telephone,

3) the date the request is received,

4) the high balance reported,

5) the current balance reported, and

6) the last two payments on account reported.

7) Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

f. Create a self-generated Participant Event History entry as follows:

1) <SIGNED AUTHORIZATION RECEIVED> Add the date received.

2) Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

g. Create a note for the entry with the following information:

1) the name of the person from whom the document was requested,

2) whether the information was requested in writing or by telephone, and

3) the date the request was made.

4) Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

h. Create a self-generated Participant Event History entry as follows:

1) <ARREARS INFORMATION PROVIDED TO>. Add the name of the entity to whom the information was provided.

2) Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

i. Create a note for the entry with the following information:

1) the name of the person to whom the information was provided, and

2) the date provided.

3) Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

j. Forward the faxed authorization to the district office for inclusion in the paper file.

k. Worklist the specialist responsible for the case if the NCP disputes the amount reported.

l. Add a note to the worklist explaining the situation.

4. Central Office customer services staff coordinate the investigation of disputed referrals and complete Consumer Dispute Verification documents. Consumer reporting agencies delete disputed amounts when a response is not received within 30 calendar days.

a. Review the APECS fiscal history for the NCP's cases and complete the Consumer Dispute Verification documents within one(1) working day.
b. Create two self-generated Participant Event History entries as follows:

1) <CRA DISPUTE DOCUMENT RECEIVED>. Add the date received.

2) <CRA DISPUTE REVIEW COMPLETED>. Add the date document completed

and returned.

3) Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

c. Create event notes for the entries with the following information:

1) the name of the consumer reporting agency that submitted the dispute document, and

2) the amount reported in response to the dispute.

3) Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

(09-01-1998)

L. Notices Returned by the Post Office (01-01-1996)

1. Advance notices are returned to central office Customer Services Unit and sorted, and forwarded to district offices.

2. District office staff create a self-generated Participant Event History entry as follows:

a. <CONSUM AGENCY LETTER RETURNED BY PO>.

b. Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

3. Create event notes for the entry with the following information:

a. the date the notice was received in the district office,

b. Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

4. If the paper file has a different address,

a. add the address to APECS, and

b. mail the notice to the address added to APECS.

c. Create a self-generated Participant Event History entry as follows:

1) <CONSUM AGENCY LETTER RE-MAILED>. Add the date the notice was

remailed.

2) Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

5. If the paper file has the same address, refer to Chapter 14, Location. Create a self-generated Participant Event History entry as follows:

   a. List the actions taken.

   b. Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

(01-01-1996)

M. Case Closure (01-01-1996)

For non-Temporary Assistance for needy Families (TANF) cases, adjust the receivable subaccount balance to zero. Refer to Chapter 37, Case Closure. APECS reports the case to consumer reporting agencies one more time. This updates the consumer reporting agencies' files to zero.

(01-01-1996)

N. Requesting Consumer Agency Reports (07-16-2008)

1. When attempting to enforce a child support obligation either judicially or administratively, provide the NCP with 10 days' prior notice before requesting a consumer report.

2. The *10-Day Notice/Consumer Reporting Agency Request,* to notify the NCP that the report will be requested, must be sent by certified mail, return receipt requested, to the last known address. DCSE may still proceed with requesting the consumer report even if the *10 Day Notice/Consumer Reporting Agency Request* is returned as undeliverable.

3. The report must be kept confidential and used only for enforcement purposes. It may not be used in connection with any other civil, administrative, or criminal proceeding, or for any other purpose.

4. The following types of consumer reports may be accessed for enforcement purposes after the 10-day notice is given:

   a. TransUnion

Credit Report including Phone Append and Inquiry Analysis

Collection Credit Report including Phone Append and Inquiry Analysis

Individual Monitoring

SSN Report

ReTrace Plus

b. Equifax

ACROFile or ACROFile Plus (full credit report)

DTEC

AUTO-DTEC

ID Report

RE-APPEAR

Automated Bankruptcy Notification Services

5. The 10-day prior notice to the NCP is not required for DCSE to request the NCP's consumer report to set an initial or modified support order in a judicial or administrative action.

6. The 10-day prior notice is not required for DCSE to request locate products from the consumer reporting agencies. The following products may be requested with no prior notice:

a. TransUnion

SSN Search

ReTrace

ID Search

b. Equifax

FINDERS

FIRSTfinder

Address Variance Indicator

SAFESCAN

Equifax ID Advisor

SSN Verified

Consumer Telephone Service

Phone Number Verification

(07-16-08)

O. Reports (01-01-1996)

1. Monthly Credit Bureau Informational Report
2. Monthly Report for Credit Bureaus
3. CB Removal Report

(01-01-1996)(9-1-1998)

P. Documents (08-15-2008)

1. *Consumer Reporting Agency Notice*
2. *10-day Notice/Consumer Reporting Agency Request*

(01-01-1996)(08-15-2008)

A. Purpose of Chapter (11-01-2003)

1. The purpose of this chapter is to provide policy, procedures, and information regarding

   a. referring cases to private collection agencies,

   b. retrieving cases from private collection agencies,

   c. responsibilities of private collection agencies, and

   d. private collection agencies not under contract with the Division of Child Support Enforcement (DCSE).

2. This chapter refers the reader to the Automated Program to Enforce Child Support (APECS) User Manual pages 4.3-1 through 4.3-4 for functional processing steps to access Display Case Information from the APECS Inquiry Functions Menu.

3. This chapter refers the reader to the DCSE Program Manual

   a. Chapter 18, Receivables, Section O, Discharge of Arrears, for proposed settlement of arrears.

   b. Chapter 27, Payment Processing, Section A, Receive Mail, for procedures for processing collections received from **a private collection agency**.

(01-01-1996)(11-01-2003)

B. Private Collection Agencies Under Contract (11-01-2003)

1. DCSE **may** contract with **private collection agencies** to collect support arrears.

2. DCSE refers cases to **the private collection agency** monthly.

3. District offices receive credit for support collections made by private collection agencies when the payments are posted to APECS.

4. DCSE pays private collection agencies a percentage of the amounts collected. The percentage is determined according to the terms of the contract.

5. Private collection agencies

   a. make a minimum of three telephone calls,

   b. mail a minimum of five letters,

c. skip trace as necessary,

d. locate assets of the debtor,

e. forward an Account Verification Request to DCSE when the debtor disputes the amount owed

1) **The private collection agency** forwards the document to the contact in the district office responsible for the case.

2) The district office contact refers the Account Verification Request to district office fiscal staff for resolution.

3) District office fiscal staff calculate the arrears due on the day the Account Verification Request is completed.

4) After verifying the arrears, return the Account Verification Request to **the private collection agency**. The turnaround time for resolution and return is within ten days of receipt.

f. instruct the noncustodial parent (NCP) to forward payments to the private collection agency, and

g. submit detailed reports with the following information:

1) contacts made,

2) correspondence file,

3) addresses obtained, and

4) assets located.

6. **The private collection agency** is not due a fee for collections received from an income withholding initiated by DCSE, or for collections received from federal and state tax intercepts. State intercepts include tax refunds, lottery winnings, and Vendor Debt Set Off.

7. DCSE owes a fee to **the private collection agency** when a payment is received within 60 days of a case being returned at the request of DCSE unless the case is assigned to an attorney.

(09-01-1999)(11-01-2003)

C. Criteria for Referral to **a Private Collection Agency** (11-01-2003)

1. Refer open Temporary Assistance for Needy Families (TANF) and Aid to Families with Dependent Children in Foster Care (AFDC/FC) cases with

   a. total arrears equal to $100 or more, and

   b. no financial activity within the last year from the date of the current support order.

2. Refer non-TANF cases (exclude MAOF, MAOP, MSO and NIVD case types) with

   a. TANF arrears,

   b. no financial activity within the last year,

   c. total arrears on all subaccounts equal $100 or more, and

   d. the support order is at least one year old.

(01-01-1996)(11-01-2003)

D. Staff Referral of Cases (11-01-2003)

1. See if the case was referred to a private collection agency.

   a. Select option 02 - Case Information on the APECS Inquiry Functions Menu.

   b. Look at the 3RD Pty Coll Agent Status field on the Display Case Information screen.

      1) If the case has not been referred to a third party collection agency, the field is blank.

      2) If the case has been referred to a third party collection agency and not returned, one of the following codes is in the field.

         a) <A> for active referral from APECS.

         b) <W> for active referral from staff.

      3) When the collection agency returns a case as uncollectible, the district office specialist replaces the code in the 3RD Pty Coll Agent Status field with <U> for returned to DCSE as uncollectible.

2. When staff makes a referral, the case is added to the next tape forwarded to **the private collection agency**.

(01-01-1996)(11-01-2003)

E. Retrieval or Return of Cases (11-01-2003)

1. Retrieve cases from **the private collection agency** when any enforcement action is initiated. This includes when a show cause is filed.

2. Access the APECS Update Case Screen. Type one of the following codes in the 3RD Pty Coll Agent Status field:

   a. <F> for returned at the request of DCSE and two (2) months' fee is due the third party collection agency.

   b. <P> for returned at the request of DCSE and 12 months' fee due the third party collection agency.

   c. <R> for returned at the request of DCSE and no fee is due the third party collection agency.

3. If the action initiated is not successful, replace the code in the 3RD Pty Coll Agent Status field with a <W> to refer the case back to **the private collection agency**.

(01-01-1996)(11-01-2003)

F. Case Management (11-01-2003)

DCSE staff refer telephone calls concerning actions taken by a third party collection agency to that agency.

1. Arrears referred to **the private collection agency**

   District offices identify a contact person by name and telephone number. This person is responsible for

   a. coordinating the resolution of disputed claims,

   b. answering questions concerning the specifics of a case, and

   c. requesting the return of an account when

      1) arrears are not owed,

2) attorney or genetic test fees are not owed,

3) the arrears are not enforceable,

4) the **assistant director** decides not to refer the arrears based on exceptional circumstances, or

5) the case is active to non-TANF and needs other enforcement action.

2. Proposed settlements of arrears are referred to the district manager. Refer to Chapter 18, Receivables.

(09-01-1999)(11-01-2003)

G. Payment Processing (11-01-2003)

1. **The private collection agency** remits payments and payment information to Division of Financial Management weekly.

2. Division of Financial Management

   a. deposits payment into appropriate DCSE accounts,

   b. forwards the payment information by category type to DCSE,

   c. maintains monthly reports of amounts collected, by district, for DCSE.

3. Central office Payment Processing Unit batches, reconciles, and posts the payments.

(09-01-1999)(11-01-2003)

H. Billing and Reconciliation (11-01-2003)

1. Support arrears referred to **a private collection agency** are billed by **the private collection agency**.

2. Fees are billed by **the private collection agency**.

3. **The private collection agency** forwards an itemized invoice to DCSE monthly.

4. The Budget and Reporting Unit verifies the invoice and reconciles it to payments received from **the private collection agency**.

5. The invoice is paid by the Division of Financial Management.

(09-01-1999)(11-01-2003)

I. Agencies Not Under Contract (01-01-1996)

1. The district office specialist obtains a signed authorization from the custodial parent (CP) before providing any information to private collection agencies not under contract with DCSE.

2. Continue to provide full services to CPs who have contracted with a private collection agency.

(01-01-1996) (3-1-1997-Chapter Reformatted)

DIVISION OF CHILD SUPPORT ENFORCEMENT
CHAPTER 23A LICENSE SUSPENSION **(11-02-2010)**

A. Purpose of Chapter (01-01-1998)

The purpose of this chapter is to provide policy, procedures, and information regarding suspension of occupational, professional, recreational, and driver's licenses.

1. The chapter refers the reader to the DCSE Program Manual

   a. Chapter 6, Documentation Requirements,

      1) Section H, Case Event History Entries, for specific data included in APECS Case Event History entries; and

      2) Section I, Participant Event History Entries, for specific data included in APECS Participant Event History entries;

   b. Chapter 7, Documents and Record Retention,

      1) Section C, Documents that Generate a Worklist, for specific data included in Worklist entries; and

      2) Section D, Batch Documents, for information on batch documents;

   c. Chapter 8, Service of Process and Notarization, Section C, How to Accomplish Service, for types of service.

   d. Chapter 16, Establish, Review, and Adjust Orders, Section O, General Rules for Review and Adjustment, for review and adjustment procedures;

   e. Chapter 20, Enforcement by Wage Withholding, Section D, The Monthly Amount to be Paid on Arrears, for how to calculate the minimum amount to be paid monthly on arrears;

   f. Chapter 21, Enforcement by Intercept Processes,

      1) Section B, Federal Intercept, for certification criteria and reasons not to certify arrears; and
      2) Section C, State Tax, Lottery, and Vendor Intercept, for certification criteria and reasons not to certify arrears;

   g. Chapter 22, Enforcement by Consumer Reporting,

      1) Section F, Inquiry Functions, for procedures to access view screens and the entries Automated Program to Enforce Child Support (APECS) generates; and

      2) Section H, Stopping Automated Referrals, for reasons not to refer arrears.

2. The chapter refers the reader to the APECS User manual for functional processing steps to access the APECS

a. Case Account History, pages 5.10-1 through 5.10-7;

b. Case and Participant Event Inquiry, pages 4.11-1 and 4.11-2;

c. Case Event Maintenance, pages 3.5-5 through 3.5-9;

d. Consumer Reporting, page 14.16-1;

e. Document Generation Facility, pages 8-1 through 8-5 and 8-11 through 8-12;

f. Employment Inquiry, page 4.9-1;

g. Lien Inquiry, page 4.13-1;

h. Participant Account History, pages 5.9-1 through 5.9-7;

i. Service of Process, pages 3.5-2 through 3.5-3, 3.5-6, and 3.5-8 through 3.5-9; and

j. Worklist Maintenance, page 3.2-5.

3. The chapter refers the reader to the instructions for completing the following documents:

a. *Certificate of Compliance for Reinstatement of Professional or Other License*

b. *Inquiry to Licensing Authority*

c. *Important Notice about Child Support*

d. *Legal Services Case Referral*

e. *Motion for Show Cause Summons*

f. *Notice of Action Taken by DCSE*

g. *Notice of Intent to Suspend Occupational or Professional License, Certificate, Registration, Other Authority*

h. *Notice of Intent to Suspend Driver's License*

i. *Order for Suspension of Professional or Other License*

j. *Petition and Order to Suspend Driver's License - Failure to Pay Child Support*

k. *Petition for Proposed Professional or Other License Suspension*

l. *Standard Payment Agreement*

m. *Temporary Payment Agreement*

(1-1-1997)(8-1-1997)(01-01-1998)

B. Suspension of Occupational or Other Licenses (03-01-1999)

1. Criteria for petitioning the court to order the noncustodial parent (NCP) to surrender his or her license, certificate, registration, or other authority to engage in a business, trade, profession or occupation or recreational activity:

   a. The NCP's child support arrears on a case with current support

      1) are at least $5,000 or

      2) are past due in an amount greater than or equal to 90 days obligation and total at least $500.

   b. The NCP owes at least $1,000 on an arrears only case.

   c. The NCP works in an occupation that requires a license, certificate, registration, or other authority to engage in a business, trade, profession or occupation or has a license to participate in a recreational activity.

   d. The Commonwealth of Virginia issued the license, certificate, registration, or other authority.

   e. The NCP has a mail or residence address on APECS.

   f. The NCP is not a custodial parent (CP) on another open case.

   g. All appropriate administrative enforcement actions have been initiated or will be initiated when the *Notice of Intent to Suspend Occupational or Professional License* is mailed.

   h. Review by Legal Counsel.

2. The district office specialist decides if all appropriate administrative enforcement actions have been taken by reviewing the APECS case file for the following enforcement actions:

   a. Income Withholding

      1) Select option 08 - Employment Inquiry on the APECS Inquiry Functions Menu. Refer to the APECS User Manual, page 4.9-1 for functional processing steps.

      2) Review the Empl #, Employer Name, and Occupation on the Select Employment History screen to see if the NCP is employed by someone other than himself /herself and if he or she is employed in the occupation for which he or she has a license.

3) If the APECS employer screen is not completed, review the paper file to decide whether the NCP is self-employed or employed by someone else and if he or she is employed in the occupation for which he or she has a license.

b. Liens

1) Select option 12 - Lien Inquiry on the APECS Inquiry Functions Menu. Refer to the APECS User Manual, page 4.13-1 for functional processing steps.

2) Review the Place of Filing, Date of Filing, and Release Date fields on the Select Lien Record screen to see if liens are currently filed where the NCP has attachable assets or is employed.

3) If the APECS lien screen is not completed, review the paper file to find copies of the Lien for Support Debt and Lien for Support Debt Release. Review the documents to see if liens are currently filed where the NCP has attachable assets or is employed.

c. Consumer Reporting Agencies

Refer to Chapter 22, Enforcement by Consumer Reporting,

1) Section F, Inquiry Functions, for procedures to access the screens and entries APECS generates.

2) Section H, Stopping Automated Referrals, for reasons not to refer arrears.

d. Federal Intercept

Refer to Chapter 21, Enforcement by Intercept Processes, Section B, Federal Intercept, for procedures to access the screens and review the certification information on APECS.

e. State Tax Intercept

Refer to Chapter 21, Enforcement by Intercept Processes, Section C, State Tax, Lottery, and Vendor Intercept, for procedures to access the screens and review the certification information on APECS.

f. Asset Attachment - Order to Withhold, Order to Deliver, and Seizure and Sale

1) Select option 10 - Case and Participant Event Inquiry on the APECS Inquiry Functions Menu. Refer to the APECS User Manual, pages 4.11-1 and 4.11-2 for functional processing steps.

2) Review the Event Type and Event Description fields on the APECS Case Event History screen to see if the NCP's assets have been identified and enforcement actions initiated to obtain the assets.

a) When APECS generates an Order to Withhold, it automatically creates two entries to the APECS Case Event History.

(1) <AOAP> is recorded in the Event Type field and <ORDER TO WITHHOLD: SERVE AP> is recorded in the Event Description field on the first line.

(2) <AORW> is recorded in the Event Type field and <ORDER TO WITHHOLD: SERVE FIN> is recorded in the Event Description field on the next line.

b) When APECS generates an Order to Deliver, it automatically creates an entry to the APECS Case Event History.

(1) <AORD> is recorded in the Event Type field.

(2) <ORDER TO DELIVER> is recorded in the Event Description field.

c) If seizure and sale have been initiated, the Event Type field has <SELF> and the Event Description field has a manually created description.

3) If the Event Type and Event Description fields do not document identification of the NCP's assets and initiation of enforcement actions, review the paper file to see if assets have been identified and enforcement actions initiated to attach the assets.

3. If any of the above administrative actions are appropriate and have not been initiated, the district office specialist initiates the action when the *Notification of Possible Occupational License Suspension* to the NCP is generated. When APECS automatically generates the notice a worklist is generated. Refer to Chapter 7, Documents and Record Retention, Section C, Documents that Generate a Worklist, for specific information on worklists.

4. *Motion for Show Cause Summons*

a. Select option 10 - Case/Participant Event Inquiry on the APECS Inquiry Functions Menu. Refer to the APECS User Manual, pages 4.11-1 and 4.11-2 for functional processing steps.

b. Review the Event Type and Event Description fields on the APECS Case Event History screen to see if a *Motion for Show Cause Summons* has been filed with the court.

1) When APECS generates the *Motion for Show Cause Summons*, it automatically generates an entry to the APECS Case Event History.

2) Refer to Chapter 6, Documentation Requirements, Section H, Case Event History Entries, for specific data entered.

c. If the Event Type and Event Description fields do not document that a *Motion for*

Show Cause Summons has been filed with the court, review the paper file to see if the motion has been filed.

d. If a *Motion for Show Cause Summons* has not been filed, file it with the *Petition for Proposed Professional or Other License Suspension.*

5. The district office specialist

a. completes the *Notification of Possible Occupational License Suspension*. Mail the notice to the NCP by first class mail.

1) Create a self-generated APECS Case Event History entry to document that the notice was mailed using the Case Event Maintenance function. Refer to the APECS User Manual pages 3.5-5 through 3.5-9, for functional processing steps. Refer to Chapter 6, Documentation Requirements, Section H, Case Event History Entries, for specific data entered.

2) Type the following in the APECS Case Event History Notes: <NCP HOLDS (Add type of license, certificate, registration, or other authority held.)>.

3) Creates a self-generated worklist for 30 calendar days from the date the notice is mailed using the Worklist Maintenance function. Refer to the APECS User Manual page 3.2-5 for functional processing steps.

a) Type the number of the case to be referred to the court for license, certificate, registration, or other authority suspension in the AP/Case # field if it is not present when the screen is accessed.

b) Type the date 30 calendar days from the date the notice is mailed in the Due Date field.

c) Type a one <1> in the Priority field.

d) Type <COMPLETE 2ND NOTICE RE LIC SUSP> in the Description field.

b. generates the APECS *Notice of Action Taken by DCSE*. Mails to the CP by first class mail.

c. verifies that the NCP has a license, certificate, registration, or other authority by

1) reviewing the Department of Health Professionals Report using Control D, or

2) reviewing the Department of Motor Vehicles (DMV) drivers' license file's report for occupational licenses, or

3) contacting the licensing agency by telephone, or

4) completing the *Inquiry to Licensing Authority*.

d. creates a self-generated worklist for 30 calendar days from the date the letter is

mailed using the Worklist Maintenance function. Refer to the APECS User Manual, page 3.2-5 for functional processing steps.

1) Type the number of the case(s) to be referred to court for license, certificate, registration, or other authority suspension in the AP/Case # field if it is not present when the screen is accessed.

2) Type the date 30 calendar days from the date the letter is mailed in the Due Date field.

3) Type a one (1) in the Priority field.

4) Type <OBTAIN RESPONSE TO LIC AGENCY L> in the Worklist Description field.

e. creates a self-generated APECS Case Event History entry to document the action to verify the license using the Case Event Maintenance function. Refer to the APECS User Manual pages, 3.5-5 through 3.5-9, for functional processing steps. Refer to Chapter 6, Documentation Requirements, Section H, Case Event History Entries, for specific data entered.

1) If the information is obtained from a Control D report, type the following in the APECS Case Event History Notes: Type <AP HOLDS LICENSE TO (Add the type of license, certificate, registration, or other authority held.)>.

2) If the contact is by telephone, type the following in the APECS Case Event History Notes:

a) Type <INFORMATION OBTAINED FROM (Add the name of the person that provided the information.)>.

b) Type <AP HOLDS LICENSE TO (Add the type of license, certificate, registration, or other authority held.)>.

3) If the *Inquiry to Licensing Authority* is mailed, type the following in the APECS Case Event History Notes:

a) <LETTER MAILED TO (Add the name of the agency to which the letter is mailed.)>.

b) <AP HOLDS LICENSE TO (Add the type of license, certificate, registration, or other authority held.)>.

6. If the NCP does not contact the Division of Child Support Enforcement (DCSE) or pay the arrears in full within 30 calendar days after the first notice is mailed, the district office specialist

a. completes the *Notice of Intent to Petition the Court to Suspend Occupational or Professional License, Certificate, Registration, or Other Authority.*

b. mails the document to the NCP by certified mail return receipt requested.

7. If the NCP contacts DCSE at any point in the process, a district office worker,

a. reviews the NCP's case file(s) and decides if the NCP's cases quality based on the amount owed and the date of the last payment. Refer to Chapter 18, Receivables, Section N, Order Maintenance. Total the arrears the NCP owes on all cases to see if the arrears meet the criteria in step B, 1, items a through b above.

b. reviews the NCP's case file(s) to decide if the other criteria in step B, 1 are met. If all of the above conditions are met, the arrears qualify for occupational or recreational license suspension.

c. contacts the NCP to discuss the results of the review.

1) Ask the NCP if he or she is employed. If yes, obtain the employer's name and address.

2) Request a lump sum payment for the arrears. Verbally agree to a date by which the payment is to be made.

a) Create a self-generated worklist to see if the payment is made by the agreed to date.

b) If the payment is not made by the agreed to date, continue with the process.

d. completes an income withholding if the NCP is not self employed and his or her employer is known. Refer to Chapter 20, Enforcement by Wage Withholding, Section D, The Monthly Amount to be Paid on Arrears.

e. negotiates a payment agreement with the NCP if a lump sum payment cannot be obtained or a income withholding cannot be initiated.

1) The payment agreement must include an initial payment which is the greater of $500 or 5% of the arrears balance, and
2) the payment agreement terms must satisfy the delinquency within a period not to exceed ten years.

f. makes two calculations to arrive at the monthly payment amount for the payment agreement.

1) Calculate the amount to be paid monthly using the total arrears plus accrued interest divided by 120 months, and

2) calculate the amount to be paid monthly using 25% of current support or $65, whichever is greater.

g. compares the results of both calculations and uses the calculation that results in the

largest arrears payment plus current support, and completes the *Standard Payment Agreement.*

h. completes the *Standard Payment Agreement* when the NCP cannot pay the arrears in full and

1) the NCP's employer is not known or

2) the NCP is self-employed. Refer to the instructions for completing the document.

i. has the NCP sign the *Standard Payment Agreement*.

j. reviews the information to see if a Temporary Payment Agreement is needed if the NCP provides income information that appears to affect his or her ability to pay the ordered support.

8. If the NCP does not contact DCSE within 30 calendar days after the notice is served or make satisfactory payment arrangements, the district office specialist takes the following actions:

a. Review the APECS Case Account Statement for the case.

1) Select option 09 - List Case Account History on the APECS Financial Management Menu. Refer to the APECS User Manual, pages 5.10-1 through 5.10-7 for functional processing steps.
2) Review the APECS Case Account Statement to verify that the NCP is not making payments via income withholding, cash, check, or money order and

a) the child support arrears for the case are at least $5,000 or

b) the arrears are past due in an amount equal to 90 days' obligations.

3) If the above conditions are met, the case qualifies for license suspension.

b. Review the APECS Participant Account History for the NCP.

1) Select option 08 - List Participant Account History on the APECS Financial Management Menu. Refer to the APECS User Manual, pages 5.9-1 through 5.9-7, for functional processing steps.

2) Review the APECS Account Statement to verify that all payments received have been distributed.

a) If all payments received have not been distributed, decide if payment(s) needs to be allocated to the case.

b) If payment(s) need to be allocated to the case, has the payments allocated and then decide if the case still qualifies for license suspension.

c. Verify that the post office returned the certified mail receipt for the second notice. If it has not been returned, serve the notice using the next level of service. Refer to Chapter 8, Service of Process and Notarization, Section C, How to Accomplish Service.

9. The district office specialist generates

   a. the APECS *Legal Services Case Referral*. Forward the paper file and the APECS *Legal Services Case Referral* to the Legal Counsel.

   b. the *Notice of Action Taken by DCSE*. Mail the notice to the CP using first class mail.

10. Upon approval of the Legal Counsel, the district office specialist takes the following actions within two business days:

    a. Complete the *Petition for Proposed Professional or Other License Suspension*. Refer to the instructions for completing the form.

    b. Add a self-generated APECS Case Event History entry. Refer to Chapter 6, Documentation Requirements, Section H, Case Event History Entries, for specific data entered.

    c. Generate the *Motion for Show Cause Summons*, if one has not been filed. APECS generates a Case Event History entry. Refer to Chapter 6, Documentation Requirements, Section H, Case Event History Entries, for specific data entered.

    d. Forward the documents to court.

    e. Create a self-generated worklist for five calendar days after the documents are forwarded to court using the Worklist Maintenance function. Refer to the APECS User Manual, page 3.2-5, for functional processing steps.

       1) Type the number of the case referred to court for license, certificate, registration, or other authority suspension in the AP/Case # field if it is not present when the screen is accessed.

       2) Type the date five calendar days from the date the petition is forwarded in the Due Date field.

       3) Type a one (1) in the Priority field.

       4) Type <CHECK FOR COURT DATE FOR LICENSE SU> in the Worklist Description field.

    f. Schedule the hearing date on APECS using the scheduling module when the court provides the hearing date.

    g. Notify the Legal Counsel of the hearing date.

11. After the hearing, the court specialist

    a. types the code for the disposition of the hearing on the APECS scheduling module.

    b. types the terms of the order on the APECS order module.

    c. types other information in the APECS Case Event History and notes.

12. When the judge orders the NCP to surrender his or her license, certificate, registration, or other authority, the district office specialist creates a self-generated worklist. Refer to the APECS User Manual page 3.2-5 for functional processing steps.

    a. Type the number of the case for which the judge ordered the NCP to surrender his or her license, certificate, registration, or other authority in the AP/Case # field if it is not present when the screen is accessed.

    b. Type the date 90 calendar days from the date the judge ordered the NCP to surrender his or her license, certificate, registration, or other authority in the Due Date field.

    c. Type a one (1) in the Priority field.

    d. Type <CONTACT LIC AGENCY RE LIC SUSP> in the Worklist Description field.

    e. Type the following in the worklist note: <Contact the licensing agency if the NCP has not provided written notification that his or her license, certificate, registration, or other authority has been surrendered.>

13. When the NCP signs the *Standard Payment Agreement* and makes one payment according to the terms of the agreement or pays the arrears in full, the district office specialist

    a. completes the *Certificate of Compliance for Reinstatement of Professional or Other License,*

    b. prints a copy of the APECS Case Account Statement,

    c. certifies that the printed account statement is correct,

    d. attaches the certified Case Account Statement and the *Standard Payment Agreement* to the *Certificate of Compliance for Reinstatement of Professional or Other License,*

    e. forwards the documents to the court that ordered the NCP to surrender his or her license, certificate, registration, or other authority.

14. If the NCP does not comply with the court order to surrender the license, certificate, registration, or other authority, the district office specialist,

    a. completes a *Motion for Show Cause Summons* requesting the judge to order the NCP to surrender his or her license, certificate, registration, or other authority to the Clerk

of Court or serve jail time for failure to comply with the order to surrender the license.

b. generates the *Legal Services Case Referral*.

c. forwards the *Legal Services Case Referral*, the Civil *Motion for Show Cause Summons*, and the paper file to Legal Counsel for review and approval.

15. Upon approval of the Legal Counsel, the district office specialist

a. forwards the documents to court within two business days.

b. creates a self-generated worklist for five calendar days after the documents are forwarded to court using the Worklist Maintenance function. Refer to the APECS User Manual page 3.2-5 for functional processing steps.

1) Type the number of the case referred to court requesting the judge to order the NCP to surrender his or her license, certificate, registration, or other authority to the clerk in the AP/Case # field if it is not present when the screen is accessed.

2) Type the date five calendar days from the date the documents are forwarded in the Due Date field.

3) Type a one (1) in the Priority field.

4) Type <CHECK FOR COURT DATE FOR LICENSE SU> in the Worklist Description field.

c. schedules the hearing date on APECS using the scheduling module when the court provides the hearing date.

d. notifies the Legal Counsel of the hearing date.

(1-1-1997)(8-1-1997)(1-1-1998)(03-01-1999)

C. Suspension of Drivers' Licenses **(11-02-2010)**

1. The Division has entered into an agreement with the Department of Motor Vehicles (DMV) to suspend the driver's license of delinquent NCPs who owe at least $5,000 or are in arrears at least three months. The Division notifies the DMV to return the driver's license when the past due amount is paid in full or the NCP has signed a payment agreement and made at least one payment in the amount of $500 or 5 percent of the past due support , whichever is greater.

2. APECS automatically identifies NCPs and generates the *Notice of Intent to Suspend Driver's License* 30 calendar days after APECS generates the *Important Notice About Child Support* to NCPs that

   a. have a Virginia driver's license. The License Type field on the APECS AP Supplemental screen has a <D> or <C>.

   b. have child support arrears on cases with current support that total

      1) at least $5,000 or

      2) are past due in an amount greater than or equal to 90 days' obligation and total at least $500.

   c. owe at least $1,000 on arrears only cases.

   d. have not made a payment via income withholding, cash, check, or money order in the last 90 days.

   e. have an open workable case type and a mail address on APECS.

   f. have one or more of the following case types or a subaccount type of OSTA on APECS:

      1) ADC

      2) FC

      3) SLFC

      4) NADC

      5) ARRP

      6) ARRN

      7) MAOF

      8) MAOP

   g. are not CPs on an open ADC or ADCU case type.

   h. do not have an active appeal.

   i. do not currently have an income withholding and one cannot be issued.

   j. are at least 18 years old or do not meet compulsory school attendance laws.

   k. have received the Important Notice about Child Support. Refer to Chapter 6,

Documentation Requirements, I, Participant Event History Entries,

1) Section I, Participant Event History Entries and

2) Section K, Inquire AP Supplemental Screen.

l. The NCP has a blank Action field on the APECS License Suspension screen.

3. If the NCP contacts DCSE at any point in the process, a district office worker

a. reviews the NCP's case file(s) and decides if the NCP's cases quality based on the amount owed and the date of the last payment. Refer to Chapter 18, Receivables, Section N, Order Maintenance. Total the arrears the NCP owes on all cases to see if the arrears meet the criteria in step C, 1, items b through c above.

b. reviews the NCP's case file(s) to decide if the other criteria in step C, 1 are met. If all of the above conditions are met, the arrears qualify for drivers' license suspension.

c. Contact the NCP to discuss the results of the review.

1) Ask the NCP to pay the arrears in full. Verbally agree to a date by which the payment is to be made.

a) Create a self-generated worklist to see if the payment is made by the agreed to date.

b) If the payment is not made by the agreed to date, continue with the process.

2) Request the NCP to sign a payment agreement if the arrears are not paid in full.

3) Ask the NCP if he or she is employed. If yes, obtain the employer's name and address.

d. negotiates a payment agreement with the NCP if the arrears are not paid in full.

1) The payment agreement must include an initial payment which is the greater of $500 or 5% of the arrears balance, and

2) the payment agreement terms must satisfy the delinquency within a period not to exceed ten years.

e. makes two calculations to arrive at the monthly payment amount for the payment agreement. If the court has ordered a specific amount paid on arrears, use this amount to calculate the arrears on the payment agreement.

1) Calculate the amount to be paid monthly using the total arrears plus accrued interest divided by 120 months, and

2) calculate the amount to be paid monthly using 25% of current support or $65, whichever is greater.

f. compares the results of both calculations and uses the calculation that results in the largest arrears payment plus current support, and completes the *Standard Payment Agreement*.

g. completes the *Standard Payment Agreement* when the NCP cannot pay the arrears in full and

1) the NCP's employer is not known or

2) the NCP is self-employed. Refer to the instructions for completing the document.

h. has the NCP sign the *Standard Payment Agreement*. Signing a payment agreement does not prevent DCSE from taking other enforcement actions to collect the arrears.

i. continues the suspension of the driver's license if the NCP fails to pay the full amount each month as provided in the payment agreement on the date it is due.

j. reviews the information to see if the NCP provides income information that appears to affect his or her ability to pay the ordered support. Initiate a review and adjustment of the support obligation. Refer to Chapter 16 Establish, Review and Adjust Orders

k. updates the Action field to stop NCPs with eligible arrears from receiving the Notice of Intent to Suspend Driver's License

1) Access the License Suspension screen.

2) Type <N> in the Action field.

3) Type the estimated date a payment agreement will be completed or the estimated date the NCP will qualify in the Restart field on the License Suspension screen.

4) APECS generates a Participant Event History entry.

completes an income withholding if the NCP is not self-employed and his or her employer is known. Refer to Chapter 20, Enforcement by Wage Withholding, Section D, The Monthly Amount to be Paid on Arrears.

4. Notice of Intent to Suspend Driver's License

a. The Notice of Intent to Suspend Driver's License can be served on the NCP by the sheriff or process server; by using certified mail, return receipt requested; or the NCP may waive formal service requirements in writing. **When the Notice of Intent to Suspend Driver's License on-line letter (NISD) is printed, APECS will automatically update the Method of Service field with the certified mailing code "M" and update the Process Served Date with a date allowing three days for delivery. It will not create the VRRR worklist for the letter.**

b. If the NISD is returned as undeliverable, access the APECS Update Event Record screen. Update the Unsuccessful Reason field with an unsuccessful service reason and add the return date in the PROCESS RETURN DT field. Updating the event for a return also updates the Action field on the Driver's License screens to "B" for bad service and updates the service successful and date fields on the License Suspension screens. Attempt to find a new address, and once a valid address is obtained, generate the document again using the on-line APECS Document Generation Facility.

c. If suspension has not occurred within 180 days following service of the Notice of Intent to Suspend Driver's License, initiate service of another Notice.

5. APECS automatically checks for payments on arrears posted in the 31 calendar days after good service is received on the Notice of Intent to Suspend Driver's License. If a payment on arrears has posted, APECS generates a Participant Event History entry. APECS does not specify the amount of the payment, only that a payment was posted.

   a. The Event Type is <RPAY>.

   b. The Event Description is <DR LIC SUSP STOPPED DUE TO PAYMENT>.

   c. If no payments other than intercept payments have posted within 31 calendar days after APECS generates the tape to print the document, APECS generates a worklist to the district office specialist. Refer to Chapter 7, Documents and Record Retention, Section C, Documents that Generate a Worklist for worklist and delete information.

   d. The district office specialist reviews the NCP's cases to decide if

      1) the arrears meet the criteria for suspension, and the NCP has not contacted the district office,

      2) the NCP has made a payment that is less that the greater of $500 or 5% of the arrears balance. Continue the suspension process unless the NCP has requested a court hearing.

      3) the NCP refused to make a lump sum payment or

      4) the NCP is self employed or his or her employer is not known, or

      5) the NCP refused to sign a payment agreement, or

      6) the NCP requested a court hearing that has not been held.

6. Restricted Driver's License

   a. The NCP may file a Petition for Restricted Driver's License-Failure to Pay Child Support with the juvenile and domestic relations district court after the Notice of

Intent to Suspend Drivers' License is received.

b. If the court issues a Restricted Driver's License Order--Failure to Pay Child Support, a copy is forwarded to DCSE.

7. *Standard Payment Agreement*

a. If the NCP agrees to sign a *Standard Payment Agreement*, generate the *Standard Payment Agreement* using the APECS Document Generation Facility.

1) Select option 09 - Document Generation Facility on the APECS Main Menu.

2) Select option 03 -Support Obligation Documents on the APECS Document Generation Main Menu.

3) Select option 14 - *Standard Payment Agreement* on the Support Obligation Documents Submenu.

4) Refer to the APECS User Manual, pages 8-1 through 8-5 and 8-11 through 8-12, for functional processing steps.

b. Calculate the amount due each month. Staff must make two calculations to arrive at the monthly payment amount for the payment agreement and compare the results of both calculations.

1) Calculate the minimum amount to be paid monthly using the total arrears plus accrued interest divided by 120 months, and

2) calculate the amount to be paid monthly using 25% of current support or $65, whichever is greater.

3) Use the calculation that results in the largest arrears payment plus current support when completing the *Standard Payment Agreement*.

c. If a court has ordered a specific amount paid on arrears, use this amount to calculate the arrears on the payment agreement.

d Generate the *Standard Payment Agreement*. When APECS generates the document, it also generates a Participant Event History entry, Event Notes, and a worklist.

1) Refer to Chapter 6, Section I, Participant Event History Entries for Participant Event History information.

2) Refer to Chapter 7, Documents and Record Retention, Section C, Documents that Generate a Worklist, for worklist information.

3) If the NCP signs the document in the office, delete the worklist. If the document is mailed to the NCP to sign and return, the worklist is a reminder to follow-up on documents not returned.

e. The signed copy is a legal document. File it in the paper file.

8. Case Review

   If the review reveals that the arrears do not qualify for drivers' license suspension, the specialist

   a. notifies the NCP that DCSE will not suspend his or her license now.

   b. corrects the APECS data that caused the notice to be issued in error.

9. NCPs notify the district office, in writing, within 10 calendar days after receiving the *Notice of Intent to Suspend Driver's License* that they are requesting a court hearing. District office specialists within two business days of receiving the request generate the APECS *Petition and Order to Suspend Driver's License - Failure to Pay Child Support*. DCSE files the petition with the appropriate circuit or juvenile and domestic relations district court. Refer to the instructions for completing the document.

   a. Administrative Orders

      1) If the CP and NCP both live in Virginia or only the NCP lives in Virginia, file the *Administrative Support Order* (ASO) and the *Petition and Order to Suspend Driver's License - Failure to Pay Child Support* with the Juvenile and Domestic Relations District Court where the NCP lives.

      2) If the NCP lives out-of-state and has an ASO and a Driver's license issued by the Commonwealth, file the ASO and the *Petition and Order to Suspend Driver's License -Failure to Pay Child Support* with the Juvenile and Domestic Relations District Court where the CP lives.

   b. Court Orders

      1) If the CP and NCP both live in Virginia and have a Virginia court order, file the *Petition and Order to Suspend Driver's License - Failure to Pay Child Support* with the court that entered the order with the highest arrears unless they transferred the order to another court and is being enforced by that court. If the order was transferred, file the petition with the court that is enforcing the order.

      2) If the CP and the NCP both live in Virginia and have an out-of-state court order, register the court order.

10. APECS generates a Participant Event History entry and a worklist when it generates the *Petition and Order to Suspend Driver's License - Failure to Pay Child Support.*

11. The district office specialist
    a. schedules the hearing date on APECS using the scheduling module when the court provides the hearing date, and

    b. notifies the Legal Counsel of the hearing date.

12. After the hearing the court specialist, enters the code for the disposition of the hearing on the APECS scheduling module.

13. The disposition generates a Participant Event History entry. The Event Type is <CTSL>.

14. If the court orders the driver's license suspended, the authorized district office worker types the code to request the suspension of the driver's license on the DMV system.

15. If the judge orders DCSE not to suspend the driver's license, wait three (3) months before starting the process again.

16. APECS

    a. sets the Action field on the Suspend License screen to <NO> if the judge ordered DCSE not to suspend the NCP's driver's license.

    b. generates a Participant Event History entry:

        1) The Event Type is <SDLH>.

        2) The Event Description is <DRIVERS' LIC SUS HEARING COMPLET>.

    c. generates and attaches a note to the Participant Event History based on the disposition code typed on the scheduling module

        1) ORDERED DCSE TO SUSPEND DRIVER'S LIC> or

        2) <COURT ORDERED DCSE NOT TO SUSPEND DRIVER'S LIC>

17. The district office specialist generates the Notice of Action Taken by DCSE to the CP.

18. Staff Authorized to Use the DMV Drivers' License Suspension Screen

    a. Each district office designates two staff members to enter data into the DMV system for drivers' license suspension.

    b. If the designated staff changes, the district automation specialist notifies the APECS Unit,

        1) to deactivate the code for that staff member to be removed and

        2) to activate the code for the new staff member.

19. Suspension Notification to the DMV

    The authorized district office worker types a code on the DMV system to suspend a driver's license.

    a. Access the suspension screen using

        1) the social security number or the DMV control number for the NCP, if the number is available.

        2) using the name and date of birth, if the social security number is not available.

    b. Type the code for court ordered suspension or administrative ordered suspension.

    c. The MPI number field requires 10 digits. If the number has less than 10 digits, use leading zeros to fill the field.

    d. Compare DCSE address for the NCP with the address on the DMV system. If they are different, type DCSE address on the screen.

    e. Use the change function to change the following data elements if the DMV system needs to be corrected:

        1) MPI Number

        2) District Office

        3) Worker
        4) Address, if the need to change is identified on the day the NCP is added to the system.

    f. Use the delete function if the NCP needs to be removed from the DMV system because

        1) the NCP referred is not the correct NCP.

        2) the wrong address was entered, and the error is not discovered until after the day the data is entered. If the correct address is available, add the NCP back to the DMV system.

        3) the arrears do not qualify for drivers' license suspension.

    g. When an NCP is deleted from the DMV system, the DMV generates an apology letter to the deleted NCP.

20. The DMV automatically issues the suspension notice when staff types the suspend code on the DMV system.

    a. When an address is entered by DCSE worker the DMV, mails the suspension notice

to both addresses.

b. The NCP has 15 calendar days to appeal the notice to the DMV.

c. The suspension goes into effect on day 15 whether or not the NCP signed for the certified mail.

21. If a payment from the NCP posts after his or her license is suspended, APECS worklists the specialist that a payment has posted. The payment must pay the arrears in full or be in the amount pursuant to the payment agreement. The worklist type is <PYRR>.

22. The authorized district office worker types a reinstatement code on the DMV system to reinstate the NCP's driver's license.

    a. Do this the same work day a payment is received according to the terms of a *Standard Payment Agreement*, income withholding, or the arrears are paid in full.

    b. Type the data on the DMV screen designed for this purpose.

    c. Information typed in error is removed by DMV staff.

23. **The DMV charges a fee to reinstate a suspended driver's license. The fee is paid directly to the DMV. If the NCP makes arrangements with DCSE, and the suspension code is removed from the DMV system within the 15 calendar days before the suspension is effective, the NCP does not owe the fee.**

(1-1-97)(8-1-97)(1-1-98)(3-1-99)(3-1-01)(7-1-03)(9-1-03)(11-1-05)(1-1-07)(10-01-08)(7-7-10)(11-02-10)

D. Documents (09-01-2003)

1. *Administrative Order of Suspension*
2. *Certificate of Compliance for Reinstatement of Professional or Other License*
3. *Important Notice about Child Support*
4. *Inquiry to Licensing Authority*
5. *Legal Services Case Referral*
6. *Motion and Order to Suspend Driver's License - Failure to Pay Child Support*
7. *Motion for Show Cause Summons*
8. *Notice of Action Taken by DCSE*
9. *Notice of Intent to Suspend Driver's License*

10. *Notice of Intent to Suspend Occupational or Professional License, Certificate, Registration, Other Authority*

11. *Notification of Possible Occupational License Suspension*

12. *Order for Suspension of Professional or Other License*

13. *Petition and Order to Suspend Driver's License - Failure to Pay Child Support*

14. *Petition for Proposed Professional or Other License Suspension*

15. *Petition for Restricted License - Failure to Pay Child Support*

16. *Restricted Driver's License Order - Failure to Pay Child Support*

17. *Standard Payment Agreement* Drivers' License Suspension

(1-1-1997)(01-01-1998)(09-01-2003)

Name of Agency/ Board	Address of Agency/Telephone Number of Agency/Contact	Type of License
ACCOUNTANCY, BOARD OF	3600 West Broad St., Suite 378 Richmond, VA 23230 Certified Public Accountants	Certified Public Accountants (Individuals) (Firms)
AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF	Office of Pesticide Management P O Box 1163 Richmond, VA 23209 Wayne Surles, Program Manager (804) 371-6558	Pesticide Applicator
ALCOHOL BEVERAGE CONTROL, DEPARTMENT OF	Supervisor of Records Management PO Box 27491 Richmond, VA 23261 Robert Jackson, License Manager (804)213-4577	Banquet Facility Beer Importer Brewery Distillery Fruit Distiller Mixed Beverages Retail Druggists Wholesale Beer Wholesale Wine Wine and Beer Off Wine and Beer On & Off Wine Importer Winery
CRIMINAL JUSTICE SYSTEM, ADVISORY BOARD FOR	805 E. Broad Street, 6th floor 786-4000-Listen to menu options Private Security (Individuals)	Compliance Agents Private Security (firms)
EDUCATION, DEPARTMENT OF	Office of Compliance P O Box 2120 Richmond, VA 23216-2120 Sheila Gray (804) 225-2013	Teachers
HEALTH PROFESSIONS, DEPARTMENT OF	6603 W Broad St. Richmond, VA 23230-1712	
Audiology & Speech Language, Board of	(804) 662-9111 Audiologists	Speech Pathologists

Name of Agency/ Board	Address of Agency/Telephone Number of Agency/Contact	Type of License
Counseling, Board of	(804) 662-9912	Professional Counselor Substance Abuse Counselor Trainees
Dentistry, Board of Dental Faculty	(804) 662-9906	Dental Hygienists Dental Teachers Dentists
Funeral Directors & Embalmers, Board of	(804) 662-9907	Embalmer Funeral Director Funeral Service Provider Funeral Service Trainer
Medicine, Board of	(804) 662-9908	Chiropractic Clinical Psychology Interns and Residents Medicine and Surgery Naturopath Occupational Therapist Osteopathy Physical Therapist Physical Therapist Assistant Physicians Assistant Physicians Assistant (Corrections) Podiatry Respiratory Therapist University LTD. License
Nursing, Board of	(804) 662-9909	Nurses Aide Practical Nurse Registered Nurse
Nursing Home Administrators, Board of	(804) 662-7457	Administrator
Optometry, Board of	(804) 662-9910	Optometrist
Pharmacy, Board of	(804) 662-9911	Pharmacist
Physical Therapy, Board of	(804) 662-9424	Physical Therapist
Psychology, Board of	(804) 662-9913	Psychologist School Psychologist

Name of Agency/ Board	Address of Agency/Telephone Number of Agency/Contact	Type of License
Social Work, Board of	(804) 662-9914	Associate Social Worker Licensed Clinical Social Worker Licensed Social Worker Registered Social Worker
Veterinary Medicine, Board of	(804) 662-9915	Veterinarian Veterinary Technician
MOTOR VEHICLES, DEPARTMENT OF	2300 W Broad ST Richmond, VA 23220 James Junius, Director Driver Training School (804) 367-8973 Carol Waller, Program Manager (804) 367-1969 Octavia Gibson, Ass't Prog. Manager (804) 367-7050	Commercial Drivers License Passenger Commercial Trucks Third-Party Testers Third-Party Examiners
PROFESSIONAL AND OCCUPATIONAL REGULATION, DEPARTMENT OF	3600 W Broad St Richmond, VA 23230 Operator (804)367-8500 Ask to be transferred to the board needed unless the number is listed below.	
Architects, Board for	(804)367-8506 or 367-8512	Architects Professional Engineers Land surveyors 3A and 3B Certified Interior Designers Landscape Architects
Asbestos Licensing and	(804)367-2176	Asbestos
Auctioneers Board	(804)367-8506	Auctioneers (Business) Auctioneers (Individual License) Auctioneers (Individual Registration)
Barber Board	(804)367-8509	Barber (Individual) Barber Shops Barber (Teaching)

Name of Agency/ Address of Agency/Telephone

Board	Number of Agency/Contact	Type of License
Contractors, Board for	(804)367-8511	Class A and B Select option 1 from the automated menu
Cosmetology, Board for	(804) 367-8509	Beauty Salons Beauty Schools Cosmetologists Hair Braiders Nail Salons Nail Schools Nails Technicians Nails Technician Teachers Teachers Tattoo Parlor Tattooer Wax Technician
Geology Board for	(804) 367-0524	Geologists
Hearing Aid Specialists, Board for	(804) 367-8509	Dealers
Lead Certification, Board for	(804) 367-8595	Lead Based Paint Contractors (Business) Inspectors Management Planners Project Designers Project Monitors R.F.S. Contractors (Business) Supervisors Workers
Opticians, Board for	(804) 367-8509	Opticians
Pilots, Board for Branch	(804) 367-8506	Harbor Pilots
Polygraph Examiners	(804) 367-6166	Examiner

Name of Agency/ Board	Address of Agency/Telephone Number of Agency/Contact	Type of License
Professional Boxing and Wrestling, Board for	David Holland, Program Administrator (804) 367-0186	Boxing and Wrestling
Real Estate Appraisers	(804)367-2039	Appraiser (Business) Appraiser (Individual)
Real Estate Board	(804)367-8526	Associate Brokers Firms Inactive Broker Inactive Salesperson Principal Brokers Salespersons Sole Proprietors
Soil Scientist, Board for Professional Soil Scientist	(804)367-8506	
Waste Management Facility Operators, Board for	(804)367-0219	
Waterworks & Wastewater Works Operators, Board for	(804)367-2176	
STATE CORPORATION COMMISSION	1300 E Main St Richmond, VA 23219 Receptionist Richmond Area (804) 371-9967 Outside Richmond Area 1-800-552-7945 Ask to be transferred to the board needed.	
Securities and Retail Franchising, Division of	1300 E Main St, 9th Floor Richmond, VA 23219 ATTENTION: (Name of License Type)	Broker (Dealer) Broker (Dealer- Agent) Franchisors Investment Advisor
	(804) 371-9051 Representative Ask to be transferred to the section for type of license needed.	Investment Advisor Issuer Agents Registered Exemptions Securities

Name of Agency/ Board	Address of Agency/Telephone Number of Agency/Contact	Type of License
Insurance, Bureau of	P O Box 1157 Richmond, VA 23209 (804) 552-7945	Agent Company Premium Finance Company
VIRGINIA STATE BAR, Membership Department	707 E Main St Suite 1500 Richmond, VA 23219-2803 (804)775-0530	Attorneys (Social Security Number or Birthday Required to Obtain License Number)

(1-1-1997)(8-1-1997)(01-01-1998)(07-01-2005)

A. Purpose of Chapter (09-01-2004)

1. The purpose of this chapter is to provide policy, procedures, and information regarding

   a. employer reporting

   b. liens

   c. order to withhold and order to deliver

   d. seizure and sale

   e. Long Arm (administrative)

   f. Internal Revenue Service (IRS) full collection

   g. criminal prosecution of noncustodial parents (NCPs)

   h. court enforcement

   i. passport denial

   j. interstate lien

   k. administrative subpoena

   l. financial institution data match

   m. demand letter

   n. booting vehicles

   o. Project Save Our Children (PSOC)

   p. Child Support Lien Network (CSLN)

2. The chapter refers the reader to the DCSE Program Manual

   a. Chapter 8, Service of Process and Notarization, Section C. for levels of service.

   b. Chapter 20, Enforcement by Wage Withholding, Section D., for how to calculate the amount to be paid monthly on arrears.

(8-1-1997)(1-1-1998)(12-15-1998)(9-1-1999)(1-1-2000)(9-1-02)(9-1-04)

B. Employer Reporting (01-01-2008)

1. Employers are required to report to the Virginia New Hire Reporting Center all new hires within 20 days of employment. The Virginia New Hire Reporting Center is operated under the authority of the Division of Child Support Enforcement (DCSE).

2. The new hire information reported to the Virginia New Hire Reporting Center is shared with the Virginia Employment Commission. The new hire information is compared to the Automated Program to Enforce Child Support (APECS) data on NCPs. APECS creates a worklist when employees match NCPS. A New Hire Report is created and is available in CONTROL-D.

3. The new hire information generates an *Order/Notice to Withhold Income for Child Support* (ONWI) when appropriate. Please refer to Chapter 20, Enforcement by Income Withholding. The New Hire Report in CONTROL -D will have a double asterisk in front of each case number that had an ONWI automatically generated. If an ONWI is not generated in batch, staff will receive the NHRM worklist. An ONWI must be issued within two business days of receipt of the NHRM worklist.

4. The district office takes action within five business days of receiving the worklist other than the NHRM worklist.

   a. Review that employer's and NCP's address information, and NCP's social security number are on APECS, to ensure that they are correct. If not on APECS, enter the information. If the information on APECS is different, update APECS with the correct information. Do not send an *Employer's Request for Information*, *Postmaster Verification Request*, or any other document to verify information appearing on this report, prior to taking action.

   b. Initiate any appropriate action on the case. For example,

      1) if paternity needs to be established, issue a *Summons*;

      2) if an obligation needs to be established, obtain information necessary to establish an obligation;

      3) if applicable, initiate income withholding to new employer; or

      4) take other action(s), as appropriate.

5. In addition to the requirement to report new hires, employers are required to ask each

newly-hired employee if he or she is under an income withholding order for child support. This requirement applies to all employers who report employee earnings to the Virginia Employment Commission.

a. If the employee answers no, the employer is not required to take any further action.

b. If the employee answers yes, the employer has been instructed to call DCSE's toll-free employer hot line located in the DCSE Call Center.

c. A Call Center representative checks APECS. If the employee's name is on APECs, the Call Center representative will create a worklist, containing the employment information, to the appropriate specialist. The information will also be documented on APECS in Case Events.

d Within five business days of receiving the worklist , the district office specialist

1) issues an *ONWI* for the amount of the most recent withholding order.

2) sends the court a copy of the *ONWI* for its files if the NCP is under a court payroll deduction order.

3) issues a *National Medical Support Notice* at the same time the *ONWI* is issued if the following conditions are met:

a) the NCP is under an order to provide health insurance coverage; and

b) the information received indicates that health insurance is available to the NCP.

4) updates all APECS fields with new employment and insurance information.

f. To modify the amount of the most recent withholding order follow the steps in Chapter 20, Enforcement by Income Withholding.

(8-1-97)(7-1-98)(9-1-99)(1-1-08)

C. Liens (01-01-2008)

1. General Information

a. A lien is an encumbrance on real or personal property based on support arrears.
b. A filed lien preserves the debt for 20 years; the lien can be renewed at the end of the 20 years.

c. A lien filed by DCSE is subordinate to the lien of any prior mortgagee and any other prior lien.

d. A lien is filed when

1) the arrears are equal to or greater than $500, or

2) there is evidence that the NCP owns real or personal property located in Virginia.

e. A lien may be filed, but is not required, when there is no evidence that the NCP owns real or personal property in Virginia.

f. File the lien in the circuit court of counties and cities where the NCP has attachable assets or is employed.

g. If the NCP is a federal employee who lives and works outside Virginia, file the lien in the county or city where the NCP last resided, or where the CP resides, or where the NCP holds property or may be heir to property.

h. If other assets or income of the NCP are found, a duplicate lien (of a lien already filed) may be filed in another jurisdiction. No advance notice to the NCP is required.

i. Virginia accords full faith and credit to liens arising in another State.

2. To file a lien based on an *Administrative Support Order* (ASO) established in Virginia,

a. requires that a Notice of Finding or *ASO* was properly served and 10 days have elapsed since service of the *ASO*.

b. if the NCP appeals the *ASO*, do not file liens until all appeal processes are resolved.

c. if 30 calendar days have elapsed since the ASO was established, generate the *Advance Notice of Lien (ASO/Out-of-State Order)*.

d. There is no formal appeal process; if the NCP believes that the information is incorrect, the NCP can contact the district office within 10 days of receiving the advance notice.

1) If the NCP contacts the district office, verify that the information is correct.
2) Generate the *Lien for Support Debt* after

a) the NCP contacts the district office, and the information is reviewed and

determined to be correct; or

b) 10 days have passed and the NCP has not contacted the district office.

e. Document the Case Event History.

3. To file a lien based on an out-of-state order

a. generate the *Advance Notice of Lien (ASO/Out-of-State Order)*.

b. There is no formal appeal process; if the NCP believes that the information is incorrect, the NCP can contact the district office within 10 days of receiving the *Advance Notice of Lien*.

1) If the NCP contacts the district office, verify that the information is correct.

2) Generate the *Lien for Support Debt* after the information is reviewed and determined to be correct.

c. Document the Case Event History.

4. To file a lien based on a Virginia court order:

a. Generate the *Advance Notice of Lien (Virginia Court Order)*. Mail the advance notice by certified mail, return receipt requested or have served by sheriff.

b. The NCP has 10 days from the date of receipt of the *Advance Notice of Lien* to request an administrative hearing before the hearing officer.

c. Do not file the lien during the pendency of the appeal.

d. Generate the *Lien for Support Debt* after

1) the expiration of the appeal period if the NCP does not appeal, or
2) the hearing officer makes a finding upholding DCSE's action.

e. Document the Case Event History.

5. Modifying a lien
a. A lien may be modified to reflect payments made on the arrearage by generating the *Lien for Support Debt Release* to reduce the original amount of the lien by the amount that has been paid.

b. A lien may be modified to reflect an increase in the amount of the arrearage by filing a subsequent lien with a beginning date of the month after the end date of the previous lien filed. It is not necessary to send the *Advance Notice of Lien* prior to filing a subsequent lien.

c. Document the Case Event History to show that the lien was modified.

6. Releasing a Lien

a. After the debt on the lien is satisfied, generate the *Lien for Support Debt Release*. Provide a copy of the release to the obligor.

b. Document the Case Event History to show that the lien was released.

7. Interstate Lien

a. A lien may be filed in another state to secure debts for past-due child support upon identifying, in another state, nonexempt real or personal property belonging to the obligor.

b. The laws and procedures of the state where the property is located or recorded determine which office or entity in that state is the appropriate one to receive the lien for filing.

c. Generate the *Notice of Interstate Lien* to file a lien in an interstate child support case.

1) File the lien with the appropriate entity.

2) Send a copy of the *Notice of Interstate Lien* to the obligor at the last known address.

d. APECS creates a case event with notes, recording the name and address of the place of filing, the amount of the lien as well as the as-of date of the lien amount, and the specific description of the debtor's property.

e. APECS creates a 20-day worklist as a reminder to enter the lien recording information.

f. If enforcement of the lien is desired, request the enforcement of the lien from the IV-D agency in the state where the property is located.

g. If the debt on the lien is satisfied, release the interstate lien using the *Lien for Support Debt Release* document. Identify the lien to be released by including the recording

information. Provide a copy of the release to obligor and, if appropriate, all interested IV-D agencies.

(8-1-97)(12-15-98)(5-1-01)(04-01-07)(1-1-08)

D. Emergency Liens (09-01-2001)

Section D deleted.

E. Order to Withhold and Order to Deliver (07-01-2009)

1. This remedy is used to collect arrears; it is not used to collect current support.

   a. An *Order to Withhold* can be issued based on a legally established support order.

   b. It is not necessary to file a lien before issuing an *Order to Withhold*.

   c. Lump sum resources such as bank accounts are withheld in total up to the amount of debt owed by the NCP and specified on the *Order to Withhold*. Refer to Section O, Financial Institution Data Match, in this chapter for Financial Institution Data Match (FIDM) information.

   d. Each holder of assets is served with an *Order to Withhold*.

   e. The *Order to Deliver* is generated after all administrative and judicial appeal rights have been exhausted.

   f. The holder of assets can be held liable for 100% of the debt due if he or she fails to comply.

   g. The holder of assets has 10 days, excluding the day of service, to answer the *Order to Withhold* in writing and under oath.

   h. The holder of assets can void the *Order to Withhold* within 5 business days of receipt of the Order to Withhold, if

      1) it does not contain the NCP's correct social security number,
      2) it contains information which conflicts with the holder of assets' current record.

   i. Issue an *Order to Deliver* to the holder of assets within ninety days of serving the *Order to Withhold* to the holder of assets.

2. To collect child support arrears, DCSE may issue an *Order to Withhold* against an NCP's property, assets, or money when identified through FIDM or another source. An *Order to Withhold* can be issued:

   a. on a case with a current support obligation, if the NCP has child support arrears in an amount greater than or equal to 90 days obligation. However, do not issue an *Order to Withhold* on cases where arrears are created as a result of the entry of an order until 90 days have elapsed since the order entry date. For example, an NCP has arrears based on an initial support order that is retroactive (e.g. court summons served on March 10, order entered on August 15 with an effective date of March 10; an initial ASO assesses TANF debt: or a modified support order that increases current support and the NCP had no arrears prior to the entry of the new order).

   b. on an arrears only case.

   c. on all cases ensure that:

      1) the NCP is at least 18 years old and does not meet compulsory school attendance laws;

      2) the NCP is not a CP on any other open case;

      3) the NCP does not have an arrears amount held in abeyance by a judge's order; and

      4) the NCP does not have an outstanding claim for bankruptcy.

   d. obtain approval from the district manager or his/her designee to initiate the *Order to Withhold* or the *Order to Deliver* for any exceptions to this criteria.

3. Implementing the *Order to Withhold* or the *Order to Deliver*

   a. Generate the *Order to Withhold* to be served on the holder of assets. Sign the *Order to Withhold*.

      1) To issue an order to *Order to Withhold* to a financial institution that is not located in Virginia, staff must first check to see if the noncustodial parent's financial institution has a registered agent in Virginia. However, if the out-of-state financial institution participates in the Financial Institution Data Match (FIDM) or Multi-state Financial Institution Data Match (MSFIDM) staff may send Orders to Withhold and Deliver to the address provided by the financial institution without the need to have a registered agent in Virginia. If an out-of-state financial institution does not honor the Order to Withhold request assistance from the other

state in freezing the funds.

2) The State Corporation Commission will provide telephone information on specific financial institutions. The State Corporation Commission will not furnish a list of registered agents. The State Corporation Commission telephone number is (804) 371-9733.

3) The registered agent of a corporation is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the registered agent in Virginia rather than the out-of-state financial institution. If a financial institution is registered with the State Corporation Commission but has not appointed or does not maintain a registered agent in Virginia, or whenever its registered agent cannot with reasonable diligence be found at the registered office, service may be made on the clerk of the State Corporation Commission.

4) If the State Corporation Commission indicated that the financial institution is not registered in Virginia, proceed through the other state's central registry to request limited service action. Refer to Chapter 11, Central Registry and Interstate Rules.

b. If the holder of assets indicates that the account is a joint account, go to step 3 below.

c. After receiving the served copy of the *Order to Withhold*, send a copy of the *Order to Withhold* to the sheriff for service on the NCP. It is not necessary to wait for an answer from the financial institution prior to having the NCP served. At the same time, mail a copy of the *Order to Withhold* to the NCP by first class mail.

d. If the *Order to Withhold* cannot be served on the NCP within 45 calendar days, generate the *Withholding Release* and at the same time generate a new *Order to Withhold*.

4. Joint Accounts With Multiple Holders

a. When the holder of assets responds indicating that the account is a joint account with multiple holders, each account holder must be served with a notice of the *Order to Withhold* within **45** days. Generate the *Order to Withhold - (Joint Account Holder Notice)* for each account holder to be served. The holder of assets provides the names and addresses of the joint account holders on his/her answer. Each account holder may appeal the *Order to Withhold.*

b. Refer the case to the district office's Legal Counsel for an opinion on whether to proceed with the action if any of the following occurs:

1) The holder of assets indicates in the answer to the *Order to Withhold* that a joint

account holder is a minor.

2) An appeal is made on behalf of a joint account holder when the district office did not know that the joint account holder was a minor.

3) The NCP is the custodian for the minor joint account holder.

c. If the district office did not know that the joint account holder was a minor and the parent or guardian of the minor (other than the NCP) accepts service of the *Order to Withhold - (Joint Account Holder Notice)* and does not appeal, proceed with the action.

d. Send a copy of each notice sent to a joint account holder to the holder of assets. If the holder of assets does not receive the copies within **45** days, the *holder of assets may treat the Order to Withhold* as released.

e. If the joint account holder cannot be found at the address provided by the holder of assets, check with the holder of assets to see if they have a change of address or if they have any other information which may be helpful.

f. Do not use on-line locate resources to locate a joint account holder. Use local locate services such as directories, the CP, the NCP, or other general locate sources. Send a *Postmaster Verification Request* if appropriate.

g. If the joint account holder cannot be located, release the *Order to Withhold*.

h. Reissue the *Order to Withhold* if additional information becomes available later.

i. If the hearing officer determines that the parent has some interest in the joint account, file a petition in the general district court or, if the joint account and the amount claimed against the NCP each exceed $10,000, the circuit court for the jurisdiction in which the NCP or any joint account holder resides. The court form is the *Summons for Hearing*, DC 430.

j. If the NCP and all account holders are nonresidents, the petition may be filed where the property is located or where the CP is located.

k. Serve a copy of the petition on the holder of assets. If the holder of assets does not receive a copy of the petition within 90 days of receipt of the copy of the notice sent to joint account holders, the *Order to Withhold* is considered released. Send the copy of the petition to the holder of assets at the same time the petition is filed.

4. Implementing the Order to Deliver

a. Generate the *Order to Deliver* form within 90 days from the date of service of the Order to Withhold if all administrative and judicial appeal rights have been exhausted. Sign the *Order to Deliver*. If the *Order to Deliver* cannot be implemented within 90 days from the date of service of the *Order to Withhold* because all administrative and judicial appeal rights have not been exhausted, issue a new *Order to Withhold* to the holder of assets.

b. Serve the *Order to Deliver* on the holder of assets.

c. Obtain any required approvals.

d. Document the Case Event History to show service of the *Order to Deliver*.

5. Releasing the *Order to Withhold*

a. Release the *Order to Withhold* in part or in full as appropriate when

1) the arrears stated on the *Order to Withhold* is paid.

2) the NCP makes a satisfactory alternative arrangement to pay the arrears in full.

3) when a decision from an appeal determines that the debt is less than that specified on the *Order to Withhold*,

4) the NCP cannot be served with a copy of the *Order to Withhold* within 45 calendar days (refer to item 6 below regarding joint account holders),or

5) a decision from an appeal by a joint account holder determines that the NCP does not have an interest in the account.

6) the joint account holders cannot be served within **45** calendar days. The financial institution must receive a copy of the notice to all joint account holders within **45** days from delivery of the financial institution's answer to the *Order to Withhold*. Otherwise the financial institution can treat the *Order to Withhold* as released.

b. Generate the *Notice of full or Partial Release of Order to Withhold* to be served on the holder of assets.

c. Document the Case Event History to show the release.

(7-1-2000)(5-1-01)(3-1-02)(7-1-04)(9-1-04)(7-1-06)(1-01-08)(7-1-08)(7-1-09)

F. Seizure and Sale (01-01-2008)

Assets belonging to the NCP can be seized and sold at auction with the proceeds applied to the child support arrears. Seize Assets for Enforcement (SAFE) is the name of DCSE's seizure and sale program.

1. Preliminary eligibility criteria for using SAFE are

   a. all appropriate conventional enforcement remedies including income withholding and Orders to Withhold and Deliver have been used.

   b. conventional enforcement remedies have failed or are not appropriate.

   c. the NCP is paying less than the ordered amount and owns assets that, if liquidated, would pay or significantly reduce his/her arrears.

   d. the arrears are at least $1000 for a case with a current support obligation and at least $500 for an arrears only case.

   e. a lien is filed in the city or county in which the asset is located.

2. Target for seizure assets that are

   a. solely owned by the NCP,

   b. co-owned by the NCP and his/her current spouse, or

   c. owned by a business in which the NCP is the sole proprietor.

3. An asset owned by a business partnership or corporation or that is co-owned with someone other than the NCP's current spouse are not eligible for seizure.

4. To use this remedy:

   a. Review the case to determine that eligibility criteria have been met.
   b. Check the Department of Motor Vehicles for

      1) vehicles registered in the NCP's name,

      2) the address on the vehicle registration, and

      3) the name of any lienholder on the vehicle.

c. Check consumer reporting agencies.

d. Verify the NCP's address. If necessary, generate the *Postmaster Verification Request* using the APECS document generation function.

e. File a lien in each county or city in which the asset targeted for seizure can be found.

f. If an intent notice has not already been sent, generate the *Seizure and Sale (Intent Notice)* to the NCP unless there is reason to believe that the NCP will leave town or hide the asset. If this is the case, the asset can be seized without sending the NCP advance notice of the intention to seize. Document why the intent notice was not sent in the Case Event History.

g. If the NCP contacts the district in response to the intent notice, should the DCSE worker attempt to negotiate a settlement in the following order**:**

   1) by asking for full payment of the arrearage, or

   2) if full payment is not received, by asking for a substantial lump sum payment (an amount above the minimum amount of $500 or 5%, whichever is greater) plus a payment plan. Calculate the minimum amount to be paid monthly using the computation for issuing an income withholding for current and arrears. Refer to Chapter 20, Enforcement by Wage Withholding, Section D, The Monthly Amount to be Paid on Arrears, **or**

   3) if arrangements are not made according to #1 or #2, by asking for a minimum payment of $500 or 5% of the arrearage owed, whichever is greater, plus a payment plan calculated to satisfy the delinquency within a period not to exceed ten years.

h. If the district decides not to proceed with seizure at this time and the NCP subsequently defaults on payment, initiate seizure without further notice to the NCP.

i. Generate the *Seizure and Sale (Approval Request)* when seizure action is to take place.

j. Obtain approvals from the specialist supervisor and the district manager.

k. Submit to the appropriate assistant director for approval.

l. Generate the *Seizure and Sale (Fieri Facias Request)* after obtaining all required approvals. Send a fieri facias request to each county or city where a lien was filed

and a levy is being executed. The Fieri Facias Request is only good for 90 days. Create a worklist to notify you of the 90 days.

m. Generate the *Seizure and Sale (Fieri Facias Cover Letter)* after receiving the Writ of Fieri Facias from the court.

n. Send a writ to the sheriff of any county or city where property being levied upon is located.

o. The sheriff notifies the district office when the asset is seized. If the sheriff does not respond to the first writ sent to him or if follow-up communication is necessary, generate the *Seizure and Sale (Sheriff Follow-up Letter)*.

p. If the decision is made to terminate the seizure action before the asset is actually seized, generate the *Seizure and Sale (Cancellation Notice)*.

q. If communication with the lienholder is necessary either before or after the seizure, generate the *Seizure and Sale (First Lienholder Notice)*.

r. If the asset is a motor vehicle, generate the *Seizure and Sale (DMV Notice)* after the vehicle has been sold to cause the Department of Motor Vehicles to issue a clear title to the new owner of the vehicle.

s. Document the Case Event History as appropriate.

(5-1-95)(1-1-08)

G. Booting Vehicles (01-01-2008)

The booting of vehicles is a variation of DCSE's seizure and sale procedures called Seize Assets for Enforcement (SAFE). The booting of vehicles as an enforcement method enables DCSE to collect delinquent child support payments from the NCPs without incurring towing and storage fees associated with seizure and sale of vehicles.

1. Preliminary eligibility criteria for booting of vehicles are

a. conventional enforcement remedies, i.e., income withholding and *Order to Withhold and Deliver*, have failed or are not appropriate; and

b. total arrears owed by the NCP are at least $1000. Cross reference for multiple cases; and

c. a lien is filed in the city or county in which the vehicle is housed.

2. Target vehicles for seizure that are

   a. solely owned by the NCP, or

   b. co-owned by the NCP and his/her current spouse, or

   c. owned by a business in which the NCP is the sole proprietor.

3. Do not target a vehicle for booting if the vehicle is owned by a business partnership or a corporation or which is co-owned with someone other than the NCP's current spouse.

4. To use this enforcement remedy

   a. Designate a staff member in the office as the Boot Project Coordinator.

   b. Review the case to determine if eligibility criteria are met. Cross reference for multiple cases.

   c. Check the Department of Motor Vehicles for
      1) vehicles registered in the NCP's name,

      2) the address on the vehicle registration, and

      3) the name of any lienholder on the vehicle. Vehicles with lienholder are considered for booting as the purpose of this enforcement remedy is to collect a payment toward arrears rather than the sale of the vehicle.

   d. Check consumer reporting agencies' reports or other sources for the loan terms and remaining balance owed on the vehicle.

   e. Review vehicle type and its value. If the vehicle is financed, determine the lienholder and the amount owed. Evaluate the vehicle's value versus the balance owed.

   f. Establish the location of the vehicle, i.e., public area versus private property or driveway.

      1) Check the city or county ordinance regarding an immobilized car on a public street. Example: The city of Alexandria will allow booted vehicles to remain on a public street for up to five days. Some city or county ordinances are more restrictive and may tow the vehicle sooner.

      2) Commercial or private property, i.e., shopping centers, an airport lot, etc., are not

recommended for vehicle booting because of the towing practices exercised by such establishments, unless the management of the commercial or private property is contacted prior to booting and they agree not to tow the vehicle while it is booted.

g. If the vehicle is a good target for booting, seek supervisor's/district manager's approval by completing the SAFE checklist.

h. Upon approval, generate the *Seizure and Sale (Fieri Facias request)*, the *Seizure and Sale (Fieri Facias Cover Letter)*, and the *Request for Levy and Exemption* form, if required. Include the DMV printout on the vehicle(s) to be booted. If an intent notice has not already been sent, generate the *Seizure and Sale (Intent Notice)* to the NCP unless there is reason to believe that the NCP will leave town with or hide the vehicle. If this is the case, the vehicle can be booted without sending the NCP advance notice of the intention to seize. Document why the intent notice was not sent in the Case Event History.

i. Deliver the above documents to appropriate Circuit Court clerk (where the lien is filed) and ensure that the writ and the levy request are forwarded to the jurisdiction where the vehicle is located.

j. Follow up with the Sheriff to ensure receipt of the writ.

k. Set a target boot date and deliver to the Sheriff the boot to be used and a set of keys. Provide the Sheriff the placard to be pasted on the driver's window of the booted vehicle.

   1) Sheriff's deputy should verify the Vehicle Identification Number (VIN) and the vehicle tag number prior to boot attempt.

   2) Sheriff's deputy should advise DCSE of disabled or damaged vehicles.

l. Sheriff's office should contact DCSE after the vehicle(s) is booted.

m. Wait for the NCP to contact DCSE.

n. Document the APECS Case Event History appropriately for all actions taken to boot the vehicle(s).

5. Determine the payment arrangement for boot release.

   a. Payment arrangement with the NCP should include payment of the current support and payment towards arrears should be negotiated in the following order:

1) by asking for full payment of the arrears, or

2) if full payment is not received, by asking for a substantial lump sum payment (an amount above the minimum amount of $500 or 5%, whichever is greater) plus a payment plan, or

3) if arrangements are not made according to #1 or #2, by asking for a minimum payment of $500 or 5% of the arrearage owed, whichever is greater, plus a payment plan calculated to satisfy the delinquency within a period not to exceed ten years.

b. Implement income withholding if the NCP is employed.

c. Only accept certified check(s) from the NCP as a form of payment.

d. Advise the NCP that the booting process may be repeated if the NCP defaults. If the NCP defaults on the payment arrangement, refer to step 4 to initiate a subsequent booting enforcement remedy.

6. The District Manager or the Boot Project Coordinator must authorize release of the boot. Forward the appropriate release request to the Sheriff.

7. Release the lien only when arrears are satisfied in full and the NCP has made current support payments as agreed.

(1-1-2000) (5-1-01)(7-1-01)(1-1-08)

H. Long Arm (Administrative) (04-18-1994)

Virginia has the authority to use Long Arm against a NCP who lives out-of-state to enforce an administrative or court order.

1. Generate required notices to serve on the NCP to advise him of the enforcement action being taken against him.

2. Have the NCP served. Refer to the Service of Process and Notarization, Chapter 8, for specific information.

3. Document the Case Event History to show successful or unsuccessful service.

(4-18-1994)

I. IRS Full Collection (05-01-1995)

The IRS can enforce in all 50 states, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and any foreign country with which the United States has a treaty to levy against assets.

1. After reasonable efforts to collect child support are unsuccessful, refer the case to the IRS for collection.

2. IRS collection remedies include garnishment of income and seizure and sale of property.

3. Prerequisites for Collection by IRS

   a. Legally established order (court or administrative).

   b. Amount certified is delinquent and is not less than $750.

   c. Sufficient information to identify the NCP including

      1) full name,

      2) social security number,

      3) NCP's most recent address or place of employment verified within the previous three months, date verification received, and the name of the agency or individual that verified the information, and

      4) list of location and value of known assets belonging to the NCP.

4. Generate the *Application for Collection of Delinquent Child Support by Payments by the IRS* (APECS document) as an initial request ('x' beside item a). APECS generates a Case Event History entry <AIRS> for this document.

5. Attach two copies of all currently effective support orders.

6. Attach a copy of the Case Account Statement and copies of fiscal records for periods prior to APECS conversion, if applicable.

7. Attach two copies of a complete, concise, and accurate summary of all actions taken to enforce the obligation, the results of those actions, who took the action (e.g. DCSE, the CP, an attorney, the court), and why further enforcement action by DCSE would be unproductive.

8. Include the name of the specialist or specialist supervisor responsible for the case.

9. Have the district manager approve by initialing the application.

10. Forward the *Application for Collection of Delinquent Child Support Payments by the IRS* and the attachments to the Intercepts and Reconciliation Unit in central office.

11. Attach notes to the Case Event History entry <AIRS> saying that application sent to Central Office.

12. The Intercepts and Reconciliation Unit

    a. review the package for approval;

    b. attach a cover letter; and

    c. obtain the director's signature on the cover letter.

13. IRS charges DCSE a fee of $122.50 for each case that is initially accepted for full collection services or that is recertified. The fee is paid by DCSE upon receipt of a bill. The fee is not charged to the NCP or the CP.

14. The Intercepts and Reconciliation Unit forward the application package to the regional office of the federal Office of Child Support Enforcement.

15. The Intercepts and Reconciliation Unit

    a. send a copy of the cover letter to the district manager as notification of action taken; and

    b. generate a Case Event History entry saying that application for IRS Full Collection Service forwarded to the regional federal Office of Child Support Enforcement.

16. IRS maintains the referrals in an active status for ten years. Generally, IRS does not provide status updates on referrals. A referral is in effect until

    a. a request to cancel the referral is submitted; or

    b. IRS collects the referred amount in whole or in part; or

    c. IRS determines the arrears to be uncollectible; or

    d. ten years have elapsed since the initial referral.

17. The outstanding arrears may be recertified prior to or following the expiration of the ten year period if the arrears remain enforceable.

18. If circumstances arise that require the modification or cancellation of a previous request for IRS Full Collection Service,

    a. generate the APECS *Application for Collection of Delinquent Child Support Payments by the IRS* as a modification to a previous request ('x' beside item b) or as a cancellation of a previous request ('x' beside item c); and

    b. enter the Original Control Number issued by the federal Office of Child Support Enforcement on the document; and

    c. APECS generates a Case Event History entry <AIRS> for this document. Attach notes to the Case Event History entry <AIRS> saying that IRS Full Collection Service request (include Original Control Number) modified or canceled; and

    d. forward the application for modification or cancellation to the Intercepts and Reconciliation Unit.

19. The Intercepts and Reconciliation Unit

    a. prepare a letter for the director's signature providing the

        1) case number,

        2) NCP's social security number,

        3) the amount of the arrears,

        4) the reason for modification or cancellation; and

    b. send the signed letter, along with the application, to the regional federal Office of Child Support Enforcement; and

    c. send a copy of the signed letter to the district manager; and

    d. generate a Case Event History entry saying that a request for modification or cancellation of the IRS Full Collection Service sent to the regional federal Office of Child Support Enforcement.

(05-01-1995)(5-1-1997)

J. Criminal Prosecution of NCPs (09-01-2002)

The Child Support Recovery Act of 1992 (CSRA) makes the willful failure to pay a past due support obligation with respect to a child living in another state a federal crime.

1. Penalties under the statute are:

   a. for the first offense, not more than 6 months imprisonment and/or a fine of $5000.00;

   b. for the second offense, not more than 2 years imprisonment and/or a fine of $250,000.00.

2. Restitution by the NCP in an amount equal to the past support obligation is also required upon conviction.

3. Federal courts are specifically authorized to make compliance with child support obligations a condition of probation in any criminal matter.

4. The NCPs are subject to criminal sanctions under this new federal law, this remedy is a serious response reserved for the most egregious cases.

5. NCPs expected to qualify under this statute

   a. are not currently paying child support;

   b. have not paid for more than one year or be $5000.00 in arrears; and

   c. have willfully taken steps to avoid payments,

      1) unreported changes in employment

      2) concealing assets or location

      3) using false identification, or

      4) relocating out-of-state to avoid paying support.

6. Criteria for selecting cases for referral to the U.S. Attorney's Office

   a. The case is an active DCSE case. The U.S. Attorney's Office is considering for prosecution under this Act only NCPs referred by DCSE.

      1) The United States Attorney's Office refers persons who apply directly to them for

services to DCSE.

2) If the person wishing services under the Act is not already receiving services, take an application from the individual.

   a) Process such applications like any other application with the exception that, if the applicant states that she was referred from the United States Attorney's Office, the district manager is notified.

   b) Provide the same location and enforcement services provided to all other cases prior to referral to the United States Attorney's Office, for prosecution.

b. The case is an interstate case with one parent residing in Virginia and the other parent residing in another state.

c. Paternity and a child support obligation are established.

d. Arrears are owed for more than one year beginning October 26, 1992 or arrears are greater than $5,000. Cases with less than $5,000.00 arrears cannot be referred until after October 26, 1993.

e. There is evidence that the NCP willfully failed to pay child support.

f. The NCP is in Virginia and his/her location is unknown and there is evidence of a pattern of avoidance. For example, DCSE has an address, has good reason to believe the address is valid, but service cannot be made because of the NCP's avoidance of service.

g. When the NCP resides in Virginia and his/her location is known, all appropriate administrative and judicial enforcement actions, have been attempted or taken and proven unsuccessful with the exception of full IRS enforcement and intercept processes.
   1) It is not necessary to have attempted UIFSA unless the other IV-D agency requires UIFSA action to enforce child support.

   2) If enforcement was unsuccessful due to the noncooperation of the other state's IV-D agency rather than to an enforcement action being unsuccessful, steps to notify the federal Office of Child Support Enforcement of the noncooperation are taken. Noncooperation by another IV-D agency is not sufficient reason to refer a case to the United States Attorney's Office.

h. When the NCP resides out of state and his/her location is known, all appropriate administrative, Long Arm, and IV-D to IV-D enforcement actions have been

attempted or taken and proven unsuccessful.

i. There is a current support order. This remedy is not used for arrears only cases unless the district office can prove a compelling reason for the United States Attorney's Office, to pursue the case.

7. referral of cases to the Attorney's Office

a. Complete the *Checklist for U.S. Attorney Office Prosecution* form (DCSEP-764). This assures that the criteria for referral are met and documented in the case file.

b. Contact the CP or other IV-D agency, as applicable, to verify the CP's address and that the child is still in his/her physical custody.

c. Obtain the supervisor's, the district manager's, and Legal Counsel's approval for referral to the United States Attorney's Office.

d. Once approval of the Legal Counsel is obtained, complete the *U.S. Attorney Office Referral for Prosecution* form (DCSEP-765).

e. Prepare a file folder to be sent to the United States Attorney's Office, along with the referral form which includes the information listed below if possible.

1) The most important information is the evidence of the willful nonpayment of the support obligation. All the information listed below may not be available in each case. If some of the information is not available, the case may still be referred. Discuss with your supervisor the availability of referring the case. If you only have a little information, but it clearly shows a willful intent to avoid paying child support, it may be an appropriate referral.

a) A narrative, chronological summary of all remedies pursued and the outcomes. This might include:

(1) the reason the district believes that the NCP has attempted to avoid payment of child support.

(2) dates of service of documents and places where documents were served or other evidence that the NCP has moved from one state to another to avoid payment of child support.

(3) evidence of a pattern of deception to avoid payment such as changing employment, concealing assets or location, or using false social security numbers.

(4) a statement from DCSE attesting to the amount of support owed.

b) photograph of NCP if available

c) supporting information

(1) a copy of the 501 which has the NCP's biographical information obtained by the district office

(2) copy of support order and modification, if any

(3) copy of the case account statement showing the history of unpaid child support which has been reviewed for accuracy

(4) locate information showing evidence of NCP's address

(5) copies of all civil and criminal actions taken against the NCP, including income withholding orders, liens, seizure and sale actions, orders to withhold, petitions for show cause, etc., and the outcome of each

(6) copies of all notices, if applicable, sent to the NCP advising him or her of the responsibility to pay support

(7) copies of, if available, the most recent financial statement and other available information about the NCP's financial resources, such as credit card numbers, property, bank accounts, employer name, consumer reports, unemployment records, loan applications, business or occupational licenses, mortgage information, etc., if available

d) any information, material, or evidence demonstrating the NCP's willful failure to pay that obligation

e) an explanation of any state criminal charges which may have been filed or are pending

f) information about whether the child has lived with the NCP for any of the period of non support, if known

g) a statement regarding whether the CP has been uncooperative in pursuing support.

f. Give a package containing the checklist, the referral form, and the United States Attorney's Office file to the district manager for approval and signature.

g. Send complete package to the appropriate assistant United States attorney:

1) Mr. Jerry Smagala
Assistant United States Attorney
Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, VA 22314-5794

The telephone number for the United States Attorney's office is (703) 299-3700.

2) Ms. Julie Dudley
Assistant United States Attorney
Western District of Virginia
Post Office Box 1709
Roanoke, VA 24008
The telephone number for the United States Attorney’s office is (540) 857-2614

h. Maintain a copy of the signed referral form, the original of the checklist, and a copy of the narrative and all documents sent to the United States Attorney's Office.

i. Send a copy of the referral form to the appropriate Assistant Director.

8. U.S. Attorney's Office Procedures

a. Upon receipt of the referral, including completed file from DCSE district manager, the United States Attorney's Office sends a letter to the NCP and a copy to the district office.

1) The letter notifies the parent that they are under investigation for a violation of the U.S. Code for failure to pay past due child support and explains the penalty.

2) The letter states that prosecution commences within 21 calendar days of the letter date.

3) The letter advises the NCP to contact the district manager with any questions about the money owed.

b. The United States Attorney's Office refers the case to the appropriate DCSE to commence prosecution proceedings after the 21 calendar days has ended, unless DCSE has advised them that the NCP has complied with the child support order requirements or has made satisfactory alternate arrangement with the district office.

1) A criminal information file and a summons is filed in the place where the NCP is

known to be. A copy of the criminal information is sent to the district office.

2) If the NCP fails to appear on the date summoned, a bench warrant is requested. If granted by the court, the NCP is considered to be a federal fugitive, and federal law enforcement officials take appropriate steps to locate and arrest the NCP.

3) If the location of the NCP is not known, a "criminal information" is filed and an arrest warrant is requested.

4) For second offense cases, send the completed file to the United States Attorney's Office, for consideration for prosecution. Under most circumstances, if the case is accepted for prosecution, charges are not dismissed just because the NCP pays his or her child support obligation after being informed of the federal investigation.

9. On-going maintenance of cases referred to the U.S. Attorney's Office

   a. Continue with all appropriate case actions. Referral to the United States Attorney's Office is an enforcement remedy. Continue to take appropriate locate and enforcement actions.

   b. The district manager approves all contacts with the United States Attorney's Office, before the contact.

   c. Notify the United States Attorney's Office immediately if the NCP pays the arrears or makes satisfactory arrangements with DCSE to do so.

      1) In such instances, initially fax to Mr. Jerry Smagala, Assistant United States Attorney, fax number (703) 299-3982.
      2) Follow-up immediately in writing using the U.S. Attorney Office Update form.

   d. Notify the United States Attorney's Office, immediately when new locate information is obtained using the U. S. Attorney Office Update.

   e. Provide the United States Attorney's Office biannually with updated case information, including the amount of arrears collected, if any, or the additional amount of arrears owed using the U. S. Attorney Office Update.

10. Project Save Our Children (PSOC) is a joint effort of the federal Office of Child Support Enforcement (OCSE) and the Office of Inspector General to centralize resources for initial pre-screening of cases referred to the Office of the Inspector General or other law enforcement for investigation. Since the inception of the Child Support Recovery Act of 1992, the Office of Inspector General has taken the lead role in the investigation of child

support enforcement violations.

a. PSOC participants include DCSE of Child Support Enforcement, local sheriff's departments, the state police, local police departments, Commonwealth's Attorneys offices, the U. S. Department of Justice, and the federal Department of Health and Human Services.

b. The most egregious offenders are referred to PSOC sites, where trained investigative staff locate the violator, document information needed for prosecution, and turn the cases over to prosecutors.

c. PSOC is targeted at the group of parents who over long periods of time willfully fail to take responsibility for their children.

d. The goal of PSOC is to increase child support collections through the identification, investigation, and when warranted, prosecution of flagrant, delinquent child support offenders.

e. Complete the PSOC Referral document and refer the case to Legal Counsel for approval prior to sending the referral.

U.S. Department of Justice
United State Attorney
Eastern District of Virginia

UNITED STATES ATTORNEY'S OFFICE ALEXANDRIA DIVISION	DCSE DISTRICT OFFICE
Arlington (City)	Fairfax
Fairfax	Fairfax
Falls Church (City)	Fairfax
Fauquier	Manassas
Loudoun	Manassas
Manassas (City)	Manassas
Prince William	Manassas
Stafford	Fredericksburg

UNITED STATES ATTORNEY'S OFFICE RICHMOND DIVISION	DCSE DISTRICT OFFICE
Amelia	Petersburg
Brunswick	Petersburg
Caroline	Fredericksburg
Charles City	Newport News
Chesterfield	Henrico
Colonial Heights	Henrico
Dinwiddie	Petersburg
Essex	Fredericksburg
Fredericksburg (City)	Fredericksburg
Goochland	Charlottesville
Greensville	Petersburg
Hanover	Henrico
Henrico	Henrico
King and Queen	Newport News
King George	Fredericksburg
King William	Newport News
Lancaster	Fredericksburg
Lunenburg	Danville
Mecklenburg	Danville
Middlesex	Newport News
New Kent	Newport News
Northumberland	Fredericksburg

Nottoway	Petersburg
Powhatan	Petersburg
Prince Edward	Lynchburg
Prince George	Petersburg
Richmond (City)	Richmond
Richmond County	Fredericksburg
Spotsylvania	Fredericksburg
Surry	Petersburg
Sussex	Petersburg
Westmoreland	Fredericksburg

UNITED STATES
ATTORNEY'S OFFICE
NORFOLK AND NEWPORT NEWS

DIVISIONS	DCSE DISTRICT OFFICES
Accomack	Eastern Shore Satellite
Gloucester	Newport News
Hampton City	Newport News
Isle of Wight	Suffolk
James City	Newport News
Mathews	Newport News
Newport News City	Newport News
Norfolk City	Norfolk
Northampton	Eastern Shore Satellite
Portsmouth	Portsmouth
Southampton	Suffolk
Virginia Beach	Virginia Beach
York	Newport News

(05-01-1997)(3-1-1998)

K. Court Enforcement (03-01-1998)

1. Judgment

   If the NCP is in arrears on any court order, the arrears creates a judgment for the amount of arrears. A lien can be filed against the NCP's property and an attachment made on the NCP's property.
2. Bond

   A bond is a written instrument guaranteeing performance or payment under specified conditions.

a. DCSE may request that the court order the NCP to post a bond to guarantee payment of support.

b. This request may be made either in an initial petition or in a subsequent show cause petition.

c. The judge sets the bond at an amount determined by the court to be appropriate.

d. The NCP posts the bond with the clerk of court.

e. If the NCP defaults in payment, DCSE files a show cause petition. After the court hearing, the bond may be forfeited in part or in full.

3. Show Cause/Capias

a. The court, at its discretion, may order commitment of the NCP to a correctional work facility. The sums earned by the NCP are used to pay support.

b. The court may, at its discretion, impose a jail sentence on the NCP.

4. Foreclosure

Foreclosure is a means of enforcement resulting in a forced judicial sale of real or personal property of the NCP. The proceeds of the sale, after deduction of costs incurred, are used to pay the NCP's arrears to the Commonwealth or arrearage owed to the CP in Non-Temporary Assistance for Needy Families (TANF) and Medicaid-only cases.

Foreclosure is used when all other enforcement remedies are not effective and the NCP has property in Virginia.

a. Evaluate the effectiveness of using foreclosure proceedings with the district's Legal Counsel.

b. Obtain approval for the use of foreclosure from:

1) Unit supervisor,

2) District Manager or designee, and

3) District's Legal Counsel.

c. File a lien.

d. Refer the case to the district's Legal Counsel to file a foreclosure petition.

e. Document APECS Case Event History with details of property subject to foreclosure, equity in property and balance owed against property, and the date and results of foreclosure hearing.

5. Fraudulent Transfers

If DCSE becomes aware of a situation where an NCP has transferred income or property to avoid paying child support, refer the case to the district's Legal Counsel, who will

a. seek to void such transfer; or

b. obtain a settlement in the best interests of the child support recipient.

(1-1-1998)(03-01-1998)(9-1-1999)

L. Passport Denial **(03-09-2010)**

An NCP who owes child support arrearage in an amount exceeding $2,500 is subject to passport denial. Spousal support arrears cannot be considered for the purpose of meeting the certification threshold of $2,500. A notice is sent to the NCP giving him or her an opportunity to contest the determination of the arrearage.

1. DCSE submits the names of NCPs with arrearage to the Federal Office of Child Support Enforcement (OCSE) for Federal Tax Refund Offset bi-weekly.

2. OCSE sends a pre-offset notice to the NCP. The pre-offset notice informs the NCP that if the NCP owes an arrearage in an amount exceeding $2,500, the Secretary of State will refuse to issue a passport, and may revoke, restrict, or limit a passport which was previously issued. OCSE sends this notice when an NCP's name is submitted for Federal Tax Refund Offset for the first time. The NCP does not receive another notice unless the NCP's name is deleted and selected for an offset again.

3. OCSE extracts the data from the bi-weekly submission on the NCPs who owe child support in excess of $2,500 and submits it to the Department of State for passport denial, revocation, restriction, or limitation. If an NCP applies for a passport, the Department of State will not issue a passport for an applicant if their name is certified by OCSE as owing child support arrears.
4. The certification to the Department of State remains active until DCSE removes the NCP when the arrearage falls to zero or DCSE may exclude the NCP from the Passport Denial Process using the passport denial exclusion indicator. DCSE notifies OCSE of changes in the arrearage balances and of the activation of the passport denial exclusion indicator

via periodic updates. OCSE does not accept faxed paper copies of the withdrawal notice for routine processing of passports.

5. NCPs are removed from the passport denial program only by notifying OCSE through the automated update process. The exclusion indicator is updated by the staff in the Division of Finance's Tax Intercept Unit. Contact the Tax Intercept Unit and provide the necessary information or fax the *Notice of Withdrawal of Passport Denial* to the Tax Intercept Unit. This information will be used to update the exclusion indicator. The telephone number is (804) 726-7273. The FAX number is (804) 726-7955.

6. The only exceptions to the automated update process include life or death situations involving an immediate family member or the erroneous submittal of an individual, i.e., the denial of an individual that has never owed child support, not an individual that owed child support at the time of submittal and has since made payment. Only in these situations, can DCSE request OCSE to expedite notification to the Department of State that the obligor has made satisfactory payment arrangements. This may be accomplished by faxing a *Notice of Passport Withdrawal* letter to the Tax Intercept Unit. In life or death situations, verification of the death or medical emergency is mandatory. The Department of State requires a letter from a doctor, or Red Cross notification. Immediate family is defined as:

   a. Parent or guardian of obligor
   b. Child (natural or adopted)
   c. Grandparent
   d. Sibling
   e. Aunt
   f. Uncle
   g. Step-child
   h. Step-parent
   i. Step-sibling
   j. Spouse

   Any request for an exception because of a life-or-death situation must be made in writing. The decision whether to grant a request for an exception on this basis is within the sole discretion of the Director of DCSE.

7 . When an NCP contacts DCSE because his or her application for a passport has been denied and pays the arrearage in full or has made satisfactory payment arrangements in life or death situations,

   a. complete the *Notice of Withdrawal of Passport Denial*. This form must be printed on your office stationery.
   b. Contact the Tax Intercept Unit and provide the necessary information or fax the

Notice of Withdrawal of Passport Denial to the Tax Intercept Unit. Include the verification of the death or medical emergency with the Notice. Tax Intercept Unit staff will fax the *Notice of Withdrawal of Passport Denial* to OCSE after the exclusion indication has been set to "Y" on APECS.

c. Do not instruct an NCP to present a *Notice of Withdrawal of Passport Denial* letter to a passport agency because the NCP may think the letter grants him/her clearance to receive a passport. The Department of State has asked that States strictly adhere to this.

8. When a passport is obtained, it is valid for 10 years, even if the obligor's arrearages once again go over $2,500 The passport may only be revoked during this period if it is submitted to the Department of State for a change, such as a change of name or to have pages added.

9. When an NCP contacts DCSE because his or her application for a passport has been denied,

   a. staff must determine if the NCP's certified arrears include spousal arrears.

   b. staff must remove the NCP from the passport denial report if the spousal arrears brings the total arrears certified below the $2,500 threshold.

   c. contact the Tax Intercept Unit and provide the necessary information to be updated or fax the *Notice of Withdrawal of Passport Denial* to the Tax Intercept Unit. The telephone number is (804) 726-7273. The FAX number is (804) 726-7955. . This information will be used to update the exclusion indicator.

(1-1-98)(12-15-98)(11-1-2000)(3/1-03)(7-1-03)(7-1-04)(7-1-06)(10-1-06)(3-9-2010)

M. Administrative Subpoena (12-15-1998)

1. The *Administrative Subpoena* is used to subpoena financial or other information needed from entities in other states to establish, modify, or enforce a support order.

2. Generate the *Administrative Subpoena* when information is needed from out-of-state holders of information. APECS creates a case event with notes containing the name and address of addressee and the information requested. APECS creates a worklist for 20 days from the date of printing of the document.

(12-15-1998)

N. Demand Letter for Payment of Child Support (03-01-2005)

1. A demand letter, *Demand for Payment of Child Support*, is sent to the NCP notifying the NCP of delinquent support, interest, and fees when no payment has been received within the last 45 days and the past due support is equal to one month's support or more.

2. Criteria for sending an NCP the *Demand for Payment of Child Support*:

   a. The NCP has one or more of the following case types on APECS:

      1) ADC
      2) FC
      3) SLFC
      4) NADC
      5) ARRP
      6) ARRN
      7) MAOF
      8) MAOP cases with an AFDCA/I, TTNFA/I, CTNFA/I or FCARA/I subaccount. Other MAOP cases are excluded.
      9) OSTA, and

   b. the NCP has not made a payment in the last 45 days and the past due support is equal to one month's support or more.

   c. Generate the *Demand for Payment of Child Support* document when the NCP meets the criteria.

   d. Enter the NCP's case number or the NCP's MPI number. If the case number is used, APECS will path to the List Participant screen to select the NCP.

   e. The NCP must have either a MAIL or a RES address and the Interstate field on the Update Case screen must not be an "I". Appropriate error messages will display if these conditions are not met.

   f. All of the NCP's cases will be included in the document. A case will not be included on the document if a payment has been received in the past 45 days and only one case exists for the NCP. An error message will display "No qualifying cases found for participant."

   g. A new indicator field, DEMAND LETTER, has been added to the Update Case screen. This field automatically defaults to "Y". To exclude a case being reflected on the document, update this field with an "N".

   h. The *Demand for Payment of Child Support* document will create a participant event, DPCS DEMAND LETTER FOR CHILD SUPP, and a 30-day worklist, DPCS CHECK FOR PAYMENTS. The worklist is deleted when disposition codes RTNA

(Returned with new address) or RTNU (Returned undeliverable), or PYMT (payment made) is entered on the event, or when the *Final Notice* is generated. Event notes will record the total arrears stated in the document, the NCP's address, the case number(s) and the CP name(s).

3. Generate the *Final Notice* when a payment is not received within 45 days of the date the *Demand for Payment of Child Support* document is sent.

   a. The requirements concerning the case type, address, and DEMAND LETTER indicator are the same as for the *Demand for Payment of Child Support.*

   b. The *Final Notice* creates a participant event, DPFN, and a 30-day DPFN worklist, CHECK FOR PAYMENTS. The DPFN worklist is deleted when disposition codes RTNA (Returned with new address) or RTNU (Returned undeliverable), or PYMT (payment made) is entered on the event. Event notes will record the total arrears as stated in the document, the NCP's address, the case number(s) and the CP names(s).

(09-01-1999)(03-01-2005)

O. Financial Institution Data Match (01-01-2008)

DCSE is required to enter into agreements with financial institutions doing business within the Commonwealth for the purpose of conducting a quarterly data match. This data match is intended to identify accounts belonging to parents who are delinquent in their child support payments. The Financial Institution Data Match program is known as FIDM.

The Federal Office of Child Support Enforcement (OCSE) is assisting states in conducting the quarterly data matches with multi-state financial institutions (MSFI). Financial institutions are classified as multi-state if they operate branches in more than one state.

1. Agreements with Financial Institutions

   a. DCSE shall enter into agreements with financial institutions for automated data matches of their account holders with the names of obligors who owe past-due support. Multi-state institutions will receive a single OCSE/MSFI Operational Agreement. Multi-state institutions may choose to participate in the OCSE Multi-state Financial Institution Data Match program in lieu of participating with the individual states.

   b. A data match with financial institutions shall be made periodically each quarter and shall include the name, record address, social security number, or any other taxpayer identification numbers.

c. DCSE may utilize data provided by the financial institutions to assist in the location of obligor and their assets for the establishment, modification, and enforcement of child support orders.

d. DCSE may pay a reasonable fee to financial institutions, not to exceed the actual cost of development, programming, testing, and execution of programs written for the purpose of identifying financial records of obligors who owe past-due support.

2. Non-liability to Financial Institutions

   Financial institutions shall be exempt from civil liability for the disclosure to DCSE or its agents of an obligor's financial records made in good faith or for the purpose of identifying financial records of obligors who owe past-due support.

3. Unauthorized Use and Disclosure/Confidentiality

   DCSE shall use financial records information for the purposes of establishing, modifying and enforcing support orders. The information may not be redisclosed to any person except to the extent necessary to conduct data matches.

4. The selection of cases and submission to financial institutions for data match is an automated process.

   a. The data match exchange will be made quarterly, and will include the following minimum information:

      1) The name of the obligor

      2) The social security number of the obligor

      3) The record address of the obligor

      4) Other taxpayer identification number

      5) Financial institution name and address

   b. Optional information that may be returned:

      1) Account balance

         a) Financial institutions are not required to report account balances to us though some voluntarily do. A FIDM response may contain a balance type of average, current, or not provided. As part of the screening process, APECS

does not display a FIDM response record on APECS if an "average or current" balance of less that $100.00 is reported by the financial institution. The type of balance is determined by the balance indicator shown on the FIDM PARTICIPANT DETAIL RECORD screen.

b) However, when the financial institution chooses not to report the account balance they report an account balance of zero and a balance indicator of "not provided". Therefore, any time you see a FIDM response record listing an account balance of zero, it means that the financial institution elected not to report the account balance. It is important not to overlook a FIDM response where the account balance is shown as zero. There may very well be money in the account Treat FIDM accounts showing zero balances as though they have funds in them until you have proven otherwise.

2) Account type

3) Payee account number

4) Other payee name

5) Secondary account owner SSN

6) Trust Fund ID

5. Financial data matches with financial institutions are a locate source that can lead to other enforcement remedies such as asset seizure. APECS creates worklist items and participant events indicating that match information has been received from financial institutions. The match information is not included in the event notes but is available through the Multi-State FIDM screen. Inquiries may be done by specifying a participant MPI# or a staff ID.

6. An *Order to Withhold* may be issued against assets identified through the financial institution data match. DCSE may send Orders to Withhold and Deliver to the address provided by the financial institution.

   a. If an out-of-state financial institution that participates in FIDM or MSFIDM fails to honor DCSE's Order to Withhold and Deliver, request assistance from the other state. Many states accept UIFSA Transmittal #3 documents to initiate bank account seizure.

   b. If the state does not accept the UIFSA Transmittal #3, initiate action to open a full service interstate case.

7. Refer to Section E, Order to Withhold and Order to Deliver, in this chapter for

instructions for using the Order to Withhold and the Order to Deliver.

(9-1-99)(11-1-99)(7-1-04)(9-1-04)(1-01-08)

O.1.Child Support Lien Network (11-01-2004)

Virginia has joined the Child Support Lien Network (CSLN). CSLN is established for the purpose of asset matching with participating insurance companies for intercepting insurance claim settlements (personal injury and workers compensation benefit claims) which are owed to delinquent NCPs. States pool their delinquent NCP information in the CSLN network which is electronically matched daily with the claims that insurers have registered with ISO ClaimSearch, the fraud tool managed by Insurance Service Office, Inc. (ISO). Upon a claim matching to an NCP, ISO passes on to CSLN. CSLN reviews the information and updates the insurer contact information and claim status. CSLN alerts the member state with this information.

1. Criteria for submitting an NCP to CSLN

   a. Total arrearage for all of the NCP's cases equal a minimum of $1,000

   b. Excluded from CSLN submissions are

      1) NIVD case types

      2) Cases coded unworkable (UADC and USSI

      3) NCPs without valid SSN (blank or pseudo)

      4) NCPS or cases with an exclusion code

   c. APECS creates a participant event, CSLS - submitted to CSLN. The event notes section include the case number(s) arrearage amount for each case, the district office code and the worker number.

   d. Once an NCP has been submitted to the CSLN, the AATFX1 AP Inquire Intercept Data Screen (PF5 Inq Offset) will be updated to reflect an "S" in the Transmit field for the CSL offset type. The Transmit Date field will reflect the date the record was initially submitted to the CSLN.

   e. A file updating the arrearage balance and other NCP information will be submitted to the CSLN monthly however, APECS will only reflect the initial submission.

f. An NCP's record will be automatically removed from the CSLN submission when the arrearage amount is zero. When this occurs, APECS will reflect a CSLR Removed from CSLN participant event and the AATFX1 AP Inquire Intercept Data screen (PF5 inq Offset) will be updated to reflect and "R" in the Transmit field for CSL offset type. The Transmit Date field reflect the date the record was removed from submittal.

g. If an NCPs account should become delinquent after it has been removed, the account will be re-submitted when it meets the submission criteria.

2. Exclusions by Worker

a. Based on circumstances, workers may find that an NCP or a specific case should be excluded from submission (i.e. bankruptcy, per court order). In these instances, workers should exclude either the participant or a particular case by updating APECS with an exclusion code.

1) Participant Exclusions

a) Workers can manually exclude NCPs by updating the AATFKX CSLN Intercept screen (Case Management, Option 24) with an "E" code in the Exclusion Indicator field. By adding the "E" exclusion code, APECS will automatically:

(1) create a participant event, CSPX CSLN Intercept Excl Ind Chgd, and will show CSLN Intercept Exclusion Indicator Set to "E" in the event notes section

(2) Update the AATFIA Intercept screen (PF5 Inq Offset with an "R" code in the IND field for the CSL Intercept type, the date the change was made in the Change Date field, and "E" code in the Transmit field, and the date the change was made in the Transmit date field.

b) To include an NCP who was previously excluded, workers should update the AATFKX CSLN Intercept screen (Case Management, Option 24), by changing the existing "E" code to an "I" code in the Exclusion Indicator field. By changing the "E" exclusion code to an "I", APECS will automatically:

(1) create a participant event, CSPX CSLN Intercept Excl Ind Chgd, and will show CSLN Intercept Exclusion Indicator Swt to "I" in the event notes section.

(2) Update the AATFIA Intercept screen (PF5 Inq Offset with and "I" code in

the IND field for the CSL Intercept type and the date the change was made in the Change Date field.

c) The Exclusion Indicator field will reflect a blank if the NCP has never been submitted to the CSLN.

3. Case Exclusions

a. Workers can manually exclude a specific case by updating the AATFKA CSLN Ewsclusion by Case screen (Case Management Option 24, PF% Change Excl Indicator) with an "e" code in the "I/E" field next to the appropriate case number. By adding the "E" exclusion code, APECS will automatically create a case event CSCX CSLN Intercept Excl Ind Cxhge, with CSLN Intercept Exclusion Indicator Set to "E" in the event notes section.

b. To include a specific case that has previously been excluded, the AATFKA CSLN Exclusion by Case screen (Case Management Option 24, PF5 Change Excl Indicator) must be updated by changing the existing "E" code to "I" in the "I/E" field next to the appropriate case number. By making this change, APECS will automatically create a case event CSCX CSLN Intercept Excl Ind Chgd, with CSLN Intercept Exclusion Indicator Set to "I" on the event notes section.

c. All exclusions will be effective with the next monthly submission file to the CSLN.

4. Matches with Insurance Companies

Once the NCP's information has been submitted, it will be matched against personal injury and workers compensation claims that have been filed with participating insurance companies. Matches can occur through an automated data match or by insurance adjuster "look up".

Automated data matches are processed on a daily basis by the CSLN. The CSLN will attempt to match the information with the NCP name, address, SSN and date of birth. Matches determined as "good" will be added to the CSLN web site database and will go through a review process (deleting duplicates before being returned to DCSE for processing.

Those that are questionable will be coded as a match that requires further "Investigating". The "Investigating" status will be displayed on the APECS AATFK9 CSLN - Participant Detail Record screen and will be highlighted in red. A warning message highlighted in red will also display at the top of this screen.

These potential matches will require further investigation to determine if the Claimant

reported by the insurance company and the NCP on APECS is the same person. Usually, these are instances where the SSN or name does not match. Upon receipt of "Investigating" status matches the worker must conduct further research prior to initiating enforcement action. If determined to be the right person the worker will handle the entire enforcement process, regardless of whether the match is Workers Compensation or Personal Injury. If determined not to be the right person the worker must close the match on CSLN website within 30 days of the match date using the closure reason, not the right person..

5. Receiving Match Information

   a. Matches will be forwarded to DCSE on a daily basis. There will be three types of matches received:

      1) Workers Compensation
      2) Incarcerated NCP

      3) Non-Workers Compensation

   b. Upon receipt of a match, APECS will create a participant event, CSLM - CSLN Match. A CSLM worklist will be sent to the responsible worker assigned to each of the NCP's cases (whether or not it was initially submitted). This will provide notification to all responsible workers that information has been received from CSLN.

   c. Record detailed match information on the AATFK9 CSLN-Participant Detail Record (Main Menu Option 11, Option 17 Child Support Lien Network).

   d. Create a new ID for the Insurance Company in the Employer/Agency Table if not listed.

   e. Once a worker receives a CSLM worklist, they must review all of their cases received for that day (Option 11, Sort by Worker-option 24) to determine appropriate enforcement actions.

6. Interstate Cases

   a. Interstate cases where the NCP resides out of state (AP-)) and VA has requested enforcement assistance through another state's IV-D agency (VA=Initiating) were not excluded from submission to the CSLN. Therefore, upon receipt of a match from the CSLN, the district worker should determine if state is participating in the CSLN. If the state is participating in the CSLN notify the other state of the new information received. Contact the worker in other state to determine if they are taking action on

the claim. If they are taking action on the match. Close match on the CSLN website - closure reason "action taken by (name of state)". Document case events in APECS.

b. If the state is not participating in the CSLN, proceed with enforcement according to type of match received. Refer to enforcing claims in this section.

7. Enforcing Claims

CSLN will forward matches to DCSE for personal injury and worker's compensation claims.

a. Worker Compensation Claims

1) If there has been a match with a workers compensation claim, the AATFK9 CSLN-Participant Detail Record (Option 11) will display a "Y" indicator in the worker's compensation field and the entire field will be highlighted in yellow. This will indicate that there is either a pending workers compensation claim or a Report of First Injury (a claim that has not yet been filed) on file with the Insurance Company.

2) Contact the insurance company adjuster to determine the type of settlement that wil be made in order is issue the appropriate notices.

(a) If the payout will be made in increments, issue an *Order/Notice to Withhold Income (ONWI)* to the insurance company.

(b) If the payout will be made in a lump sum, issue the *Order to Withhold - Ins Assets* to the insurance company via certified mail, return receipt requested. Send a *Notice to Debtor*, five days after the *Order To Withhold Ins Assets* has been sent along with a copy of the *Order to Withhold Ins Assets* that was sent to the Insurance Company to the NCP via certified mail, return receipt requested or via sheriff for service.

(c) If there is a question on how the claim will be paid out, it may necessary to issue both the *Order to Withhold Ins Assets* and the *ONWI.*

b. Incarcerated NCPs

1) Matches received that indicate the NCP may be incarcerated, either by APECS address or claimant address (if there is no address on APECS), will be processed by the worker.

2) Since some of these NCPS may be incarcerated felons, it will require DCSE to

obtain a guardian ad litem before an enforcement action can be initiated. Refer to Chapter 19, Enforcement Rules, Section E.

3) Once approval is obtained from court, staff should follow the same procedures as for issuing an *Order to Withhold-Ins Assets* and *Order to Deliver-INS Assets* documents.

c. Personal Injury Claims

1) A personal injury claim will be designated by a blank in the Workers Compensation field on the CSLN-Participant Detail Record.

2) CSLN staff will initiate the enforcement process on these matches by:

(a) Issuing the *Order to Withhold-Ins Assets* to the Insurance Company (contact address) via certified, return receipt requested mail, for each of the NCP's cases that were submitted.

(b) Returning the certified receipt (green card) for proof of service of the *Order to Withhold-Ins Assets* to the appropriate district office (with sufficient identifying information).

(c) Instructing the Insurance Company to return the *Order to Withhold* ANSWER form to the appropriate district office.

(d) Sending the *Notice to Debtor* to the NCP, along with a copy of the initial *Order to Withhold-Ins Assets* document (5 days after the *Order to Withhold-Ins Assets* document has been sent to the insurance company) for service using certified, return receipt requested, if the NCP lives out of state or has a P. O. Box address or to the sheriff if the NCP lives in Virginia and does not have a P. O. Box address. A copy of each document will also be sent to the NCP by regular mail.

(e) Returning the certified receipts (green cards) and sheriff service documents to the appropriate district office (with sufficient identifying information).

3) Once these documents have been sent, APECS will be updated with two new case events:

(a) IORW, Order to Withhold-Ins Co. Event notes will include document date; insurance company name; insurance claim number; date of loss; arrears amount; contact information; method of service; and article number. The contact address listed will be the address to which the Order to Withhold was

sent.

(b) IOAP, Order to Withhold - NCP. Event notes will include document date; claim number; arrears amount; address to which the NCP's notice was sent, method of service and article number. The *Notice to Debtor* will be sent to the NCP's address on APECS. However if there is no address on APECS, the notice will be sent to the address provided by the insurance company.

8. Issuing the *Order to Deliver - Insurance Assets*

a) Send the *Order to Deliver - Insurance Assets* document to the insurance company when a settlement date and amount have been determined. Settlements can occur very quickly or can take up to a year or longer to reach completion. It is not necessary to send a release to the insurance company and issue a new *Order to Withhold - Insurance Assets* every 90 days .

b) Once a settlement date and amount have been determined, district workers should review the NCP's arrearage amount. If the arrearage has increased since the initial order, send a new *Order to Withhold - Ins Assets*. If the arrearage has decreased send a *Notice of Partial release - Ins Assets* and send the *Order to Deliver - Ins. Assets* and the *Order to Deliver - Ins. Assets* for the corrected amount.

c) If the NCP no longer owes arrearages, send a *Notice of Full Release - Ins Assets* to the insurance company to release the intercept action.

(07-01-2003)(9-1-2004)(11-01-2004)

P. Documents (03-01-2005)

1. *Administrative Subpoena*
2. *Advance Notice of Lien (ASO/Out-of-State Order)*
3. *Advance Notice of Lien (Virginia Court Order)*
4. *Application for Collection of Delinquent Child Support Payments By the IRS*
5. *Certified Mail Receipt*
6. *Checklist for U.S. Attorney Office Prosecution*
7. *Civil Show Cause Summons*
8. *Demand for Payment of Child Support*
9. *Employee Disclosure Referral*
10. *Employer Information Request*
11. *Final Notice*
12. *Health Insurance Order*
12. *Legal Service Case Referral*
13. *Lien for Support Debt*
14. *Lien for Support Debt Release*
15. *Motion for Show Cause*
16. *Notification of Action Taken by DCSE*
17. *Notice of Interstate Lien*
18. *Notice of Withdrawal of Passport Denial*
19. *Notice of Full Release - Insurance Assets*
20. *Notice of Full or Partial Release of Order to Withhold*
21. *Notice of Partial Release - Insurance Assets*

22. *Order to Deliver*

23. *Order to Deliver - Insurance Assets*

24. *Order to Withhold*

25. *Order to Withhold - Insurance Assets*

26. *Order to Withhold (Joint Account Holder Notice)*

27. *Postmaster Verification Request*

28. *PSOC Referral*

29. *Seizure and Sale (Approval Request)*

30. *Seizure and Sale (Cancellation Notice)*

31. *Seizure and Sale (DMV Notice)*

32. *Seizure and Sale (Fieri Facias Cover Letter)*

33. *Seizure and Sale (Fieri Facias Request)*

34. *Seizure and Sale (First Lien Holder Notice)*

35. *Seizure and Sale (Intent Notice)*

36. *Seizure and Sale (Sheriff Follow-Up Letter)*

37. *Summons*

38. *U.S. Attorney Office Referral for Prosecution*

39. *U.S. Attorney Office Update*

40. *Withholding of Income*

41. *Withholding of Income (Notice of Proposed Action)*

(3-1-1997 Chapter reformatted) (9-1-99)(9-1-02)(7-1-04)(3-1-05)

A. Reviews, Appeals, and Hearings (04-01-2007)

State and federal law require that the noncustodial parent (NCP) be given the right to contest and appeal certain administrative actions taken by the Division of Child Support Enforcement (DCSE) to establish and enforce a support obligation. Custodial parents (CPs) have the right to appeal any action to establish or adjust a child support obligation. Either party can request that his/her case be reviewed any time. He or she may also be entitled to an informal administrative review, the right to appeal and a formal hearing with a hearing officer.

(12-15-1998)(03-01-1999)(04-01-2007)

B. Case Reviews (04-01-2007)

A case review is the analysis of information and actions taken on a case. The review must relate to an action that has been or could be taken based on sufficient case information, and is to ensure that the information or action taken on the case was correct.

1. Either party may request a review of his/her case at any time.

2. The request may be made verbally or in writing.

3. Upon receipt of a request for a review, the staff within 10 calendar days

   a. generates a *Contact letter to Noncustodial Parent* to the review requestor, or

   b. contacts the review requestor by telephone to discuss the case.

4. Evaluate the actions on the case to ensure that appropriate procedures have been followed.

5. Advise the party requesting the case review of the results of the review and any actions taken.

6. Document Event History File and update Automated Program to Enforce Child Support (APECS) with any new information.

(07-01-2001)(04-01-2007)

C. Administrative Reviews **(03-09-2010)**

An administrative review is an informal conference held when the NCP contests any federal offset program notice, a report made because of a request from a consumer reporting agency,

passport denial, or Comptroller Vendor Debt set off. Each of these actions has its own time frames in which an appeal request may be made. However, if the NCP files an untimely appeal request but there is reason to believe the appealed action contains error(s), resolving any questions may save the time and expense of administrative and/or court appeals.

1. The NCP can contest

   a. both the pre-offset notice and the offset notice for intercept of federal tax refunds,

   b. the amount of arrearage reported on the advance notice of the proposed release to consumer reporting agency,

   c. the past-due support owed, the accuracy of the amount of debt claimed or the ineligibility of the payment for Comptroller Vendor Debt set off,

   d. whether the arrears met the threshold for passport denial when DCSE certified those arrears to the federal Office of Child Support Enforcement for that office to certify them to the State Department, and

   e. whether the person whose name was submitted for passport denial actually is the person identified as owing the child support arrears that were certified .to the federal Office of Child Support Enforcement.

2. The district office should attempt to resolve the complaint before scheduling an administrative review conference if possible.

3. The NCP or his/her representative, the staff, and an impartial designee who oversees the proceeding, such as the staff's supervisor or district manager, attend the administrative review conference.

4. If the NCP is not satisfied with the outcome of the administrative review he or she may request an administrative hearing.

(12-15-1998)(5-1-2003)(7-1-2004)(3-9-2010)

D. Federal Tax Intercept (06-05-2009)

1. Intrastate Case Requests

   Intrastate cases are those cases in which the order was established instate and Virginia is the certifying state.

   a. Action is taken on an NCP's request for an administrative review made verbally or in

writing to DCSE.

b. If the NCP requests an administrative review within 30 calendar days of the date he or she receives the Pre-offset Notice, the request is honored.

c. If the NCP's complaint or request for an administrative review is postmarked within 30 calendar days from the date of the actual Offset Notice, the staff also schedules a review conference.

d. Notify the NCP that when the complaint concerns a joint return that the Internal Revenue Service (IRS) notifies the NCP's spouse at the time of the offset regarding the steps necessary to protect the share of the refund that may be payable to that spouse. If the offset has already occurred, refer the inquiring NCP or his/her spouse to the local IRS office regarding the filing an amended tax return (Form 1040X).

e. Document the NCP's request for an administrative review on APECS.

f. Generate a *Contact Letter to Noncustodial Parent*.

g. Notify the NCP that the request for a review is considered abandoned if he or she fails to appear for a review conference and does not contact the district to reschedule before the date and time of the scheduled review.

h. Notify the custodial parent (CP) of the appointment.

i. Conduct the administrative review in a fair and impartial manner to resolve these specific issues

   1) whether past due support is owed, and

   2) whether the amount claimed was in fact owed at the time of certification.

j. Issue a brief, written decision to the NCP and his/her legal representative, if applicable, within 10 calendar days of the administrative review conference, informing the NCP of

   1) the results of the administrative review and the basis for the decision,

   2) the right to request in writing a formal administrative hearing within 30 calendar days of the mailing of the decision; and
   3) the right to appeal the hearing officer's decision to the circuit court within 30 calendar days of the hearing officer’s decision.

k. If the decision is returned for lack of address and no other current address for the NCP is available, then no other action is necessary.

l. Delete or modify the certification amount as appropriate if the results of the review show inaccurate information in APECS.

m. Generate a worklist to the fiscal unit to request a refund if the offset has already occurred and the NCP is due a refund. Refer to Chapter 28, Allocation and Distribution and Chapter 29, Disbursements.

2. Interstate Cases

Interstate cases are those cases in which the order was established out-of-state and Virginia is the certifying state, or the order was established instate but another state certifies the NCP.

a. If Virginia is the certifying state and the NCP requests that the administrative review be held in Virginia, follow the same procedures as outlined for intrastate cases.

b. If the complaint cannot be satisfactorily resolved, the NCP may also request a review in the state with the order upon which the certification was based.

1) Generate the *Child Support Enforcement Transmittal* within 10 calendar days to the other state's IV-D agency along with the NCP's request for an administrative review. Include the following information:

a) a copy of the order and any modifications that specify the date of issuances and the amount of support upon which the amount certified is based,

b) a copy of the payment record, if possible, or if there is none, an affidavit signed by the CP attesting to the amount owed, and

c) the CP's current address, if known, and domestic violence is not indicated in the case. Refer to Chapter 12, Case Initiation.

2) Notify the Federal Office of Child Support Enforcement when the Child Support Enforcement Transmittal is sent to the other state's IV-D agency requesting that they conduct an administrative review.

c. The state with the order providing the basis for certification is responsible for:

1) notifying the NCP and, in non-TANF cases, the CP of the date and time of the administrative review conference,

2) conducting the review, and

3) issuing a decision within 45 calendar days of receiving the request for an administrative review and required information from the certifying state.

d. If the administrative review held in the other state with the order results in a deletion of, or decrease in, the amount certified for offset, the state with the order

1) notifies the Federal Office of Child Support Enforcement within 10-working days of the change in the amount to be certified, and
2) includes the information required in the magnetic tape for submitting a case for offset.

e. The federal Office of Child Support Enforcement notifies the submitting state of any modifications or deletions that result from the administrative review conducted by the state with the order.

f. When the administrative review takes place after the refund offset has already occurred, the state with the order upon which the offset is based promptly notifies the certifying state of its decision. The certifying state is, without exception, bound by the decision of the state with the order.

g. If the decision resolved the complaint in favor of the NCP and a refund is necessary, the certifying state issues the refund within 30 calendar days. Refer to Chapter 28, Allocation and Distribution and Chapter 29, Disbursements.

h. If the order is in Virginia, and another state certifies the NCP, advise the NCP to mail his/her request for an administrative review to the certifying state.

(12-15-98)(7-1-01)(6-5-09)

D.1. Passport Denial **(03-09-2010)**

1. The NCP has 30 days from the date of the Federal Offset Program Notice to request an administrative review. If the NCP contests the amount of debt certified by DCSE to the **federal Office of Child Support Enforcement** for certification to the State Department for passport denial, an administrative review is held following either a verbal or written request from an NCP for an administrative review.

2. Document the NCP's request for an administrative review on APECS.

3. Generate an Appointment Letter for the NCP.

4. Conduct the administrative review in a fair and impartial manner to resolve the accuracy of the amount of arrearage information.

5. Issue a brief, written decision to the NCP and his/her legal representative, if applicable, within 10 calendar days of the administrative review conference, informing the NCP of

   a) the results of the administrative review and the basis for the decision,

   b) the right to request in writing a formal administrative hearing within 30 calendar days of the mailing of the decision; and

   c) the right to appeal the hearing officer's decision to the circuit court within 30 calendar days of the hearing officer’s decision.

(12-15-1998)(7-1-2001)(5-1-2003)(3-1-2010)

E. Consumer Reporting Agencies (07-01-2004)

1. Action is taken following either a verbal or written request from an NCP for an administrative review.

2. Document the NCP's request for an administrative review on APECS.

3. Generate a *Contact Letter to Noncustodial Parent*.

4. Conduct the administrative review in a fair and impartial manner to resolve the accuracy of the amount of arrearage information to be released.

5. Issue a brief written decision to the NCP and his/her legal representative within 10-calendar days of the administrative review conference.

6. The NCP has 10-work days after the decision of the administrative review conference to request, in writing, an administrative appeal hearing.

(10-24-1995)(7-1-2004)(7-1-2004)

F. Comptroller Vendor Debt Set Off (07-01-2004)

1. The NCP has 10 days from the postmark date of the Vendor Payment Intercept Notification to request an administrative review.

2. Document the NCP's request for an administrative review on APECS. Place a hold on

any funds during the pendency of an appeal.

3. Generate a *Contact Letter to Noncustodial Parent*.

4. Conduct the administrative review in a fair and impartial manner to resolve the accuracy of the amount of arrearage or the eligibility of the payment for set-off.

5. Issue a brief written decision to the NCP and his/her legal representative within 10-calendar days of the administrative review conference.

6. If the NCP is not satisfied with the result of the administrative review, he/she has 10-work days after the decision of the administrative review conference to request, in writing, an administrative appeal hearing.

(12-15-1998)(7-1-2004)

G. Administrative Appeals **(03-09-2010)**

An administrative appeal is a formal hearing which gives an appellant the opportunity to contest actions taken by DCSE.

1. Either party may formally appeal any of the provisions of an *Administrative Support Order* (ASO).

2. The NCP may appeal an action when

   a. he or she is not satisfied with the decision in an administrative review that was conducted because of a Federal Income Tax Offset, passport denial referral, consumer reporting referral, or the Comptroller Vendor Debt set off, or

   b. he or she formally contests certain enforcement actions taken by DCSE, including:

      1) Notice of Proposed Action for a Mandatory Withholding of Income

      2) Advance Notice of Lien on Virginia Court Orders

      3) Notice of Intent to Report Information to Credit Reporting Agencies

      4) Vendor Payment Intercept Notification

      5) Federal Income Tax Offset

      6) State Income Tax Intercept

7) Order to Withhold

8) Passport Denial

3. The NCP may appeal the actions of DCSE to enforce a support obligation only under the following conditions:

   a. a mistake of fact

      1) an error in the identity of the NCP, or

      2) an error in the amount of current support or past due support.

   b. whether the funds to be held are exempt from garnishment by law.

4. Requests for an administrative appeal are made in writing. If the last day of an appeal period falls on a weekend or a holiday, the appellant has until close of business on the next business day to appeal. The post mark date on the envelope is used to determine the date of the appeal request.

5. All written requests for administrative appeals received by the district office or service point are immediately forwarded to the Department of Social Services, Appeals and Fair Hearings Unit, **801 East Main Street**, , Richmond, VA 23219.

6. Requests for administrative appeals are not to be denied because the appellant does not specifically state the reason for appeal. The requests are denied only when the hearing officer determines that the appellant cites a reason other than those allowed by law or regulation.

7. The hearing officer may determine that an appeal request is invalid in certain circumstances, including:

   a. the NCP disputes paternity of the child after entry of a child support order or the expiration of the 60-day recission period following a voluntary acknowledgement of paternity.

   b. the request for appeal was not filed in a timely manner.

   c. the appeal does not meet grounds as specified under those actions.

8. Either party may withdraw his/her request for an administrative appeal at any time during the pendency of the appeal.

9. The administrative appeal process must be completed before the appellant can file a "de novo" appeal of the decision of the hearing officer with the court. The appeal to court must be made within 10 days of receipt of the hearing officer's decision.

10. An appeal is considered abandoned if the appellant fails to appear and does not contact the hearing officer to reschedule prior to the date and time of the hearing.

    a. The hearing officer generates an Administrative Appeal Ruling Letter when the appeal request is abandoned.

    b. The hearing officer attempts to serve the appellant with the Administrative Appeal Ruling Letter and sends a copy to the district office at the same time.
    c. Staff proceed with the planned action once the hearing officer generates the Administrative Appeal Ruling Letter notifying the appellant that the appeal request is abandoned.
    d. The appellant may contact the hearing officer and give a valid reason for not appearing. The hearing officer may schedule another hearing.

    e. A hold is placed on the account on the date that the district office receives notification that another hearing has been scheduled. Refer to Chapter 28, Allocation and Distribution.

    f. If the hearing is rescheduled and the hearing officer's decision does not sustain DCSE's action, any money collected because of the action would be refunded. Refer to Chapter 34, Recovery and Recoupment, for steps to take to recoup from the CP, if necessary.

(12-15-1998)(3-1-99)(5-1-03)(9-1-04)(4-1-07)(3-9-2010)

H. Administrative Hearings (04-01-2007)

Administrative hearings are conducted by hearing officers from the Department of Social Services, Appeals and Fair Hearings Unit.

1. Administrative hearings are conducted in either a telephonic or face-to-face format. Such hearings are conducted in the district office where the CP resides unless another location is requested by the NCP.

2. The appellant and the staff or the staff's supervisor attend the administrative hearing.

3. The following persons may also attend the administrative hearing

a. the other party;
b. Legal Counsel or authorized representatives;

c. the district office's Legal Counsel;

d. any witnesses; and

e. other persons at the hearing officer's discretion

4. The appellant may be granted a continuance of the hearing at the discretion of the hearing officer. The appellant can make a request for a continuance via telephone with a follow-up in writing.

5. The appellant receives the hearing officer's decision within 45 calendar days of the date of the appeal request or at the time of the hearing if the appellant is served at the hearing by waiver. A copy of the decision is sent to the district office at the same time.

6. The hearing officer notifies the appellant in writing by certified mail when an appeal is considered abandoned.

7. DCSE proceeds with the planned action when the hearing officer's decision sustains DCSE's action. In situations where the hearing officer enters a decision that requires changes in an amount or other factor, action is to proceed based on the hearing officer's modifications.

8. When there is an appeal of an administrative enforcement action that has been taken on an interstate case and Virginia is the responding state, the hearing officer hears the case.
   a. Once the hearing has been held, the hearing officer sends the *Administrative Hearing Decision (out-of-state)* form to the parties.

   b. If either party does not agree with the decision of the hearing officer, he or she sends written notice to the manager of Appeals and Fair Hearings at the central office.

   c. The manager of Appeals and Fair Hearings faxes the request for an appeal of the hearing officer's decision to the district office staff responsible for the case.

   d. Within 5 working days of receipt of written notice of the request for an appeal of the hearing officer's decision, the responsible staff

      (1) sends the *Request for Registration of Foreign Support Order*, and

      (2) any other court forms necessary to take enforcement action to the juvenile court.

e. The juvenile court notifies both parties that the order has been registered.

(3-1-1998)(12-15-1998)(03-01-1999)(09-01-2004)(04-01-2007)

I. ASO (04-01-2007)

1. Either party may appeal any of the establishment provisions of the *ASO* including the determination of current support, arrearage, medical support, or income withholding.

2. Either party has 10 calendar days after he or she is served, including by waiver of service of the *ASO*, to request in writing, an administrative appeal. For NCPs this is 10 days from the date of service of the *ASO*. Upon receipt of the proof of service on the NCP, a copy of the served *ASO* is mailed the same day to the CP. The CP has 15 days from the date of mailing to appeal, which allows 5 days for first class mail delivery. If the last day of an appeal period falls on a weekend or a holiday, the appeal period is extended through the next business day.

3. If the appeal request is mailed, review the postmark date to ensure that it is within 10 calendar days from the date of service of the *ASO*.

4. Either party may appeal the decision within 10 calendar days to the Juvenile and Domestic Relations District Court in their locality of residence except in the following situations:

   a. the appeal is where the CP resides if the NCP is a nonresident, or

   b. the appeal is where the property of the NCP is located if both parties are nonresidents.

   c. If there is more than one choice the NCP elects the location of the appeal.

(12-15-1998)(03-01-1999)(04-01-2007)

J. Income Withholding-Notice of Proposed Action (10-24-1995)

1. Appeals are based on mistake of fact.

2. The appeal must be filed within 10 calendar days beginning the day after the service of or waiver of formal service of the *Withholding of Income (Notice of Proposed Action)* by the NCP.

3. An out-of-state NCP may appeal the *Notice of Proposed Action* to the hearing officer when the NCP's employer has a registered agent in the Commonwealth of Virginia.
4. The NCP may file a “de novo” appeal of the decision of the hearing officer to a Juvenile

and Domestic Relations District Court within 10 calendar days of the date he or she received the hearing officer's decision.

(10-24-1995)

K. Advance Notice of Lien-Virginia Court Orders (04-18-1994)

1. The NCP may appeal the *Advanced Notice of Lien* that is based on an arrears that accrued under a Virginia Court Order. The NCP cannot appeal liens filed on ASOs or on an out-of-state order.

2. The appeal may only be based on a mistake of fact.

3. The NCP has 10 calendar days from the date of service of or waiver of formal service of the Advanced Notice of Lien to file a written request for an appeal.

4. The NCP may file a "de novo" appeal of the decision of the hearing officer to the Juvenile and Domestic Relations District Court within 10 calendar days of the date of his/her receipt of the hearing officer's decision.

(04-18-1994)

L. Information to Consumer Reporting Agencies (09-01-2004)

1. The NCP may appeal the reporting of information to consumer reporting agencies.

2. The appeal can only be based on mistake of fact.

3. The NCP has 10 calendar days after he or she receives notice of the result of the administrative review to make a written request for appeal.

4. The NCP may appeal the decision of the hearing officer to the appropriate Juvenile and Domestic Relations District court within 10 calendar days of the date he or she received the hearing officer's decision.

(10-24-1995)(09-01-2004)

M. Vendor Payment Intercept Notification (12-15-1998)

1. The NCP is sent a *Vendor Payment Intercept Notification* when a payment is to be intercepted.
2. The NCP may appeal the payment intercept for the following reasons:

a. past due support is not owed, or

b. the amount of the debt claimed is incorrect, or

c. the payment is ineligible for interception.

3. The NCP has 10 calendar days after the *Vendor Payment Intercept Notification* is mailed to make a written request for an appeal.

4. The NCP may appeal the decision of the hearing officer to the circuit court within 10 calendar days of the date he or she received the hearing officer's decision. The appeal is filed in the locality in which the NCP resides or in the city where DCSE's Central Office is located.

(12-15-1998)

N. Appeal of Federal Offset Program Notices (05-01-2003)

1. The NCP has a right to request an administrative hearing once an administrative review conference has been held and the NCP is not satisfied with the outcome.

2. The NCP has 30 calendar days from the date of mailing of the administrative review determination to request, in writing, a formal administrative hearing.

3. The NCP may appeal the decision of the hearing officer to circuit court within 30 calendar days from the date of the hearing officer's decision.

(3-1-1999)(07-01-2001)(5-1-2003)

O. State Tax Intercept (07-01-2001)

1. The NCP can appeal based on whether the claim is valid or whether the debt is correct.

2. The NCP has 30 calendar days from the date of the *State Income Tax Intercept/Lottery Winnings Notification Letter* to object to the certification.

3. If the NCP fails to appeal in writing during the 30-day period he or she is determined to have waived the right to contest the claim.

4. The NCP may file a "de novo" appeal of the decision of the hearing officer to circuit court within 30 calendar days from the date of the hearing officer's decision.

(07-01-2001)

P. Order to Withhold

1. The NCP has the right to appeal the *Order to Withhold* (OW) based on a mistake of fact or by claiming a legal exemption.

2. An account holder on a joint account has the right to appeal based on whether the NCP has an interest in the joint account.
3. The NCP has 10 calendar days after service of the *OW* to file a written objection to the *OW*.

4. The NCP can file a "de novo" appeal of the decision of the hearing officer to Juvenile and Domestic Relations District Court within 10 calendar days of the date of receipt of the hearing officer's decision.

(04-18-1994)

Q. Responsibilities of the District Office (04-18-1994)

1. APECS generates a worklist when an appeal request has been noted. District office staff reviews the case to determine if:

   a. appropriate policy was followed, and

   b. additional information is needed by the hearing officer.

   c. Copies of appropriate documents such as the *ASO*, for *Income Withholding (Notice of Proposed Action)*, *Obligation Worksheet*, court order, affidavit of arrears and relevant documentation need to accompany the summary of facts. Send one copy of the relevant documents to the hearing officer at least 3-working days prior to the hearing.

   d. Place a hold on the account until completion of the appeal process as follows:
      1) For actions other than *Orders to Withhold*, once the administrative appeal has been resolved, proceed to work the case as appropriate–including distributing monies collected--whether or not a *de novo* appeal is made to court. Refer to Chapter 28, Allocation and Distribution, and refer to Chapter 29, Disbursements.

      2) For *Orders to Withhold*, maintain the hold on the account until all of the NCP's appeal rights (administrative and court) have been exhausted. Proceed as appropriate once the appeal process is over, sending or withdrawing the *Order to Deliver*.

2. The district office may withdraw their action prior to the hearing date if case review

reveals that action taken was incorrect. Provide written notification to the NCP, copying other parties as necessary. For ASOs this includes both parties. Create a self-generated APECS case event indicating that the action was withdrawn and the reason. Notify the hearing officer that the action was withdrawn by sending a worklist notification..

3. APECS generates a worklist item to the staff notifying him/her of the date and time of the hearing.

4. Attend the administrative hearing. Be prepared to explain the Commonwealth's actions according to DCSE policy and procedures.

5. The hearing officer sends a copy of the decision to the district office at the same time it is sent to the appellant.

6. Comply with the decision of the hearing officer. Review case events for the hearing officer's decision. Proceed with the original action when sustained by the decision. Proceed with action as modified by the hearing officer upon receipt of the decision.

7. Generate a worklist to the hearing officer indicating compliance with the decision.

8. Send a copy of the hearing decision, via certified mail, to the CP if the NCP is served at the hearing.

9. Send a *Request for Registration of Foreign Support Order* and other court forms necessary to take enforcement action to the juvenile court within 5 working days of receiving written notice of the request for an appeal of the hearing officer's decision in an interstate case. The juvenile court notifies both parties that the order has been registered.

(3-1-1998)(12-15-1998)(1-1-2000)(3-1-02)(4-1-07)

R. Responsibilities of the Hearing Officer (04-01-2007)

1. Note the appeal request on APECS and determine if the appeal request is valid.

2. Generate an *Administrative Appeal Ruling* Letter to the appellant when the request is invalid.

3. Generate a *Summary of Facts for Appeal*.

4. Schedule an administrative hearing. Generate the *Notice of DCSE Appeal Hearing* and the *Summary of Facts* to the NCP and to the CP within 10 calendar days from the date of the appeal request.

5. Grant or deny a request for a continuance of a hearing and notify the staff, the NCP, the CP, and Legal Counsel, of the continuance.

6. Acknowledge a written request from an appellant to withdraw the appeal. The acknowledgment is sent certified mail, return receipt requested to both parties. A copy is also sent to the staff and Legal Counsel, if applicable.

7. Update APECS and the Event History File.

8. APECS generates a worklist item to the staff and the hearing officer the day before the hearing as a reminder of the hearing date and time.

9. Conduct the hearing.

    a. Record the testimony given at the hearing stenographically or mechanically.

    b. Identify all parties present at the hearing.

    c. Inform all parties of the purpose of the hearing, the procedures that will be followed, who and how the decision will be made.

    d. Inform the appellant and his/her representative, if any, and the staff of their right to

        1) examine all documents and records presented,

        2) present the case,

        3) bring witnesses,

        4) establish pertinent facts and present arguments,

        5) defend or refute testimony or evidence presented, and
        6) cross-examine opposing witnesses.

            a) The staff cannot cross-examine witnesses unless the representative is the district office's Legal Counsel.

            b) The staff can request that the hearing officer ask certain questions if the appellant is not represented by counsel. The staff may question the appellant’s attorney directly.
            c) The appellant or his/her counsel can cross-examine the staff.

10. Base the decision on whether the staff properly applied policy and procedures in effect at

the time the action was taken. Allow modification based on new evidence presented at the hearing. Inform the staff of the new evidence presented that he or she may not have been aware of.

11. Sustain the staff's action if correct policy and procedures were followed or modified as appropriate.

12. Reverse or amend the staff's action only if correct policy and procedures were not followed or if new evidence is presented. If the hearing officer changes the amount of an *ASO* based on new evidence presented at the hearing, the hearing officer

    a. asks the appellant to sign a waiver of formal service or serve the decision on the appellant, and

    b. sends a copy of the decision to the district office. The district office staff attaches a copy of the hearing officer's decision to the *ASO* indicating, "This *ASO* has been changed by the decision of a hearing officer - SEE ATTACHED".

    c. Courts of this Commonwealth and other states recognize this action and afford it the same authority as the *ASO* it amends.

13. Render a decision within the required time frames unless otherwise waived by the appellant in writing.

14. Determine the parties' current mailing and residence addresses. Generate an *Administrative Hearing Decision* document and send to the parties. Attach a copy of any document directly related to the appealed action. Advise the parties to report any change of address to the staff or hearing officer immediately.

15 In a face to face hearing, the hearing officer may ask the appellant to sign a waiver of service and accept immediate service of the decision. The district office sends a copy of the decision, via certified mail, to the other party if the appellant is served at the hearing.

16. When a telephone hearing is conducted the decision is sent certified mail to both parties. If the appellant does not claim the certified mail, a request for sheriff posting is initiated. If service is not successful, the information is routed to the district office for further service attempts.

17. If unable to render a decision at the time of the hearing, serve the decision on the appellant and send a copy to the other party within 45 calendar days of the date the appeal was received, unless a continuance was granted.

18. Generate an *Administrative Appeal Ruling* Letter if the appellant fails to appear for the

hearing and has not contacted the hearing officer to reschedule prior to the hearing.

19. Make a determination whether to schedule another hearing if the appellant responds.

20. Send a copy of the decision or the *Administrative Appeal Ruling* Letter to the staff for the paper file immediately.

21. Update APECS Event History File.

22. Send a copy of the served decision to the district office.

23. If either party in an interstate case does not agree with the decision of the hearing officer, he or she sends written notice to the manager of Appeals and Fair Hearings at the central office.

24. The manager of Appeals and Fair Hearings faxes the request for an appeal of the hearing officer's decision to the district office staff responsible for the case.

(3-1-1998)(12-15-1998)(04-01-2007)

S. Rules of Evidence (04-18-1994)

1. The hearing officer at his/her discretion, accepts any evidence and rejects evidence that is irrelevant, privileged, or repetitive.

2. Cross-examination can be conducted without strictly adhering to the rules of evidence.

3. The hearing officer can question any witnesses.

(04-18-1994)

T. Documents and Worklist (03-01-1998)

1. *Contact letter to Noncustodial Parent*

2. *Child Support Enforcement Transmittal* Form

   15 days - Check for acknowledgment

   90 days-check for status

3. *Administrative Appeal Ruling Letter*

Immediate worklist to responsible staff re: decision.

30 day worklist to hearing officer - Verify service by certified mail.

Additional 21 days, if certified mail service is unsuccessful, to hearing officer - Verify service by sheriff.

4. *Notice of DCSE Appeal Hearing*

   1 day before hearing, to responsible staff and hearing officer - administrative appeal hearing tomorrow.

5. *Summary of Facts for Appeal*

   No worklist required.

6. *Waiver of Formal Service of Process*

   No worklist required.

7. *Administrative Appeal Ruling*

8. *Administrative Hearing Decision (Out-of-State Cases)*

(3-1-1997 Chapter reformatted)(03-01-1998)

DIVISION OF CHILD SUPPORT ENFORCEMENT
CHAPTER 26 JUDICIAL SUPPORT ACTIONS **(04-01-2009)**

A. Definition of Judicial Action (04-18-1994)

Judicial action is the taking of court action to process a child support case.

(04-18-1994)

B. Reasons for Court Action (04-18-1994)

Initiate court action when

1. administrative remedies have been unsuccessful in establishing paternity, a support obligation, a medical support order or in enforcing an obligation, or when

2. there is an existing court order that needs to be modified or enforced and administrative remedies have been unsuccessful.

(04-18-1994)

C. General Rules for Taking Court Action (07-01-2008)

1. To initiate court action on a case, designated nonattorney DCSE staff or Legal Counsel may complete a petition or motion and send it to the appropriate Juvenile and Domestic Relations District Court or circuit court.

2. Juvenile and Domestic Relations District Courts have primary jurisdiction for support orders.
3. Designated nonattorney DCSE staff or Legal Counsel may file initial support petitions in the locality where the custodial parent (CP), child, or noncustodial parent (NCP) lives.

4. Circuit court orders have precedence over juvenile court orders.

5. Circuit court can retain jurisdiction of their court orders or can transfer them to the appropriate Juvenile and Domestic Relations District Court.

   a. Generate a Legal Services Case Referral to Legal Counsel.

   b. Produce appropriate case file documents for the attorney to review prior to and during court hearing.

6. Legal Counsel presents petitions or motions to Juvenile and Domestic Relations District

Courts.

7. Legal Counsel present petitions, motions, or pleadings in circuit court.

8. Designated nonattorney DCSE staff or Legal Counsel sign petitions or motions as a representative of the Division of Child Support Enforcement (DCSE) unless the judge requests that the CP in Non-Temporary Assistance for Needy Families (TANF) cases sign the petition or motion.

9. Review all petitions, motions, and pleadings for accuracy before signing. The signature on the document certifies that the petition is being filed in good faith and that the information on the face of the document is correct. Include the position and title of staff signing the document on all petitions, motions, and pleadings.

10. The juvenile court is divested of jurisdiction in cases in which a suit for divorce involving the issue of child support has been filed in a circuit court and a hearing has been scheduled within 21 days of the filing.

    a. If circuit court does not have a hearing within the 21 calendar days and a petition has already been filed with the Juvenile and Domestic Relations District Court, proceed with the hearing in that court.

    b. If no petition has been filed with the Juvenile and Domestic Relations District Court, refer the case to Legal Counsel for filing in appropriate court.

11. Refer all issues regarding minor putative fathers (PF), (from the age of 14 up to the age of 18), to a court. The court appoints a guardian ad litem to represent the minor PF during the paternity hearing.

12. The court may enter an order establishing paternity of the child based upon an admission of paternity by the PF made under an oath before the court or upon other evidence presented in court. The standard of proof in a court action to establish paternity is by clear and convincing evidence.

13. Designated nonattorney DCSE staff or Legal Counsel file civil support petitions to initiate court action. Criminal nonsupport petitions are also used in certain circumstances. Refer the case to Legal Counsel for review before filing a criminal nonsupport petition.

14. Refer the case to Legal Counsel for possible court action when paternity has already been established but the accuracy of the paternity determination is questioned by either parent based on fraud, duress, material mistake of fact, or for any other reason.

(10-24-1995)(7-1-01)(7-1-08)

D. Court Establishment of Paternity (03-01-2001)

Take court action to establish paternity when

1. the PF has not voluntarily acknowledged paternity and has refused to voluntarily consent to genetic testing and there is

   a. a sworn statement of paternity from the mother, or

   b. a PF named on the automated referral from the local department of social services (LDSS).

2. the PF has signed a sworn acknowledgment of paternity, and

   a. attempts have been unsuccessful in obtaining a sworn acknowledgment from the mother, and

   b. there is a PF named on the automated referral from the LDSS.

3. the PF is a minor (less than 18 years of age). Refer these cases to Legal Counsel. These petitions must be filed with the PFs parent as next friend and both the minor and his parent must be served with notice of the hearing. Counsel requests the court to appoint a guardian ad litem. Note: if the custodial parent is a minor, one of her parents must also be served with notice of the hearing.

4. the PF exhibits indications of mental deficiencies that would impair his understanding of the administrative process. The district manager determines whether to proceed with court action to establish paternity in this situation.

5. there are a legal father and a PF.

6. the PF is incarcerated on a misdemeanor and will not voluntarily acknowledge paternity or consent to genetic testing or the PF is incarcerated as a felon. If this is the case

   a. file a civil Petition for Support in the Juvenile and Domestic Relations District Court in the locality where the children reside, and

   b. request the court to appoint a guardian ad litem for the PF. The guardian ad litem

represents the interest of the PF in court without the PF having to appear.

(03-01-2001)

E. Paternity Establishment for Local Cases (11-01-2005)

Local cases are cases in which both the PF and CP or children reside in the Commonwealth of Virginia.

1. Unless the mother is not the custodian of the child, obtain a Mother's Affidavit of Paternity from the CP, by

   a. scheduling an appointment with the mother of the child to complete the Mother's Affidavit of Paternity, or

   b. sending the Mother's Affidavit of Paternity to the mother of the child for her to complete, have notarized, and returned to staff.
2. Generate a civil Petition for Support. When a petition is filed in court regarding a paternity action, a support obligation and medical support are usually pursued at the same time.

3. Generate a court Summons to the PF and the mother of the child if an agreement has been made with the local court to perform this function.

4. Generate a Legal Services Case Referral form if the case is going to be represented in court by DCSE's Legal Counsel.

5. Forward the petition, the signed Mother's Affidavit of Paternity or a Legal Guardian Form, if the mother is not available, and any other attachments to the Clerk of Juvenile and Domestic Relations District Court in the jurisdiction where the CP or children reside. If necessary, obtain approval from Legal Counsel prior to forwarding to court.

6. Automated Program to Enforce Child Support (APECS) generates a worklist item for court action follow-up.

7. Follow-up with the court to determine court hearing date and time.

8. Update the court hearing schedule on APECS with court hearing date and time.

9. Review case before court hearing.

10. Verify service of process of the notice to appear to the PF, the method of service, and the

date of the service. Update APECS with this information.

11. If a PF fails to appear for a court paternity hearing after being served hand delivery with a notice to appear, the court may proceed in hearing the evidence as if the PF were there and may adjudicate paternity in his absence. The default paternity order must be served on the NCP, and return of service of the default order is required to be filed with the court entering the default order.

12. If the PF cannot be served, the court may dismiss the petition or continue the case until the PF can be served.

13. The court may continue the case to a later date if the PF fails to appear and has had substituted service.

14. Attend court hearing and present the facts of the case.

15. If the PF admits paternity of the child in court, the paternity issue is resolved.

16. If the PF does not admit paternity in court, request genetic testing.

17. Generate and send a Notification of Action Taken document to the CP if the CP was not present at the hearing. Document APECS if the CP is present at the hearing.

18. Document court disposition on APECS case Event History.

    a. Admitted paternity

    b. Dismissed, with prejudice

    c. Dismissed, without prejudice

    d. Genetic testing ordered

    e. Continued

19. If genetic testing is ordered, schedule the testing according to established district office procedures.

20. When the genetic test results are received, enter a self-generated case event on APECS stating that the genetic test results have been received and filed with the court. No

specific information on the test results should be documented. Do not update the paternity disposition on APECS. The genetic test results are only evidence that the judge uses in making the paternity determination.

21. Do not provide the genetic test results to the CP, the PF, or either party's attorney prior to the court hearing. If asked, inform the party's that the results have been filed with the court.

22. File the genetic test results with the court at least 15 days prior to the court hearing.

23. Monitor receipt of genetic test results and arrange in advance for courts to continue cases in which genetic tests have been ordered but are not available for filing 15 days before the hearing.

    a. In cases where genetic tests have been ordered by the court and the test results are not filed with the court 15 days prior to the hearing, the PF or his attorney may object to the admissibility of the tests and ask the court to dismiss the case.

    b. If this occurs, refer the case to Legal Counsel immediately. DCSE may not be able to get a continuance and may instead have to appeal to the Circuit Court.

24. If the NCP is ordered to reimburse the Commonwealth for genetic testing, enter the Genetic Test Fee subaccount on APECS. Refer to Chapter 35, Fees.

25. If the public assistance CP fails to appear at the hearing and her cooperation is necessary, generate notice of her noncooperation to the LDSS. Refer to Chapter 3, Interaction with Local Agencies.

26. If the PF is excluded, refer to Chapter 15, Paternity.

27. When paternity is established, the court will forward the Order Determining Paternity, along with the signed Affidavit of Paternity or a Legal Guardian Affidavit, provided by DCSE, to the Office of Vital Records(OVR). OVR requires these forms in order to add the father's name to the birth certificate and to issue a new birth certificate showing the father's name.

28. After the court hearing, update the genetic test probability percentage information and paternity disposition on APECS.

(7-1-1999)(1-1-2000)(03-01-2001)(07-01-2003)(09-01-2005)(11-01-2005)

F. Establish Paternity-Incarcerated Putative Father (07-01-2003)

When a PF, incarcerated for a misdemeanor, does not voluntarily acknowledge paternity or refuses to voluntarily consent to genetic testing, the following steps are to be taken. If the PF is incarcerated for a felony, court action must be pursued as follows:

1. Generate a civil Petition for Support and request that a guardian ad litem be appointed for the incarcerated PF, and

2. Forward the petition and any other supporting information to the Juvenile and Domestic Relations District Court where the CP lives.

3. Attend the hearing and present the facts of the case to the court.

4. Document APECS with the following information:

   a. date the genetic testing results were received, and

   b. the results of the genetic testing

      1) a PF found to be a biological father, or

      2) a PF excluded.

5. File the genetic test results with the court at least 15 days prior to the court hearing.

6. Do not provide the genetic test results to the CP, the PF, or either party's attorney prior to the court hearing. If asked, inform the party's that the results have been filed with the court.

7. Monitor receipt of genetic test results and arrange in advance for courts to continue cases in which genetic tests have been ordered but are not available for filing 15 days before the hearing.

   a. In cases where genetic tests have been ordered by the court and the test results are not filed with the court 15 days prior to the hearing, the PF or his attorney may object to the admissibility of the tests and ask the court to dismiss the case.

   b. If DCSE cannot get a continuance, appeal to the circuit court. When this occurs, refer the case to Legal Counsel immediately.

8. If the NCP is ordered to reimburse the Commonwealth for the cost of testing, enter the

Genetic Test Fee subaccount on APECS. Refer to Chapter 35, Fees.

9. If the public assistance CP fails to appear at the hearing and her cooperation is necessary, generate notice of her noncooperation to the LDSS. Refer to Chapter 3, Interaction with Local Agencies.

10. If the PF is excluded, refer to Chapter 15, Paternity.

(1-1-2000)(01-01-2001)(07-01-2003)

G. Establishing Paternity Judicially-Long Arm (03-01-2001)

1. The courts of Virginia may exercise jurisdiction over a person who lives in another state, but committed certain acts while in Virginia. This provision of the law is known as the Long Arm statute. Use Long Arm to establish paternity when one or more of the following occur:

   a. the NCP can be located and service of process perfected in Virginia; this may include a nonresident who is temporarily in Virginia;

   b. the NCP voluntarily gives Virginia jurisdiction by consent. The consent should be in writing, dated and signed;

   c. the NCP is served with notice and responds to the notice by requesting an administrative hearing without, at the time contesting jurisdiction;

   d. the NCP resided in Virginia with the child;

   e. the NCP resided in Virginia and paid prenatal expenses or provided support for the child;

   f. the child resides in Virginia as a result of an act or directive of the NCP;

   g. the CP engaged in sexual intercourse in Virginia and the child may have been conceived by this act of intercourse; or

   h. the NCP and CP maintained a matrimonial domicile within Virginia.

2. Document the Case Event History if a case qualifies for Long Arm and is not used.

3. Unless the custodian is not the mother of the child, obtain a Mother's Affidavit of Paternity from the CP, by

a. scheduling an appointment with the mother of the child to complete the Mother's Affidavit of Paternity, or

b. sending the Mother's Affidavit of Paternity to the mother of the child to have her complete, have notarized, and returned to staff.

4. Generate a Virginia Civil Petition for Support requesting paternity adjudication and entry of a support order.

5. Obtain a picture of the PF from the CP if possible. This assists in serving the PF with notice.

6. Prepare a Service of Process Cover Letter.

7. Request money from the district office's petty cash fund to pay for any fees required by the other state.

8. File the petition with the Mother's Affidavit of Paternity with the Clerk of the Juvenile and Domestic Relations District Court in the city where the CP or child lives. Include any other supporting evidence of paternity when requesting paternity adjudication. Include a statement that the child was conceived or fathered in Virginia.

9. Initiate service of process on the PF by following procedures already established by the local court for service of documents in Long Arm situations.

   In the absence of court procedures, take the following actions:

   a. request service of process from

      1) the other state's IV-D agency,

      2) the sheriff's department in the distant locality, or

      3) A disinterested party (a private process server)

         a) The other state's central registry can guide you about where it would be best to go through the IV-D agency or the sheriff/ process server.

         b) Service may be accomplished more quickly by dealing directly with the sheriff rather than the IV-D agency.

b. Request the following information from the process server:

1) where to send the documents to be served,

2) the amount of fee for service, if any,

3) to whom the fee is payable,
4) how long does it take to get service, and

5) how long does it take to have proof of service returned to the Juvenile and Domestic Relations District Court's Clerk's office in Virginia.

c. Generate a Legal Services Case Referral to Legal Counsel.

d. Schedule the case in the local Juvenile and Domestic Relations District Court far enough in advance so that the proof of service can be returned to the court in a timely manner. Follow district office procedures in docketing cases.

e. Send two copies of the pleadings and the Service of Process Cover Letter to the IV-D agency or sheriff along with

1) the required fee, and

2) a stamped envelope pre-addressed to the Virginia Juvenile and Domestic Relations District Court so that the copy noting proof of service can be mailed back to the court.

f. Advise the local Virginia Juvenile and Domestic Relations District Court, in writing, that DCSE forwarded copies of the pleadings to the other state for service.

g. Do not mail pleadings to the PF in a paternity matter. Good service is when a copy is delivered to the putative father in person. Substitute or posted service is not valid in a Long Arm paternity case.

10. Follow steps #7-#26 under Steps to Take When Establishing Paternity Judicially-Local Cases.

(03-01-2001)

H. Paternity Establishment-Incoming Requests (03-01-1999)

UIFSA Petitions requesting paternity establishment are received from other states when the

PF lives in Virginia. Attempt to establish paternity administratively. When this is unsuccessful, petition the court to establish paternity.

1. Receive the Child Support Enforcement Transmittal and the UIFSA package from DCSE's Interstate Unit, Central Office. Attempt to establish paternity administratively.

2. File the Federal UIFSA petition with the appropriate Juvenile and Domestic Relations District Court if you cannot proceed administratively.

3. Notify the district's Legal Counsel of the court date.

4. Provide status reports to the initiating state or as requested by the Interstate Unit, Central Office, by generating the Interstate Status Report.

5. Notify the initiating state within 10 business days of receipt of any new information by generating an updated Transmittal Form.

6. Notify the initiating state of the court date and time prior to the hearing.

7. Update APECS and Event History File on actions taken.

8. In a UIFSA civil hearing to establish paternity, the court may continue the hearing if the PF denies paternity and the proof required is not in the petition. The Virginia court cannot require the petitioner to appear at the hearing but may permit testimony to be taken by deposition before a judge in the initiating state. If this occurs, generate the Interstate Status Report to advise the initiating state but may permit testimony by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in the initiating state.

(03-01-1999)

I. Establishing Paternity-Consent Orders (07-15-1996)

Consent Orders are prepared by specialists and approved by the court. Consent Orders are used in local cases with the approval of the individual Juvenile and Domestic Relations District Court.

1. Consent Orders are only to be used when the PF has voluntarily admitted paternity and the specialist is unable to obtain an acknowledgment of paternity from the mother of the child because the location of the mother is unknown or she is deceased.

2. Prepare the Consent Order accepted by the Juvenile and Domestic Relations District Court along with a Virginia Civil Support Petition.

3. Have the Consent Order signed and notarized by the PF.

4. Forward the petition, the Consent Order and the Acknowledgment of Paternity to Legal Counsel for review prior to filing with the appropriate Juvenile and Domestic Relations District Court.
5. Send a copy of the Consent Order to the NCP when the order is signed by the judge and returned to DCSE by the court.

6. Generate a Notification of Action Taken and send it along with a signed copy of the Consent Order to the CP.

7. Update APECS and Event History File of actions taken.

(07-15-1996)

J. Court Establishment of an Obligation **(04-01-2009)**

Petition the court to establish an obligation when

1. the administrative process to establish a support obligation or medical support order has been unsuccessful.

2. there are a legal father and a PF.

3. the NCP shows signs of mental deficiencies that impair his/her understanding of the administrative process. Refer the case to the district manager to decide whether to proceed with court action.

4. the NCP is a minor (less than 18 years of age). Refer the case to Legal Counsel.

   These petitions must be filed with the minor's parent as next friend and both the minor and his parent must be served with notice of the hearing. Counsel requests the court to appoint a guardian ad litem. Note: If the custodial parent is a minor, one of her parents must also be served with notice of the hearing.

5. a new obligation needs to be established for an additional child of the same parties listed on the original court order. Refer to Legal Counsel to determine whether to file an initial petition for a new child or a motion to amend to include a new child.

5. the NCP is an incarcerated felon **with identifiable assets**. Pursuing an obligation in this situation requires appointment of an attorney, known as a "guardian ad litem" to represent the NCP in court. **Seek advice from Legal Counsel in such cases.**

7. both parents have physical custody of the child for more than 90 days of the year.

(3-1-99)(7-1-99)(9-1-99)(3-01-01)(2-01-09)(4-1-09)

K. Change of Physical Custody of a Child When Support Is Ordered By A Virginia Court (05-01-2005)

1. When DCSE receives a referral from the LDSS or an Application for Child Support Enforcement Services is received from a person other than the obligee named in the court order,

   a. petition the court to establish a child support order against both the mother and the father of the child(ren). If this action is not taken, the filing of a Show Cause petition will not be an available enforcement remedy at a later date.

   b. Simultaneously, mail the Change of Physical Custodian form (DCSEP-800) to the obligor and the former obligee (who had physical custody) to notify the parties of receipt of an application for services from a current obligee, and to afford parties named on the Virginia court order the opportunity to dispute the current obligee's custody claim.

2. If one of the parties named on the court order responds challenging the custody as claimed by the current obligee

   a. refer the matter to the LDSS in foster care cases, and continue case handling (including review of the parents' financial and medical support obligations) with the current obligee as payee, or

   b. attempt to contact the parties in a non-assistance case regarding the current physical custody of the child(ren) and what custody arrangements are planned for the foreseeable future. If the former obligee and the current obligee both claim physical custody of the child(ren), close the current obligee's case and continue to send payments to the former obligee as shown on the court order until the matter is resolved by the court. Refer to Chapter 37, Case Closure.

3. If no response is received questioning the current obligee's custody claim within 10 days following the date the notice is mailed, evaluate the case situation to determine what is needed to establish or adjust support obligations for both parents.

   a. Add the existing obligation on the obligor's new case until a new order is issued by the court.

   b. Send current payments to the person who has physical custody of the child(ren).

4. Once new court orders are established for both parents, close the original case unless arrears are owed to the

   a) former obligee, or

   b) Commonwealth of Virginia

5. If arrears are owed under the existing order, change the existing case type to

   a) ARRN for collection of arrears owed to the former obligee,

   b) ARRP for collection of arrears owed to the Commonwealth.
6. Refer to the Case Initiation Chapter for procedures on how to set up a case when the obligee named in a court order no longer has physical custody of the child(ren).

(09-01-1999)(03-01-2004)(05-01-2005)

L. Establishing Obligations-Local Cases (03-01-2001)

Local cases are cases in which both the NCP and the CP or children reside in the Commonwealth of Virginia.

1. Generate Civil Support Petition

   When filing a court petition for paternity establishment, also file a petition for a support obligation and a medical support order at the same time.

2. Generate a court Summons to the NCP and the CP if an agreement has been made with the local court to perform this function.

3. Generate a Legal Services Case Referral if the case is going to be handled in court by Legal Counsel or a Commonwealth's/city attorney. Submit case file documents to the attorney for review before and during the court hearing.

4. Forward the petition and any other attachments to the Clerk of Juvenile and Domestic Relations in the locality where the CP or children reside. If necessary, obtain approval from Legal Counsel prior to forwarding to court.

5. APECS generates a worklist item for court action follow-up.

6. Follow-up with the court to determine court date and time.

7. Generate and send a Notification of Actions Taken to the CP giving court date and time of hearing.

8. Update APECS with court date and time of hearing.

9. Review case before court hearing.

10. Verify that the NCP was served with the notice to appear. Update APECS with the date of service or process and the method of service.

11. If the NCP fails to appear for the court hearing after being properly served with a Notice to Appear, the court may

    a. continue the case to a later date and have the NCP resummoned, or

    b. issue a ruling for the NCP.

12. If the NCP does not appear for the court hearing after being served hand delivery of the Notice to Appear, the court may issue a default support obligation.

13. If the NCP cannot be served, the court may dismiss the petition or continue the case until the NCP can be served.

14. If the public assistance CP fails to appear at the hearing and her cooperation is necessary, generate a notice to the appropriate LDSS of her noncooperation. Refer to Chapter 3, Interaction With Local Agencies.

15. Attend the hearing and present the case if the court proceeds with the hearing.

16. Document court disposition on APECS and update Event History File of the results of the court hearing. Refer to Chapter 18, Receivables, for entering obligation information into

APECS.

17. Document in the Event History that medical support was addressed and ordered and if not, why it was not ordered.

18. If the court orders a mandatory payroll deduction order and requests DCSE to complete the income withholding, follow the court's direction. Refer to Chapter 20, Enforcement by Wage Withholding.

19. Send a Notification of Actions Taken by DCSE to the CP if the CP was not present at the hearing. Document APECS when the CP is present at the hearing.

(03-01-2001)

M. Establishing an Obligation-Long Arm (07-15-1996)

The courts of Virginia may exercise jurisdiction over a person who lives in another state, but committed certain acts while in Virginia. This provision of the law is known as the "Long Arm" statute. These acts include having maintained a matrimonial domicile in Virginia. DCSE is to use Section 7.1 Long Arm whenever possible to establish an obligation.

1. Generate a Virginia Civil Support Petition requesting an entry of a support order.

2. Obtain a picture of the NCP from the CP if possible. This assists in serving the NCP with notice.

3. Send a Service of Process Cover Letter.

4. Request money from the district office's petty cash fund to pay for any fees required by the other state.

5. File the petition with the Clerk of the Juvenile and Domestic Relations District Court in the city in which the CP or child lives.

6. Initiate service of process on the NCP by following procedures established by the local court for service of documents in Long Arm situations.

   In the absence of court procedures, take the following actions:

   a. request service of process from

      1) The other state's IV-D agency,

2) The sheriff's department in the distant locality, or

3) A disinterested party (a private process server)

a) The other state's central registry can guide you about where it would be best to proceed through the IV-D agency or the sheriff/ process server.

b) Service may be accomplished more quickly by dealing directly with the sheriff rather than the IV-D agency.

b. Request the following information from the process server:

1) where to send the documents to be served,

2) the amount of fee for service, if any,

3) to whom the fee is payable,

4) how long does it take to get service, and

5) how long does it take to have proof of service returned to the Juvenile and Domestic Relations District Court's Clerk's office in Virginia.

7. Schedule the case in the local Juvenile and Domestic Relations District Court far enough in advance so that the proof of service can be returned to the court in a timely manner. Follow district office procedures in docketing cases.

8. Generate a Legal Service Case Referral form to Legal Counsel. Prepare case file documents for attorney's review prior to and during court hearing.

9. Send two copies of the pleadings and the Service of Process Cover Letter to the IV-D agency or sheriff along with

a. the required fee, and

b. a stamped envelope pre-addressed to the Virginia Juvenile and Domestic Relations District Court so that the copy noting proof of service can be mailed back to the court.

10. Advise the local Virginia Juvenile and Domestic Relations District Court, in writing, that

DCSE has forwarded copies of the pleadings to the other state for service.

11. APECS generates a worklist item for court action follow-up.

12. Update APECS with court date and time of hearing.

13. Generate and send a Notification of Actions Taken to the CP giving court date and time of hearing.

14. Review case before court hearing. (VA Code 20-61.3)

15. Verify that the NCP was served with the notice to appear. Update APECS with date of service of process and the method of service.

16. If the NCP fails to appear for the court hearing after being properly served with a notice to appear, the court may

    a. enter an order based on information available,

    b. continue the case to a later date and have the NCP resummoned, or

    c. dismiss the case with direction to file UIFSA.

17. If the NCP cannot be served, the court may dismiss the petition or continue the case until the NCP can be served.

18. If the public assistance CP fails to appear at the hearing and her cooperation is necessary, generate a notice to the appropriate LDSS of her noncooperation. Refer to Chapter 3, Interaction With Local Agencies.

19. Attend the hearing and present the case if the court proceeds with the case.

20. Document court disposition on APECS and update event history of the results of the court hearing. Refer to Chapter 18, Receivables, for updating APECS.

21. Document whether medical support was addressed and ordered and if not, why it was not ordered.

22. If the court orders a mandatory payroll deduction order and requests DCSE to complete the income withholding, follow the court's direction. Refer to Chapter 20, Enforcement by Wage Withholding.

23. Generate and send a Notification of Action Taken to the CP if the CP was not present at the hearing. Document APECS when the CP was present at the hearing.

(07-15-1996)

N. Interstate Establishment-Incoming (07-15-1996)

UIFSA Petitions requesting the establishment of an obligation are received from other states when the NCP lives in Virginia. Attempt to establish an obligation administratively. When this is unsuccessful, petition the court to establish an obligation.

1. Receive the Child Support Enforcement Transmittal and the UIFSA package from DCSE's Interstate Unit, Central Office.

2. File the Federal UIFSA petition with the appropriate Juvenile and Domestic Relations District Court.

3. Notify the district's Legal Counsel of the court date.

4. Generate the Interstate Status Report to provide status reports to the initiating state or as requested by the Interstate Unit, Central Office.

5. Notify the initiating state within 10 business days of receipt of any new information by generating an updated Transmittal Form.
6. Notify the initiating state before the court date and time of hearing.

7. Document court disposition on APECS and update Event History File of the results of the court hearing. Refer to Chapter 18, Receivables, for updating APECS.

8. Document if medical support was addressed and ordered and if not, why it was not ordered.

9. If the court orders a mandatory payroll deduction order and requests DCSE to complete the income withholding, follow the court's direction. Refer to Chapter 20, Enforcement by Wage Withholding.

(07-15-1996)

O. Court Enforcement (07-15-1996)

Take court enforcement action when

1. the administrative process to enforce a support obligation has been unsuccessful.

2. the administrative process to enforce a medical support order has been unsuccessful.

3. the NCP fails to comply with an order to take a genetic test.

4. a performance bond is being requested to enforce the collection of arrearage on a court order.

(07-15-1996)

P. Enforcement ASOs-Instate (01-01-1997)

Instate cases are cases in which both the NCP and the CP reside in the Commonwealth of Virginia.

1. Generate a Motion to Show Cause Petition when administrative enforcement actions are unsuccessful and

   a. current support is ordered and the arrears are past due in an amount at least equal to 90 days support and the arrears total at least $500, or

   b. The arrears are at least $500 on an arrears only case, or

   c. the case needs judicial enforcement action and the district manager or his/her designee approves the filing of the Motion to Show Cause Petition.

2. APECS generates a worklist item for court action follow-up.

3. Generate a court Summons to the NCP and the CP if the office has an agreement with the local court to perform this function.

4. Attach a Notice to Obligor to the petition with a copy of the ASO and forward the petition and attachments to the Clerk of the Juvenile and Domestic Relations District Court in the county or city where the CP or children live.

5. Generate and send the Notification of Action Taken to the CP.

6. Update APECS with court date and time of hearing.

7. Review case before court hearing.

8. Verify whether the NCP was served with the Notice to Appear and the method of service of process. Update APECS with this information.

9. If the NCP fails to appear for the court hearing after being properly served with a Notice to Appear, the court may

    a. continue the case to a later date and have the NCP resummoned,

    b. issue a rule for the NCP, or

    c. issue a capias for the NCP.

10. If the NCP cannot be served, the court may dismiss the petition or continue the case until the NCP can be served.

11. If the public assistance CP does not appear at the hearing and her cooperation is necessary, generate notice of her noncooperation to the LDSS. Refer to Chapter 3, Interaction with Local Agencies.

12. Attend the hearing and present the case if the court proceeds with the case.

13. Document the court disposition on APECS and update Event History with the results of the court hearing. Refer to Chapter 18, Receivables, for entering obligation information into APECS.

14. If the court orders a mandatory payroll deduction and requests DCSE to complete the income withholding, follow the court's direction. Refer to Chapter 20, Enforcement by Wage Withholding.

15. Send a Notification of Actions Taken to the CP if the CP was not present at the hearing. Document APECS when the CP is present at the hearing.

16. When an NCP is ordered to serve time, a DCSE attorney may, depending on the circumstances, suggest that the court consider public service work assignment.

(01-01-1997)

Q. Enforcing Virginia Court Orders-Instate Cases (01-01-1997)

When the NCP has a Virginia Court Order and the NCP and the CP live in Virginia, the court has jurisdiction over the parties.

1. Circuit Court Orders

    a. Refer cases that the Circuit Court has retained jurisdiction to Legal Counsel for handling.

    b. Generate a Legal Services Case Referral.

    c. If appropriate, request Legal Counsel to transfer the case to the Juvenile and Domestic Relations District Court where the CP lives.

    d. Court action to have the jurisdiction of the case changed is initiated by Legal Counsel.

2. Juvenile and Domestic Relations District Court Orders

    a. Generate a Motion to Show Cause Petition when administrative enforcement actions are unsuccessful and

        1) current support is ordered and the arrears are past due in an amount at least equal to 90 days support and the arrears total at least $500, or

        2) The arrears are at least $500 on an arrears only case, or

        3) the case needs judicial enforcement action and the district manager or his/her designee approves the filing of the Motion to Show Cause Petition.

    b. Generate a court Summons to the NCP and the CP if the office has an agreement with the local court to perform this function.

    c. Generate the Legal Services Case Referral if the case is going to be handled in court by Legal Counsel or a Commonwealth's/city attorney.

    d. APECS generates a worklist item for court action follow-up.

    e. Forward the petition and any other attachments to the Clerk of Juvenile and Domestic Relations Court that has jurisdiction. If necessary, obtain approval from Legal Counsel prior to forwarding to court.

f. Follow-up with the court to determine court date and time.

g. Generate and send the Notification of Actions Taken to the CP giving court date and time of hearing.

h. Update APECS with court date and time of hearing.

i. Review case before court hearing.

j. Verify whether the NCP was served with the notice to appear and the method of service of process. Update APECS with this information.

k. If the NCP fails to appear for the court hearing after being properly served with a Notice to Appear, the court may

1) continue the case to a later date and have the NCP resummoned,

2) issue a ruling for the NCP, or

3) issue a capias for the NCP.

l. If the NCP cannot be served, the court may dismiss the petition or continue the case until the NCP can be served.

m. If the public assistance CP does not appear at the hearing and her cooperation is necessary, generate notice of her noncooperation to the LDSS. Refer to Chapter 3, Interaction with Local Agencies.

n. Attend the hearing and present the case if the court proceeds with the case.

o. Document court disposition on APECS and update Event History File of the results of the court hearing. Refer to Chapter 18, Receivables, for entering obligation information into APECS.

p. Document in the Event History that medical support was addressed and ordered and if not, why it was not ordered.

q. If the court orders a mandatory payroll deduction and requests DCSE to complete the income withholding, follow the court's direction. Refer to Chapter 20, Enforcement by Wage Withholding.

r. Send the Notification of Actions Taken to the CP if the CP was not present at the hearing. Document APECS when the CP is present at the hearing.

s. When an NCP has been ordered to serve time, a DCSE attorney may, depending on the circumstances, suggest that the court consider public service works assignment.

(01-01-1997)

R. Enforcement of Virginia Court Orders (Long Arm)(01-01-1997)

The courts of Virginia may exercise Long Arm jurisdiction over a person who lives in another state, but who committed certain acts while in Virginia. These acts include having been ordered to pay child support by a Virginia court.

1. Generate a Motion for Show Cause Petition when administrative enforcement actions are unsuccessful and

   a. current support is ordered and the arrears are past due in an amount greater than or equal to 90 days obligation and they total at least $500, or

   b. The arrears are at least $500 on an arrears only case, or

   c. the case needs judicial enforcement action and the district manager or his/her designee approves the filing of the Motion to Show Cause Petition.

2. Obtain a picture of the NCP from the CP if possible. This assists in serving the NCP with notice.

3. Prepare a Service of Process Cover Letter.

4. Attach a Notice to Obligor to the Show Cause Petition.

5. Follow steps #4-#9 under Steps to Take When Establishing an Obligation Judicially-Long Arm.

6. Send a copy of the pleadings by first class to the NCP at the same time that you send the pleadings to the process server. If service is posted, the requirement for mailing a copy to the NCP on posted service is met. Refer to Chapter 8, Service of Process and Notarization.

7. File with the Clerk of Court a certificate of follow-up mailing to the NCP if service is by posting.

8. Add the following statement to the Show Cause Petition to certify to the court that a copy of the document was mailed to the NCP:

   CERTIFICATE OF SERVICE

   I hereby certify that a true copy of this (name attached documents) was mailed by first class mail to (NCP's name) at (NCP's address) this (day) day of (month, year).

   (Signature)

   (Print Name)

   (Position and Title)

9. Follow procedures #10-#22 under Steps to Take When Establishing an Obligation Judicially-Long Arm.

(01-01-1997)

S. Interstate Enforcement of Support Orders (07-15-1996)

UIFSA Petitions requesting the enforcement of an obligation are received from other states when the NCP lives in Virginia. Attempt to enforce an obligation administratively. When this is unsuccessful, petition the court to enforce the obligation.

1. Receive the Child Support Enforcement Transmittal and the UIFSA package from DCSE's Interstate Unit, Central Office.

2. File the Federal UIFSA petition with the appropriate Juvenile and Domestic Relations District Court.

3. Notify the district's Legal Counsel of the court date.

4. Generate the Interstate Status Report to provide status reports to the initiating state or as requested by the Interstate Unit, Central Office.

5. Notify the initiating state within 10 business days of receipt of any new information by generating an updated Transmittal Form.

6. Notify the initiating state before the court date and time of hearing.

7. Document court disposition on APECS and update Event History File of the results of the court hearing. Refer to Chapter 18, Receivables, for updating APECS.

8. Document if medical support was addressed and ordered and if not, why it was not ordered.

9. If the court orders a mandatory payroll deduction and requests DCSE to complete the income withholding, follow the court's direction. Refer to Chapter 20, Enforcement by Wage Withholding.

(07-15-1996)

T. Modification of Court Orders (03-01-1999)

Court Orders remain in effect until changed or vacated by the court, or terminated by operation of state law.

1. Initiate modifications to court orders when

   a. Review and Adjustment results indicate an adjustment is needed. Refer to Chapter 16, Establish, Review and Adjust Orders.

   b. an order for medical support needs to be entered and it cannot be handled administratively. Refer to Chapter 17, Medical Support.

   c. the court order has not been reviewed within the last three years. Refer to Chapter 16, Establish, Review and Adjust Orders.

   d. the CP or NCP requests a review of the court order, and a modification is indicated. Refer to Chapter 16, Establish, Review and Adjust Orders.

   e. the existing order needs to be changed to a per child order.

   f. the court changes the amount of a mandatory payroll deduction. It cannot be handled administratively.

   g. court orders entered prior to 7/1/95, may need to be modified to add a provision for extension of support after the child’s eighteenth birthday to extend support until the earlier of the child’s graduation from high school or nineteenth birthday, provided that he or she is a full-time high school student, not self-supporting, and living in the

home of the parent receiving child support.

(03-01-1999)

U. Modification Virginia Court Orders-Local Cases (10-01-2008)

1. Generate a Motion and Order to Amend Order. Before filing a motion to amend, please refer to Chapter 16, Section J, Shared Custody and Section U, Modifying Court Support Orders, for required policy and procedures.

2. Include copies of all supporting documents with the petition. Supporting documents may include, but are not limited to,

   a. financial statements from the CP or NCP.

   b. a child support obligation calculation worksheet.

   c. copy of court orders or modifications.

3. Generate the Summons to the NCP and the CP if an agreement has been made with the local court to perform this function.

4. Forward the petition and attachments to the Clerk of Juvenile and Domestic Relations District Court where the order exists.

5. APECS generates a worklist item for court action follow-up.

6. Follow steps #6-#12 and #14-#19 under Steps to Take When Establishing an Obligation Judicially-Local Cases.

(7-15-96)(7-1-06)(10-1-08)

V. Modifying a Virginia Court Order-Long Arm (07-15-1996)

The courts of Virginia may exercise Long Arm jurisdiction over a person who lives in another state but who committed certain acts while in Virginia. These acts include having been ordered to pay child support by a Virginia court.

1. Generate a Motion and Order to Amend Order.

2. Prepare a Service of Process Cover Letter.

3. Follow steps #4-#22 under Steps to Take When Establishing an Obligation Judicially-Long Arm.

(07-15-1996)

W. Modification of Court Orders-UIFSA (03-01-1999)

When Court action needs to be taken to modify a support order or a medical support order for an NCP who lives in another state and Long Arm procedures cannot be used, file a Federal UIFSA Petition.

1. Generate the Federal UIFSA Petition and the Child Support Enforcement Transmittal.

2. Have the Non-TANF CP sign the petition. Staff can sign the petition on behalf of a public assistance CP.

3. Include copies of all supporting documents with the petition. Supporting documents may include, but are not limited to,

   a. financial statements from the CP or NCP.

   b. sworn acknowledgments of paternity.

   c. Notice of Findings of Responsibility/ASOs.

4. Follow steps #4-#14 under Steps to Take When Establishing an Obligation Judicially-Federal UIFSA Petitions-Outgoing.

(03-01-1999)

X. Modification of Incoming Court Orders

UIFSA Petitions requesting the modification of an obligation are received from other states when the NCP lives in Virginia. Attempt administrative modification. When this is unsuccessful, petition the court to modify the obligation.

1. Receive the Child Support Enforcement Transmittal and the UIFSA package from DCSE's Interstate Unit, Central Office.

2. Follow steps #2-#9, Steps to Take When Establishing an Obligation Judicially-Federal

UIFSA Petitions-Incoming.

(03-01-1999)

Y. Other Court Enforcement Actions (07-15-1996)

Other court enforcement actions are taken to enforce obligations when administrative and court enforcement actions are unsuccessful. Refer the case to Legal Counsel to initiate these actions:

1. Judgment: If the NCP is in arrears on any court order, the court can enter a judgment for arrears.

2. Bond: A method of insuring that the NCP makes support payments by having the court order the NCP to post a bond to guarantee payment of support. If the NCP defaults in payments, the court may order the bond forfeited in part or in full.

3. Foreclosure: A means of enforcement resulting in a forced court sale of real or personal property of the NCP. Foreclosure is used when all other enforcement remedies are not effective and the NCP has property in Virginia. Refer to Chapter 24, Enforcement by Other Methods, for procedures on foreclosure.

(07-15-1996)

Z. Appeals De Novo (07-15-1996)

Appeals to court from hearing officers' decisions are handled by Legal Counsel. When an appeal is filed in court, the following steps are taken:

1. generate a Case Referral Form.

2. forward the Case Referral Form to Legal Counsel handling the case with the following:

   a. all paperwork associated with the action being appealed including proof of service documentation and evidence of ongoing enforcement action, if any, and

   b. a copy of the hearing officer's decision.

3. generate a worklist for court action follow-up.

4. generate and send a Notification of Action Taken form to the CP.

5. update APECS and Event History File on actions taken.

6. review case prior to court hearing.

7. attend hearing with Legal Counsel.

8. document court disposition on APECS and update Event History File of the results of the court hearing. Refer to Chapter 18, Receivables Chapter, for entering information into APECS.

9. generate and send a Notification of Action Taken form to the CP if the CP was not present at the hearing. Document APECS when the CP is present at the hearing.

(07-15-1996)

AA. Documentation (07-15-1996)

1. Document the Event History File for all court action taken. This includes what parties were present at the hearing and what parties were not.
2. Service of process information needs to be documented to include method of service and date.

3. If medical support was addressed and ordered, or, why it was not ordered.

(07-15-1996)

AB. Documents and Worklist (03-01-1999)

1. APECS

   a. Case Referral Form

      30 days (only if Section V is completed) - Check for response.

   b. Motion to Amend or Review Order

      21 days - Check for court date.

   c. Motion to Show Cause Summons

21 days- Check for court date.

d. Uniform Support Petition

No worklist required.

e. Mother's Affidavit of Paternity

f. Child Support Enforcement Transmittal

15 days - Check for acknowledgment.
90 days - Check for status.

g. Petition for Support (Civil)

21 days - Check for court date.

h. Notification of Action Taken

No worklist required.

2. Manual

a. Service of Process Cover Letter

b. Notice to Obligor

c. Summons

(3-1-1999)

DIVISION OF CHILD SUPPORT ENFORCEMENT
CHAPTER 27 PAYMENT PROCESSING **(10-01-2008)**

A. Payment Processing (10-01-2007)

1. District Office Staff

a. Mail Payments

1) Only designated staff in the district offices open incoming mail. There will always be two designated staff opening all mail.

2) Scanning Envelopes

Verify that the addressee is the Division of Child Support Enforcement; Treasurer of Virginia; Department of Social Services or name of the district office or the address is P.O. Box 570, Richmond, VA 23218-0570 or address of the district office.

3) District offices will process all mail payments received in their district office. Mail payments will not be sent through pouch mail to other district offices.

4) Log all payments by mail (including genetic testing and legal fees payments) in the standardized Form 531, Daily Payment Transaction Report. Refer to Appendix C for Criteria for Acceptable Payments.

5) Endorse all non-cash payments immediately after opening the envelope to read FOR DEPOSIT ONLY, COMMONWEALTH OF VIRGINIA, DEPARTMENT OF SOCIAL SERVICES. If the "Pay to the order of" is blank, stamp Treasurer of Virginia.

6) Payments to reimburse DCSE for genetic tests or other types of fees may come to the district offices. Fee payments are logged on a separate page of the 531 Report, identifying the type of fee at the top of the 531 Report.

7) Run a calculator tape on all payments received.

8) Deliver the payments, calculator tape and the log sheet to the Financial Operations Unit. The log sheet will be verified and initialed by the Financial Operations staff responsible for preparing the deposit.

b. Walk-in Payers

Staff should not accept cash in the district office or the Home Office for payment of child support or other debt owed from walk-in payers. Walk-in payers must make

their payments with a check or money order. The Manassas District Office may accept cash payments only when the payer is directed by the court to do so, otherwise no cash payments are to be accepted.

1) District office staff designated by the District Manager accept payments, prepare and sign a receipt. Each office must have on file an official memorandum signed by the District Manager that lists the staff members authorized to accept payments. If those on the list are not available, the District Manager or a designee will take the payment.

2) Staff should be available to accept payments during normal business hours.

3) When a payment is received, verify the address and social security number using APECS.

4) An official receipt must be completed for all walk-in cash payments. A receipt must also be completed if the payor requests one for a non-cash payment.

   a) Receipts should only be given to NCPs making a payment and not for all payments that may come through the district office such as CPs returning payments that may be in the form of the original Commonwealth of Virginia check, an out-of-state agency check, or a personal check to return funds. Such payments should be sent directly to Home Office to be processed as canceled checks.

   b) Do not write the case number or the name of the custodial parent on the receipt. Do not write comments, such as, paid in full, current support payment, etc. on the receipt. The social security number or the MPI# of the NCP may be written on the receipt.

   c) If someone else is making a payment on behalf of the NCP, write the NCP's MPI number instead of the SSN on the receipt. Write the name of the person making the payment on the receipt. Write the NCP's SSN on the yellow copy of the receipt.

   d) The denominations of the bills received should be noted on the official receipt; for example, 2 - $20, 5 - $1, 3 - $.025, etc. Write the check or money order number on the receipt.

   e) Give the white copy of the receipt to the person making the payment. The yellow copy goes with the payment to the deposit package. The pink and gold copies stay in the receipt book.

f) All four copies of official receipts that have been marked "void" must be kept intact in the receipt book and must be initialed by the person preparing the receipt. When an official receipt needs to be voided, document the reason for the void on the bottom of the voided receipt (use the back if additional space is needed) and reference the replacement receipt number.

5) Cash Payments

Only the Manassas District Office may accept cash payments when the payer is directed by the court to do so, otherwise no cash payments are to be accepted from walk-in payers. The following procedures apply when accepting a cash payment:

a) A second employee must witness cash transactions, verify the amount of cash received and initial the receipt. Cash payments can only be accepted for the exact amount.

b) Place cash payments in the safe immediately and deposit in the bank daily.

c) Cash may only be accepted when there is a staff present who has access to the safe combination and the receipt book. The denominations of the bills received should be noted on the official receipt; for example, 2- $20, 5- $1, 3- $0.25, etc.

d) Staff should take necessary steps to ensure that the currency is not counterfeit, i.e., using counterfeit detector pens.

e) For security reasons, advise payers to pay by non-cash methods in the future. There are facilities near most district offices where payers can purchase money orders.

6) Non-Cash Payments

a) Endorse all non-cash payments immediately to read FOR DEPOSIT ONLY, COMMONWEALTH OF VIRGINIA, DEPARTMENT OF SOCIAL SERVICES, and place in the safe.

b) Note the type of non-cash payment, i.e., money order number, check number, etc., on the receipt if the payor requests a receipt.

c) Refer to Appendix C for criteria for acceptable payments.

c. Drop Box Payments

1) Payers may leave check or money order payments in the drop box, which must be checked twice daily by two designated staff.

2) Receipts are not provided for drop box payments.

3) Payments collected from the drop box will be immediately endorsed to read FOR DEPOSIT ONLY, COMMONWEALTH OF VIRGINIA, DEPARTMENT OF SOCIAL SERVICES, and logged on the 531 Report. Two calculator tapes should be run on the payments by each of the two individuals that have emptied the drop-box and verified the payments. The calculator tapes should be dated, initialed by the individuals and attached to the payments. The payments should then be secured in the safe. Refer to Appendix C for criteria for acceptable payments.

4) A sign indicating the information required on checks or money orders (i.e., SSN, NCP name, etc.) must be posted near the drop box. The sign should also encourage the payers to send payments directly to the Richmond address.

d. Lump-sum Payments

1) It is acceptable for the staff to advise an NCP to send or bring a lump-sum payment (certified check, cashier's check, money order, or personal check) to the District Office when an NCP is paying off all arrears to avoid court action or other enforcement actions. Refer to Appendix C for criteria for acceptable payments.

2) If a lump-sum payment is received that will pay off a debt, advise the case worker (specialist) immediately. This will enable the case worker to determine how to proceed with the case.

3) A receipt must be completed if the payor requests one for a non-cash payment.

e. Fee Payments

1) Payments to reimburse DCSE for genetic testing costs or for other fees may come to the District Office.

2) Refer to Appendix C for criteria for acceptable payments.

3) Fee payments are posted on a separate page of the 531 Report, identifying the type of fee.

f. Payments Received in Court

1) The District Office will maintain an official memorandum signed by the District Manager listing the staff members authorized to accept payments (cash, certified check, cashier's check, money order, or personal check) outside the District Office.

2) Court Specialists will be assigned their own receipt books for recording payments received in court. When preparing an Official Receipt in court for cash payment, the Court Specialist will have the Official Receipt signed by a witness in the court.

3) The court specialist must:

a) Take to court the deposit only stamp, tamper resistant plastic bag, and a lockable night deposit bag.

b) Issue a receipt when a payment is received in court.

(1) If it is a cash payment, a second person (DCSE employee, attorney, sheriff's deputy, or court employee, etc.) must sign the receipt as a witness to the cash transaction. Do not make change for a cash payment. The denominations of the bills received should be noted on the official receipt; for example, 2- $20, 5- $1, 3- $0.25, etc.

(2) If it is a check or money order, immediately endorse to read FOR DEPOSIT ONLY, COMMONWEALTH OF VIRGINIA, DEPARTMENT OF SOCIAL SERVICES. Place the payment in the lockable night deposit bag.

c) When the court specialist is ready to leave court for the day, remove all payments from the lockable night deposit bag and place the cash/checks/money orders along with the yellow copies of the receipts in the tamper resistant plastic bag and seal the bag. The tamper resistant bag must include the name of the court specialist, the date and the total amount of payments. Place the sealed bag inside the lockable night deposit bag and lock the bag.

d) All payments received in court will be returned to the District Office on the same day the payment is received.

e) Transport the locked night deposit bag and its contents to the DCSE office the same day and remove the tamper resistant plastic bag from the lockable night deposit bag. Give the payments to the appropriate staff that has been designated to accept payments.

f) Payments returned to the District Office after business hours will be locked in the district office safe until the next business day. Drop the tamper resistant sealed bag in the designated drop box (or safe) for court specialists. If dropped in the safe, make sure the safe is locked.

4) The next business day:

a) In the morning, two staff must be present when the drop box (or safe) is opened containing the sealed bag with the court payments. Do not open the sealed bag at this time.

b) The two staff should thoroughly examine the sealed bag to ensure that there is no evidence of tampering. Any evidence of tampering must be brought to the immediate attention of the Accountant Senior or the District Manager.

c) Place the sealed bag in the main safe until the time the daily deposit is prepared.

d) At the time of preparing the daily deposit, two staff must be present to witness the opening of the sealed bag to verify that the payments match the amounts written on the court receipts.

(1) If there is no discrepancy, both staff initial the back of the court receipt. Continue with the daily deposit; or

(2) if there is a discrepancy, immediately notify the Accountant Senior or the District Manager.

g. When a payment is received at the district office:

1) Complete an entry on the standardized 531 Report (*Daily Payment Transaction Report*) for that day's payments. If cash payments are received in the district office, a separate 531 Report will be prepared for cash payments. Indicate the source of the cash payment, such as court, etc. on the 531 Report. The 531 Report may be completed the following day if:

a) it is not possible to verify the correct identifying information using APECS at the time the payment is received; or

b) the payment is received after the bank deposit has been prepared.

2) Using the Remote Deposit Capture (RDC) desktop scanner, scan the checks and money orders. Money orders do not have standard formats like checks, and formatting differences may cause read errors by the RDC software. Workers must key in the money order amounts. The RDC process does not require a deposit ticket book. Each district is assigned a deposit ticket number sequence. A deposit ticket log must be used to record the use of the numbers so there is no duplication. Cash payments cannot be processed using the Remote Deposit Capture process.

   (a) The RDC process produces two reports, a Deposit Detail Image Report and a Deposit Detail Report. Print the Deposit Detail Image Report and keep with the daily deposit. Workers will also print a copy of the virtual deposit slip and keep with the daily deposit. Scan a copy of the virtual deposit slip to be attached to the 531 Report email. Refer to item 4 of this section regarding the 531 Report email.

   (b) Once the checks have been scanned and the district office has received an email from Wachovia Bank confirming the day's deposit, safeguard the checks. The checks must be filed chronologically and kept in a storage box or folder that is kept in a locked drawer or in the safe for 30 days and then destroyed. For example, on June 1, destroy checks received for the month of April by shredding (in-house) all checks received for the month of April.

   (c) If you have taken cash payments, prepare an actual Deposit Ticket for the day's cash payments and deposit payments received daily. Cash deposits must be physically taken to the bank to deposit.

3) When preparing the bank deposit, discrepancies of any kind must immediately be brought to the attention of the District Manager or designee.

4) Email a scanned copy of the virtual deposit ticket and/or the Deposit Ticket used to make a cash deposit, 531 Report, and FAAS Distribution Sheet to the Payment Processing Unit, Division of Finance in Home Office, by noon each day to 531Payments@dss.virginia.gov. Print a copy of the 531 to be included in the daily deposit record.

h. Reconciliation of Daily Payments Received

1) The Fiscal Technician Senior or designee will perform daily verification and audit of payment logs and receipt books compared to 531 Report, incoming mail log payment information and the daily deposit ticket. File all reports in date order.

2) Prepare a Daily Cash Reconciliation Form for audit verification and retention by the Fiscal Technician Senior or designee. This will be reviewed by the Accountant Senior for completeness and accuracy when auditing district office receipt records and performance evaluation criteria.

3) The Daily Cash Reconciliation Form and receipt books must be retained until both of the following conditions are met:

a) a period of five years has passed since the date of the document; and

b) an audit of the district office by the Auditors of Public Accounts (APA), DSS Office of Internal Audit or the Program Evaluation and Monitoring Unit Auditors has occurred.

i. Maintaining Security of Money/Deposits

1) Upon receipt of a payment (cash, check, money order, etc), place the payment in a locked safe. Complete the safe log each time a payment is secured in the safe. Keep the safe locked when there are no designated staff in the payment office.

2) Remove payments from the safe and deposit in the bank daily. Do not leave cash in the district office safe overnight when possible.

3) Fiscal Technician Senior, Accountant Senior, or the District Manager should verify the deposit amount before the deposit is made. This should be performed as a daily audit of the payments received, ensuring that receipts are used in sequence and are matched with the daily deposit, along with payments from the mail log, drop box, and court payment logs.

4) Upon return from the bank, the deposit receipt must be reviewed by the Accountant Senior or designee for validation of deposit to the reconciliation sheet. Document any discrepancies in writing.

5) Cash payments in excess of $1000 made after the daily deposit has been taken to the bank may warrant a second deposit to be made the same day.

6) If there is a discrepancy in balancing the cash payments at any time, the District Manager, Accountant Senior and the Fiscal Technician Senior must be notified immediately, in order to verify the payments received and the cash on hand. Document any discrepancies in writing.

j. Maintaining Security over Safe/Receipt Instruments

1) The Accountant Senior must maintain on file a listing of personnel authorized to access the safe. This list must be approved and signed by the District Manager on an official memorandum and reviewed annually. This review should be documented.

2) The safe combination must be changed yearly or within two days of the departure of any person who had access to the safe or to the safe combination. The District Manager/Accountant Senior will keep a record of all safe combination changes.

3) To verify that the safe is secured at the close of business, maintain a log of safe entry indicating the date and time, by whom accessed, and by whom secured at close of business.

4) Receipt books will be ordered timely, in sequence, and kept under lock and key by the designated fiscal staff. Upon delivery of receipt book orders, the designated fiscal staff will be responsible for verifying that all receipts are in sequential order in each receipt book. Any discrepancies, such as, unnumbered receipts, duplicate numbers, missing ranges of numbers, missing pages, etc., will be logged into the Official Receipt Book Log, documented on the cover of the applicable receipt book and reported immediately to the Accountant Senior by the designated fiscal staff.

5) No transfer of receipt books between district offices is allowed without authorization from the Home Office.

6) The designated fiscal staff will also maintain a log of receipt books which will include inclusive receipt numbers, date of issue and to whom the receipt book was issued. Any staff receiving a new receipt book will sign for the book received. Used receipt books must be maintained for audit purposes, and must be stored in a secure place.

7) Deposit Tickets will be ordered and kept under lock and key by the Accountant Senior or the designated fiscal staff. These forms will be issued to the Fiscal Technician, one package at a time. The Financial Operations Unit will maintain a log of the Deposit Tickets, in sequence, as they are used. Deposit Tickets will be

ordered from the depository bank.

k. Reporting of Possible Loss or Mishandling of Funds

1) Procedures outlined in the memorandum regarding Reporting Loss of Funds and Assets, dated November 8, 2006, from DCSE Deputy Commissioner/Director must be followed when there is any evidence of loss or mishandling of funds. All district offices must maintain a copy of this memorandum in their offices.

2) Any evidence of loss or mishandling of funds must be reported to the District Manager, Assistant Director and the Deputy Commissioner/Director of DCSE. The Assistant Director will determine the need to notify the State Police and will advise the District Manager appropriately.

3) The Assistant Director will notify the Deputy Commissioner/Director of DCSE of the circumstances if it is determined that a State Police investigation is needed. The Assistant Director will also notify Manager of DCSE's Program Evaluation and Monitoring Unit(OPEM).

4) Copies of any State Police Reports must be provided promptly to appropriate Assistant Director and OPEM.

l. Compliance with Procedures

1) Procedures outlined in Chapter G of the DCSE Procedures Manual for Field Operations have been incorporated in this section of the DCSE Program Manual. Chapter G of the DCSE Procedures Manual for Field Operations is now obsolete. Procedures outlined in this section are to be annually reviewed by the Accountant Senior to ensure that they reflect current operating procedures within the district offices. Any additions or changes to these procedures would need to be coordinated with the Management Services Unit (MSU) in the Home Office.

2) Annual checks must be performed to ensure that staff are following these procedures. The district office will maintain an official memorandum signed by the District Manager and also signed by the fiscal staff stating that they have reviewed the procedures in this chapter annually.

2. Home Office Staff

a. Mail Payments

1) Only designated staff in the Home Office open incoming mail. Refer to Appendix

A for listing of incoming mail.

2) Sizing and Scanning Envelopes

a) Verify that the addressee is the Division of Child Support Enforcement; Treasurer of Virginia; Department of Social Services or name of the district office or the address is P.O. Box 570, Richmond, VA 23218-0570 or address of the district office.

b) place envelopes not meeting the Criteria for Acceptable Payments, Appendix C, in a tray for supervisor to review;

c) place envelopes containing undeliverable checks mailed by DCSE and marked "Return to Sender" in a tray for logging;

d) sort envelopes by size, i.e., letter size and irregular envelopes; remove envelopes that are irregular, i.e., small, or large/bulky, or perforated, in order to prepare mail to be opened on an automatic letter opener; and

e) open letter size envelopes using the automated letter opener. Open irregular envelopes manually.

3) Scanning Payments

Remove contents from envelopes. Scan payments, identify and pull those that cannot be deposited according to federal reserve standards or that do not belong to DCSE. Refer to Appendix C, Criteria for Acceptable Payments.

a) Batch envelopes in groups of 25 with the contents. Number each batch and place in tray for sorting.

b) Return payments that cannot be deposited. Receipts supervisor or designated staff generates cover letter to return payments as follows:

(1) Written and numeric amounts differ

(2) Received in error and opened

(3) Check amount differs from the amount on the list

(4) Damaged or mutilated check

(5) No routing number at the bottom of the check

4) Sort Payments by Type

a) Checks are sorted into specific categories for processing:

(1) Individual SSN checks - these are NCPs' personal checks, money orders, employers or out-of-state checks with one NCP SSN and name; these do not have any attachments.

(2) Individual SSN checks with attachments - same as above, but have attachments.

(3) Individual case number checks - these are NCPs' personal checks, money orders, employer or out-of-state checks with one case number and name; these do not have any attachments.

(4) Individual SSN checks with attachments - same as above, but have attachments.

(5) Multiple SSN payments - these are checks that include payments from two or more NCPs (employer checks) and have more than one SSN and dollar amounts. Multiple payments are pulled out to be batched separately.

(6) Multiple case payments - these are payments that have multiple case numbers. These also include listing with 25% or more SSNs missing or payments with multiple names and missing case number or SSN. Multiple payments are pulled out to be batched separately.

(7) No-Information checks - these are NCPs' personal checks, employer checks, out-of state checks , federal and state checks, that are without NCP's SSN or case number.

(8) No-information checks with attachments - same as above, but have attachments.

b) Other Categories of Sorting

(1) Certified and express mail - place on tray by itself.

(2) Foreign currency payments - give to Deposits to be converted and batched by Deposits.

c) Special attention payments

(1) No signature: Stamp with "Lack of Signature Guaranteed..."

(2) Not made payable to the Treasurer of Virginia: Stamp with "Pursuant...."

(3) Received in error and opened: Seal envelope and return in outgoing mail drop.

(4) Cash Payments:

(5) Checks over $500 without name, SSN or case number.

5) Payments Received Without Identifying Information

These are NCPs' personal checks, employer checks, out-of state checks , federal and state checks, that are without NCP's SSN or case number.

a) Home Office Payment Processing Identification Staff

(1) analyze information provided on the payment;

(2) compare APECS data to the information on the payment;

(a) custodial parent's (CP) social security number if provided,

(b) master participant index number if provided,

(c) case number if case number is provided,

(d) name and address on APECS with the name and address on the payment or listing,

(3) contact the payer at the telephone number on the payment or listing;

(a) If the telephone number is not on the payment or listing and the payment is from an employer or agency, access the employer/agency other inquiry module to obtain the telephone number for the caller.

(b) If the employer or agency is not in the file or the information in the file is incomplete, obtain the telephone number from directory assistance.

(4) write the case number on the payment or listing when the case that the payment is to be posted to is identified on APECS;

(5) complete the work processed form at the end of the day.

(6) forward payment copies of unidentified payments to supervisor at end of each day, and

(7) forward the work processed form to supervisor at close of business.

b) Home Office Payment Processing Identification Team Leader

(1) reviews the forms to verify that they are accurately completed and that a copy of the payment or listing is attached, and

(2) distributes the check copies to the Exception Processing Unit supervisor each morning.

c) Forward completed identified cases and no information batches to Payment Entry Unit.

6) Multiple Payment Processing

Receipts staff batch multiple payments before microfilming. When payments are received from employers, the Virginia Employment Commission, or payments with multiple social security numbers, case numbers, and master participant numbers,

a) Reconcile Each Listing and Payment

(1) Run a control tape of payment amounts recorded on the listing and

(2) compare the tape total to the amount of the check;

(3) record the batch types, receipt date and your initials on the control tape.

b) sort the payments into batches of 50 to 59 payments. Batches of 50 or more payments from a single employer are batched separately. On the Batch

Control Assignment Sheet, record the company's name at the top of each batch header, and record the number of batches for each company (example, 1 of 10) in the upper right hand corner

c) run a control tape of payments for each batch using the numeric amount recorded on the payment;

d) Prepare Batch Control Assignment Sheets

(1) record receipt date

(2) julian date

(3) batch category MSN, MCN

(4) number of transactions

(5) batch dollar amount, and

(6) batch by (your first initial and last name)

e) Reconcile Batch Control Assignment Sheets to the control tape totals. Place the unbalanced payments and the listings in tray for supervisor to review when the payment amount does not agree with the amount recorded on the listing.

f) Forward completed batches to microfilm room to be microfilmed.

7) Microfilm Payments

Receipts staff microfilm payments for future retrieval.

a) Operating Microfilm Machine

(1) Turn on the machine and set the receipt date and starting numbers (00001 or 10001).

(2) Verify that the endorsement date is correct.

(3) Start filming. All items are placed in the filmer face side up, with the leading edge first.

(4) Periodically check batches after filming to make sure that the control

numbers are clear and correct, and the endorsements are on the back of the checks.

b) Film payments first and attachments behind the payment.

c) The microfilm machine

(1) assigns control numbers in sequential order. The operator controls the mode of operation:

(a) Check mode (single payments)
(b) Attach mode (checks with attachments)

(2) prints control numbers on the front of payments and attachments, and

(3) stamps "Pay to the order of any Bank, or Banker for deposit, Treasurer of Virginia, DATE, Department of Social Services, Support Enforcement, IV-D Agency, Richmond, VA" on the back of each payment and attachment.

(4) Assigns each *Daily Payment Transaction Report* (531 Report) received from District Offices one control number.

d) Individual payment types that are filmed:

(1) ISN - Individual checks with SSN noted.

(2) ICN - Individual checks with case number noted

(3) NOI - Checks with no identifying information noted.

(4) Group single payments in batches of 50 or less payments.

(5) Record on the Batch Control Assignment Sheet the category and control number to identify the type of payment (ISN, ICN, or NOI) and the beginning and ending control numbers.

(6) Place check on top of attachments (if any) and secure the batch with a rubber band.

(7) Place completed batches in tray for supervisor pick-up.

(8) Complete the Microfilm Control Number Log.

(9) Forward the log to the Microfilm Retrieval Section for filing after the page is completed.

(10) Remove film from Microfilmer for development after the end of each day's receipts.

e) Multiple payments that are filmed:

(1) MSN - A payment for more than one CP and has the SSN noted.

(2) MCN - A payment for more than one CP that has the case number noted.

(3) After batches are filmed,

(a) record on the Batch Control Assignment Sheet the beginning and ending control numbers.

(b) place check on top of attachments (if any) and secure the batch with a rubber band.

(4) Place completed batches in tray for supervisor pick-up.

(5) Complete the Microfilm Control Number Log.

(6) Forward the log to the Microfilm Retrieval Section for filing after the page is completed.

(7) Remove film from Microfilmer for development after the end of each day's receipts.

f) Other categories of payments

(1) Certified and express mail - batched separately as ISN, ICN, and/or NOI

(2) Foreign currency (converted) - batched in deposits

8) Run control tapes and reconcile.

a) Run a control tape of each batch of payments; make sure that the numeric and written amounts are the same amount recorded on the payment.

b) Verify the information on each payment while running the control tape. Notify supervisor if a discrepancy exists for

(1) the total does not match the total on the Batch Control Assignment Sheet;

(2) the control number is missing;

(3) the written amount of the payment differs from the numeric amount;

(4) the check is not signed; or

(5) the payment type does not agree with the batch.

9) Record the batch type, receipt date, and your initials on the control tape.

10) Attach the tape to the Batch Control Assignment Sheet.

11) Record receipt date, Julian date, number transactions, batch dollar amount, your first initial and last name on the Batch Control Assignment Sheet.

12) Record batch information on Worker Daily Production Report.

13) Place batches in supervisors' or designated staff's trays to be logged.

a) Forward SSN batches to supervisor to log batches on ACCESS and to forward to Payment Entry.

b) Case and no-information batches follow Identification Procedures.

b. Payments from Contract Collection Agencies

Payments from contract collection agencies are received via EFT/EDI or regular check receipts processing. Home Office staff research and process the exception payments that may error out due to incorrect case/participant or payment information.

c. Fees

1) Receive parental kidnaping fees from State Parent Service/Central Registry worker.

2) Run a control tape using the numeric amount recorded on the payment.

3) Prepare a *Batch Control Assignment Sheet* labeled fees and reconcile to the tape totals. Refer to *Batch Control Assignment Sheet* instructions.

d. Batch Recoveries (RECOUPS)

1) Run a control tape.

2) Prepare a *Batch Control Assignment Sheet* labeled "RECOUPS" `and reconcile to the tape totals.

e. Designated staff logs batches to Microsoft Access "RIED" database.

1) "RIED" produces totals for batch control documents for the day.

2) Correct errors on the batch control assignment sheets by drawing one line through the incorrect information. Enter the correct information and initial the change.

f. Print the Daily Revenue Control Summary from "RIED" database for the receipt date. Forward the Daily Revenue Control Summary to Reconciliation Unit. Forward the batch control documents and payments to Payment Entry Unit.

g. Payment Entry Unit Supervisor or Designee

1) retrieves daily work from the safe.

a) Work is separated by the type of payment and receipt date. Refer to Appendix B.

b) compares *Batch Control Assignment Sheet*s and attachments.

(1) Reviews the receipt section on the *Batch Control Assignment Sheet*. Prints "RIED."

(2) Totals *Batch Control Assignment Sheet*s for the receipt day.

2) assigns the work by receipt date (oldest date first), then category (individual SSN, multiple pay SSN, individual/multiple pay case, no information)

3) distributes work to payment entry staff. Worker completes entry sections on the *Batch Control Assignment Sheet*s.

4) receives completed batches from staff or designated return area.

a) Logs completed batches on "RIED." Records adjustment as necessary.

b) Records total dollars and transactions on Daily Inventory Control Report.

h. Verify Receipts

1) Receive batch of work from supervisor.

2) Verify the information on each payment while running the tape. Refer to the procedures in Appendix C, Criteria for Acceptable Payments.

3) Notify supervisor if a discrepancy exists, for instance,

a) the total does not match the total on the *Batch Control Assignment Sheet*;

b) the control number is missing;

c) the written amount on the payment differs from the numeric amount;

d) the check is not signed; or

e) the payment type does not agree with the batch type.

4) Supervisor will verify and resolve the discrepancy or return the payment to the Receipts Unit supervisor if necessary.

a) If the total does not match the total on the *Batch Control Assignment Sheet*,

(1) verify payment amounts to the control tape;

(2) verify item count to the control tape;

(3) line through incorrect entries on the control tape and the *Batch Control Assignment Sheet*;

(4) record correct amount, your initials and the date beside the corrections;

(5) document the corrections in the comments and adjustment section on the *Batch Control Assignment Sheet*; and

(6) forward completed batch to Entry/ID Supervisor to verify corrections made on the control tape and the *Batch Control Assignment Sheet*.

b) If the control number is missing, return the payment to the Revenue Control Unit supervisor to microfilm.

c) If the written amount differs from the numeric amount or the check is not signed or the check is post dated,

(1) enter amount of payment as a transfer out on the back of the *Batch Control Assignment Sheet*;

(2) complete items 20 and 21 through 24; and

(3) return to the Revenue Control Unit supervisor to return payment to sender.

i. Payment Entry Staff

1) Retrieve batch from designated area at the Entry Supervisor's workstation and establish batch on SUPE payment entry module.

2) Analyze information provided on the payment. Compare the Automated Program to Enforce Child Support (APECS) (SUPE) data to the information on the payment.

a) NCP name

b) NCP social security number

3) Enter the effective date of the payment.

a) Personal or Cashiers Check or Money Order

The effective date is the date the payment is received in DCSE. This is the same as the batch date.

b) Court, Other State Child Support Agency or Employer Payments

The effective date is the date listed on the attachment as the effective date, or in the absence of an effective date, the check date.

4) Unidentified Payor Account

   a) Place the copy of the payment and attachments. In the designated area at the Entry Supervisor's workstation.

   b) Forward copies of payments and attachments to supervisor for review and approval after the batch is completed.

   c) Payment entry supervisor forwards a copy of the payment or listing to the section responsible for processing the unidentified payor account.

5) Reconcile the batch of payments using the Balance Payment Batch Screen (SUPE 57). Compare the written amount on the payment to the dollar amount recorded on the system. Make corrections as necessary.

6) Record the beginning and ending batch sequence numbers, your name and the date the batch was posted on the batch header.

7) Complete the work processed form at the end of the day. Refer to Chapter 7, Document Generation and Record Retention.

8) Forward to the customer services any information received with the payment.

   a) A new address.

   b) Other information from an employer such as, employee terminated, employee on a leave of absence, etc.

j. Deposits Staff

1) Receive payments batched in groups of fifty (50) or less, a control tape, and batch control documents. Sort trays by receipt date (oldest date first).

2) Reconcile the batch control document. Run tape on batch with double tape to make sure that deposit tape total matches the batch amount keyed total line.

3) If there is a discrepancy. Identify it and correct it:

   a) Find the check where the discrepancy exists.

   b) Make a copy of the check.

c) Note the discrepancy on the Batch Control Assignment Sheet with the corrected total and fill out all sections on the deposit line.

d) Tear out the blue page of the batch header and attach to the copy of the check, attachment and copy of the original control tape ran by Receipts, if supplied.

e) Turn in to Deposits Supervisor.

4) Highlight the total number of items and the total dollar amount on the deposit tape that was run.

5) Write the batch category and your initials on tape and the receipt date of work.

6) Place the batched checks with the tape in one stack, tape copies in another stack, and the batch headers in another stack.

7) Districts Deposit Tickets

a) Compile districts Deposit Tickets hard copies received from district offices and reconcile with previous day's receipts totals for districts.

b) *Daily Payment Transaction Report* and Validated Deposit Tickets

(1) Reconcile faxed *Daily Payment Transaction Report* with faxed Deposit Tickets.

(a) Run a control tape of the payment amounts recorded on the *Daily Payment Transactions Report*.

(b) Compare the tape total to the Deposit Tickets total. Refer to the Run Control Tape procedures.

(2) Prepare Batch Control Assignment Sheets. Refer to *Batch Control Assignment Sheet* instructions.

(3) Reconcile the *Batch Control Assignment Sheets* to the control tape totals.

(4) Place the *Daily Payment Transactions Report*s and the Deposit Tickets in tray for supervisor to review when the Deposit Ticket amount does not agree with the amount recorded on the *Daily Payment Transaction Report*.

(5) Complete the District Office Deposit Ticket Control Log.

(6) Retain fax copy of the Deposit Ticket until the original Deposit Ticket is received via courier. Forward the fax copy to the Deposits Unit in Home Office.

8) To enter into FAAS:

a) Compile inter-office and districts' Deposit Tickets summaries by bank code.

b) Compile Division of Finance daily summary totals of Deposit Tickets.

c) Enter the Deposit Tickets totals by bank code to FAAS.

d) After all Deposit Tickets are keyed to the FAAS system, pass them on to the supervisor or designee.

e) Supervisor or designee calls up FAAS entry and verifies whether the Deposit Ticket was keyed, the right amount keyed and that the proper information was keyed to the system.

f) Complete a Deposit Tickets Summary Sheet.

9) After all deposits are balanced,

a) place all batched checks into a secure bank bag for pick up by the courier.

b) prepare a Deposit Certificate with a FAAS Batch Header and a FAAS Distribution Sheet.

(1) the white copy goes to the bank;

(2) the pink copy goes along with the FAAS Distribution Sheet to be keyed to into FAAS; and

(3) the Batch Control Assignment Sheet goes in the current month box labeled by person, receipt date, and deposit date, along with the control tapes.

c) The total of the deposit is written in the Courier Bill of Lading for pick up and the deposit is closed out for the day.

(5-1-98)(9-1-99)(7-1-2000)(5-1-01)(9-1-04)(5-1-05)(4-1-06)(4-1-07)(7-1-07)(10-1-07)

B. Payments Received Without Social Security Numbers (09-01-2004)

Section B deleted - information from this section incorporated into Section A.

(9-1-1999)(7-1-2000)(09-01-2004)

C. Foreign Currency Payments (04-01-2007)

1. When a payment is received in a foreign currency, process the payment. However, the district office may advise the NCP or employer in writing that future payments be made in US dollars.

2. If the payor cannot comply with the above request, the district office should advise the payor to remit foreign currency payments to DCSE at the following address. Preprinted envelopes with this address may be obtained from the Home Office Payment Processing Unit:

   Division of Child Support Enforcement
   Recovery Unit
   P.O. Box 10148
   Richmond, VA 23240

3. When a foreign currency payment is received, the Home Office payment processing worker shall:

   a. Identify the type of foreign currency the payment is drawn.

   b. Obtain the most current exchange rate to convert the foreign currency into US dollars. The exchange rate may be obtained by accessing the following web site on the internet:

      Http://www.oanda.com

   c. Enter the amount of foreign currency stated on the negotiable document into the web page convertor to obtain the equivalent US dollar amount.

      Example:

      A check for 700 Euros received from the United Kingdom on 03/13/07.
      Exchange rate on the above web site on 03/13/07 shows 1 Euro = 1.31469 US Dollar.

Amount to be posted on APECS:

700 (Euro) x 1.31469 = $920.28 (US Dollar)

d. Post the converted US dollar amount on the case on APECS.

e. Deposit the foreign negotiable document into DCSE's authorized bank account.

f. The Exception Processing Unit will make appropriate adjustment to the case account if the exchange rate is different when the deposit is made. The payment amount on APECS must equal the amount the bank credited to DCSE's account.

(9-1-1999)(7-1-2000)(04-01-07)

D. EFT Payments **(10-01-2008)**

Electronic Funds Transfer (EFT) is a program which allows employers and individual NCPs to have child support withholdings or payments electronically transferred to DCSE. The Division of Finance's EFT Coordinator is responsible for coordinating all phases of EFT payments. Under the Virginia **$4Kids** program, DCSE also offers a method for child support payments to be made through a website or a toll-free telephone number. The payments are deducted from the payer's bank account. Credit **and debit** cards may not be used to make child support payments unless the payment is made at a Western Union office. Employers with 100 employees or more , and all payroll processing firms with 50 clients or more, must remit payments by electronic funds transfer.

1. Payments from Employers **by ACH credit**

a. Contact to initiate EFT payments may be made by the employer to the EFT Coordinator or by the EFT Coordinator to the employer.

b. The employer is provided with the following information:

1) **The Commonwealth's bank of choice**

2) Name of Bank

3) Address

4) Account Number

5) ABA Routing Number

6) Contact person's name and phone number

7) Payment **instruction and file** formats.

c. The employer transmits the payment instructions and remittance information to its financial institution.

d. The employer's financial institution originates the ACH entries to transfer the payments and payment information through the ACH Network to the financial institution used by the Division of Finance.

e. The **Commonwealth's bank of choice** electronically transmits the file to the **Department of Social Services** in the agreed format (CTX/820). This file contains the information needed to automatically post the payments to APECS.

f. APECS generates the following reports:

1) DVAN EDI Payments Edit Report - Provides details and summary information regarding employer name, employee SSN, payment effective date, dollar amounts and number of transactions, for EFT payments.

2) DVAN EDI Adjustment Report - Provides detail and summary information regarding dollar amounts and total transactions for adjustment to EFT payments **made by Virginia Department of Accounts for state employees.** The report is used to manually work adjustments and set up recoupment accounts. This report is also used in the reconciliation process.

3) DVAN EDI error report - Provides detail information of payments sent with an improperly formatted payment file that cannot be uploaded into APECS.

The EFT Unit researches these payments to identify the NCP. The payments are manually posted in Payment Processing.

4) EDI Duplicate Payment Error Report - Provides detail information of new payments which appear to already be posted to APECS. The EFT Unit researches these payments and those that are not actually duplicates are manually posted in Payment Processing.

5) EV19 Other State Fee Retention Report - Provides detail information of payments sent by cost recovery states. The EFT Unit places a hold on the NCP's level so the payment will not disburse when posted. The following day, when the payment appears on APECS, the EFT Unit backs off of APECS the amount of the fee retained by the sending state. They also adjust the debt on the case by the amount of the fee retained in order to keep Virginia's case balance aligned with the reciprocating state's case.

6) Harbor Payments - Provides detail information of payments made by both employers and NCPs through Virginia $4Kids.

2. **Payments from Employers by ACH Debit through Virginia $4KIDS**

a. Employers can enroll online in the Virginia $4Kids program and immediately make a payment. The secure website is found at www.dss.virginia.gov/family/dcse.html and then click on *Pay Child Support Electronically*.

b. The Child Support Electronic Funds Transfer Agreement **is no longer required.**

c. Employers with debit blocks on their bank account need to notify their bank to allow debits with the ACH entity Identification Code 254095933.

d. Employers may report a single income withholding payment or multiple employees' payments at one time.

e. The website will retain the last payment information, so the employer does not need to reenter the same employees for each pay day.

f. An employer can also make payments anytime using a standard touch-tone telephone by calling 866-622-8298.

1) There is no charge for this service.

2) **Payments of $400.00 or more made by new users may be held for five days pending verification of funds.**

3. Payments from Individual NCPs **through Virginia$4Kids**

a. An NCP can enroll online in the Virginia $4Kids program and immediately make a payment. The secure website is found at www.dss.virginia.gov/family/dcse.html **and then click on *Pay Child Support Electronically***.

b. The Child Support Electronic Funds Transfer Agreement **is no longer required**.

c. **An NCP can also make payments anytime using a standard touch-tone telephone by calling 866-6-22-8298.**

d. **It is recommended that NCP's verify their routing number, account number, and their ability to have their accounts debited with their bank before making their first payment. For example, no routing number starts with a "5". Navy Federal Credit Union does not allow debits to their savings accounts. Metabank does not allow debits to any of their accounts**.

e. There is no charge for this service.

f. **Payments of $400.00 or more made by new users may be held for five days pending verification of funds.**

(9-1-1999)(7-1-2000)(7-1-05)(4-1-07)(7-1-07)(10-01-08)

E. Microfilm Retrieval (07-01-2000)

1. Receive and stamp requests for payment copies.

2. Place requests in priority order (RUSH, oldest date, etc.) in payment copy tray.

3. Research and print copy.

   a. Determine receipt date of the payment by batch number.

   b. Locate microfilm in file cabinet.

   c. Insert microfilm into machine and scan until control number is located. (Prior to 1985 no control numbers were used.)

   d. Verify that the requested payment has been located.

   e. Print a copy of the payment.

f. Forward copy of payment to requestor.

g. Refile microfilm.

4. Receive three copies of microfilm from Mobile Microfilming daily.

a. Scan all film for overexposure when received.

b. Splice film as needed.

c. Set up one roll of film in magazine and place date label on outside.

d. Forward one roll to the Customer Services Unit.

e. Maintain one roll in the Revenue Processing Unit.

f. Forward backup film to the warehouse.

(9-1-1999)(7-1-2000)

F. Documents (07-01-2000)

1. *Batch Control Assignment Sheet*

2. Courier's Log Book

3. Certified/Express Mail Log

4. Cumulative Deposit Summary

5. *Daily Payment Transaction Report*

6. Daily Revenue Control Summary

7. Deposit Certificate (DC)

8. Deposit Summary

9. District Office Deposit Certificate Control Log

10. Microfilmer Control Number Log

11. Receipt Adjustment Report

(9-1-1999)(7-1-2000)

Appendix A, Receipt of Mail (07-01-2000)

Regular U.S. Post Office mail at 6:30 a.m., delivered daily by courier service.

Certified and express mail by 12:00 p.m.

Daily Payment Transactions Report and Deposit Certificates from district offices

Receive a copy of the validated Deposit Certificate and *Daily Payment Transactions Report* from each district office via Fax no later than 12:00 p.m. each business day.

Receive original validated Deposit Certificates via courier the next business day.

Payments from walk-in payers in district offices only during business hours.

Payments from Customer Services (no set time)

Mail from other staff opened in error or incorrectly addressed (all day)

Parental kidnaping fees (no set time)

These are delivered to the assistant director's office and photocopied before being forwarding to the Revenue Control Unit.

(9-1-1999)(7-1-2000)

Appendix B, Payment Types (09-01-1999)

1. payments with remittance documents

2. employer payments

3. payments with a single social security number

4. payments with a case number or master participant number

5. payments with multiple social security numbers, case or master participant numbers

6. payments with no information (no case or SSN numbers)

7. fee payments

8. foreign currency payments

(9-1-1999)

Appendix C, Criteria For Acceptable Payments (07-01-2000)

Accept a payment for processing when

1. General

    a. a signature and payee name are on the payment and have not been altered. If the payee name is not on the payment, but other identifying data is included, accept the payment. Stamp payee space with "Treasurer of Virginia."

    b. it is not post dated or stale dated. (not older than six months)

    c. the numeric and written amounts are on the payment and agree.

    d. the payment does not have white-out or erasures outside of the memo area.

    e. corrections made outside of the memo area are initialed.

    f. the payee is the Treasurer of Virginia, DCSE, Division of Child Support Enforcement, Department of Social Services or the custodial parent (CP). Immediately stamp payment with the CP as the payee on the back with the "Pursuant to Code of Virginia" stamp.

    g. the payment does not contain markings in the depository bank's endorsement area.

    h. the payment is written on a United States bank or is in United States currency.

    i. the bank coding data (ABA routing number) on the bottom of the check is not interrupted (torn or missing).

2. Money orders

    a. the dollar amount is embossed.

    b. the bank or vendor signature is on the document.

    c. the dollar amount does not exceed the limit printed on the document.

3. Cashier's checks

    a. the dollar amount is embossed.

    b. the bank signature is on the check.

    c. the number printed in the top right corner is the same as the number typed on the check.

(3-1-1997-Chapter reformatted)(9-1-1999)(07-01-2000)

A. Purpose of Chapter (01-01-2001)

1. The purpose of this chapter is to provide policy, procedures, and information regarding

   a. assignment of support rights for public assistance cases;

   b. categories and definitions of child support arrearages;

   c. the distribution hierarchy of support payments in Never Assistance, Current Assistance, and Former Assistance Cases; and

   d. distribution of support payments in Current Assistance, Never Assistance, Former Assistance, and Non-IV-D Cases; and

   e. automated and manual holds.

2. The chapter refers the reader to the DCSE Program Manual,

   a. Chapter 18, Receivables, for instruction on adjusting receivable accounts.

   b. Chapter 29, Disbursements, for instructions on refunding over collection due to an enforcement action.

   c. Chapter 31, Adjustments,

      1) for instruction on manually adjusting payments from an NCP's participant account to the custodial parent's (CP's) case account to the CP's payee account.

      2) for instruction on manually adjusting payments that exceed the Virginia support order from the NCP's participant account to the custodial parent's case account to the custodial parent's payee account.

3. The chapter refers the reader to the Automated Program to Enforce Child Support (APECS) User Manual, Chapter 5, Financial Management, Section 8, pages 5.8-1 through 5.8-2, for functional processing steps to place or release holds.

(8-1-1997)(12-15-1998)(11-01-1999)(11-01-2000)(01-01-2001)

B. Assignment of Support Rights **(4-07-2010)**

1. **As a condition of eligibility for public assistance, a member of a family must assign to the state any rights a family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of public assistance paid to the family, which accrue while the family receives public assistance.**

   a. For an assignment entered into prior to October 1, 1998, all arrearages that accrued prior to the family receiving public assistance and those that accrued during the time the family received public assistance are permanently assigned to the state.

   b. For an assignment entered into on or after October 1, 1998 and before October 1, 2009, any arrearages that accrued prior to the family receiving public assistance are temporarily assigned to the state. Any arrearages that accrued while the family received public assistance are permanently assigned to the state.

   c. For an assignment entered into on or after October 1, 2009, any arrearages that accrued prior to the family receiving public assistance are not assigned to the state. Any arrearages that accrue while the family receives public assistance are permanently assigned to the state.

2. After the family is no longer receiving public assistance, the accrued arrearages remain assigned in accordance with the following rules:

   a. Permanently assigned arrearages remain permanently assigned.

   b. Temporarily assigned arrearages become conditionally assigned to the state. It is called a conditional assignment because all payments go to the family except federal tax offsets, which are retained by the state.

   c. If the sum of the permanently and conditionally assigned arrearages (of all cases) is greater than the unreimbursed public assistance (URPA), the excess is unassigned and paid to the family. Permanently assigned arrearages are unassigned to unassigned-during assistance and conditionally assigned arrearages are unassigned to unassigned pre-assistance arrearages.

   d. Any unpaid current support becomes never assigned arrearages and is paid to the family upon collection.

(8-1-97)(12-15-198)(11-1-99)(4-7-10)

C. Categories and Definitions of Arrearages (11-01-1999)

The federal distribution law defines the following categories of arrearages:

1. Permanently Assigned Arrearages

   The term "permanently assigned arrearages" means those arrearages which do not exceed

   the cumulative amount of URPA paid to the family as of the date the family leaves the assistance rolls.

2. Temporarily Assigned Arrearages

   The term "temporarily assigned arrearages" means those arrearages which do not exceed the cumulative amount of URPA as of the date the family leaves the assistance rolls, which accrued prior to the family receiving assistance and which were assigned to the state after September 30, 1998. These arrearages are not permanently assigned and the temporary assignment will expire when the family leaves the assistance program.

3. Conditionally Assigned Arrearages

   The term "conditionally assigned arrearages" means those arrearages which do not exceed
   the cumulative amount of URPA as of the date the family leaves the assistance rolls and which are owed to the family unless they are collected through federal income tax refund offset. They are arrearages which were temporarily assigned to the state and became conditionally assigned to the state when the temporary assignment expired. If a conditionally assigned arrearage is collected through a federal income tax refund offset, the collection is retained by the state to reimburse the state and the federal government up to the cumulative amount of URPA. Collections of conditionally assigned arrearages by any other enforcement remedy are paid to the family.

4. Never Assigned Arrearages

   The term "never assigned arrearages" means all arrearages in never assistance cases, and, in former assistance cases, means those arrearages that accrue after the family's most recent period of assistance ends.

5. Unassigned During-Assistance Arrearages

   The term "unassigned during-assistance arrearages" means all previously assigned arrearages which exceed the cumulative amount of URPA when the family leaves the assistance program and which accrued during the period of assistance.

6. Unassigned Pre-Assistance Arrearages

   The term "unassigned pre-assistance arrearages" means all previously assigned arrearages
   which exceed the cumulative amount of URPA when the family leaves the assistance program and which accrued prior to the receipt of assistance.

(8-1-1997)(7-1-1998)(12-15-1998)(11-01-1999)

D. Allocation (04-20-2009)

1. Basis for Allocation

   APECS automatically allocates a support payment from an NCP among the NCP's cases,

   IV-D and non-IV-D, based on a hierarchy of current support and arrears. APECS executes this hierarchy through a table of support types, accounts, and subaccounts.

2. Allocation Hierarchy

   a. Never Assistance Cases

      Never assistance cases are cases in which the CP has never received public assistance in the form of TANF. In never assistance cases, all collections are disbursed to the family, except fees. The support payments are applied to a never assistance case in the following order of support types within each subaccount type.

      1) Support Types

         a) Child Support

         b) Miscellaneous Support

         c) Medical Support

d) Medicaid Support

e) Spousal Support

2) Subaccount Types

a) Current Support

b) Non-TANF Arrears (NPAAA)

c) Non-TANF Arrears Interest (NPAAAI)

d) Fees

(1) Attorney

(2) Parental Kidnapping

(3) Genetic Blood Test

(4) IRS Intercept

e) Out-of-State Arrears

f) Voluntary

b. Current Assistance Cases

Current assistance cases are cases in which the family is currently receiving public assistance. In current assistance cases, collections, except the first $100 of current support payment for the month, are retained by the state up to the cumulative amount of URPA. The first $100 pass-through payment is disbursed to the family; however, URPA is reduced by the full amount of the payment received. Support collections through the federal income tax refund offsets in current assistance cases are retained by the state up to the cumulative amount of URPA. The support payments are applied to a current assistance case in the following order of support types within each subaccount type:

1) Support Types

a) Child Support

b) Miscellaneous Support

c) Medical Support

d) Medicaid Support

e) Spousal Support

2) Subaccount Types

a) Current Support

b) Permanent Arrears (AFDCA)

c) Permanent Arrears Interest (AFDCAI)

d) Temporary Arrears (TTNFA)

e) Temporary Arrears Interest (TTNFAI)

f) AFDC/FC Arrears (FCARA)

g) AFDC/FC Arrears Interest (FCARAI)

h) Medicaid Arrears (MEDIA)

i) Medicaid Arrears Interest (MEDIAI)

j) Fees

(1) Attorney

(2) Parental Kidnapping

(3) Genetic Blood Test

(4) IRS Intercept

k) Out-of-State Arrears

l) Voluntary

c. Former Assistance Cases

A former assistance case is a case in which the CP formerly received public assistance. Arrears which accrue after the family is no longer on public assistance must be paid to the family first. With the exception of IRS tax intercepts, all other collections will be applied to Non-TANF arrears before any other type of arrears. Support collections made through the federal income tax refund offsets in former assistance cases are first applied to permanently assigned arrearages and then to conditionally assigned arrearages and retained by the state up to the amount of cumulative URPA. The support payments are applied to a former assistance case in the following order of support types within each subaccount type:

1) Support Types

a) Child Support

b) Miscellaneous Support

c) Medical Support

d) Medicaid Support

e) Spousal Support

2) Subaccount Types

a) Current Support

b) Non-TANF Arrears (NPAAA)

c) Non-TANF Arrears Interest (NPAAAI)

d) Conditional Arrears (CTNFA)

e) Conditional Arrears Interest (CTNFAI)

f) Unassigned Pre-Assistance Arrears ((UNTFA)

g) Unassigned Pre-Assistance Arrears Interest (UNTFAI)
h) Permanent Arrears (AFDCA)

i) Permanent Arrears Interest (AFDCAI)

j) Unassigned During Assistance Arrears (UNDFA)

k) Unassigned During Assistance Arrears Interest (UNDFAI)

l) AFDC/FC Arrears (FCARA)

m) AFDC/FC Arrears Interest (FCARAI)

n) Medicaid Arrears (MEDIA)

o) Medicaid Arrears Interest (MEDIAI)

p) Fees

(1) Attorney

(2) Parental Kidnapping

(3) Genetic Blood Test

(4) IRS Intercept

q) Out-of-State Arrears

r) Voluntary

3. Allocation Formula

a. Current Support Payments

1) Add the current child support orders for all of the NCP's cases. For example,

$150 + $200 = $350

2) Divide each obligation by the total obligation for all cases to obtain the percent of the payment to apply to each case. APECS calculates the percentage to 14 digits to the right of the decimal point. For example,
150/350 = 0.4285714285714
200/350 = 0.5714285714286

3) Multiply the payment by each percentage obtained in the above step. Each case is allocated this portion of the payment. For example,

   $250 payment x 0.4285714285714 = $107.14
   $250 payment x 0.5714285714286 = $142.86

4) After current child support is paid for the month, the next type of current support is paid. Use the same calculations for each type of current support.

b. Arrears Payments

1) When a periodic payment amount is ordered, add the arrears orders for all cases for which the NCP has an order. For example, $100 + $200 = $300.

   Divide each obligation by the total obligation for all cases to obtain the percent of the payment to apply to each case. APECS calculates the percentage to 14 digits to the right of the decimal point. For example,

   100/300 = 0.3333333333333
   200/300 = 0.6666666666667

2) When a periodic payment amount is not ordered, add the arrears balance for all cases for which the NCP owes arrears. For example, $2,000 + $3,000 = $5,000. Use the balance in each account to calculate the percentage of the payment to allocate to each account. Divide each obligation by the total obligation for all cases to obtain the percent of the payment to apply to each case. For example,

   2000/5000 = 0.4
   3000/5000 = 0.6

3) After one type of arrears is paid for the month, the next type of arrears is paid according to the distribution hierarchy. Use the same calculations for each type of arrears.

c. Fees

When the NCP has more than one case with the same type of fee, add the balance in each account to calculate the percentage of the payment to allocate to each account.

d. Out-of-State Arrears
Use the same formulas used to calculate instate arrears.

e. Non-IV-D

Use the same formulas as for instate cases.

f. Voluntary Payments

Manually adjust payments to this account when the NCP is paying and an obligation has not been established.

4. Allocation Exceptions

a. APECS allocates payments received from federal and state income tax refund intercepts among the cases certified. Payments do not allocate to cases not certified.

b. Payments received from contract collection agencies for attorney fees and genetic test fees are specifically coded and distributed directly to those subaccounts bypassing the allocation hierarchy.

5. Importance of Accurate Data and Timely Updates

a. Allocation is an automated APECS process. The portion of a payment applied to each account and subaccount is computed based on the case management and financial data on APECS.

b. District office staff enters data on the system accurately and timely.

1) A support order amount or payment frequency entered incorrectly on APECS causes the payment to allocate incorrectly.

2) APECS does not allocate payments to cases without support order data.

(8-1-97)(12-15-98)(11-1-99)(1-1-2000)(5-1-2004)(4-20-09)

E. Distribution (04-20-2009)

1. Current Assistance Cases

   Payments allocated to TANF cases are distributed in the following order:

   a. Pass-through Payments

      1) APECS distributes the first $100 of current support received in a month on a TANF case as a pass-through payment to the CP.

         a) APECS distributes the payments weekly if the current support received by the Division of Child Support Enforcement (DCSE) for the month equals at least $100.

         b) APECS distributes the payments monthly if the current support received by DCSE for the month is less than $100.

      2) APECS does not distribute pass-through payments on arrearage payments.

      3) APECS does not distribute pass-through payments if the current month=s public assistance payment is zero (suspended TANF cases).

      4) APECS distributes pass-through payments from voluntary payments.

      5) APECS transmits pass-through payment information to VACIS within 15 calendar days after the end of the month in which the support is collected.

      6) When the CP receives current support payments from two or more NCPs, APECS only distributes the first $100 collected as a pass-though payment. For example,

NCP	CP	DATE	PMT	Pass-through
X	M	3/3	$75	$75
Y		3/18	$150	$25

      7) When less than $100 is received in a month as current support, APECS distributes the current support payment as a pass-through payment. For example,

NCP	CP	DATE	PMT	Pass-through
X	M	3/15	$30	$30

   b. Current Month Public Assistance Reimbursement

APECS distributes current support payments that exceed the pass-through payment and are less than or equal to the public assistance payment for the month as reimbursement for the current month's public assistance payment. If the current month's public assistance payment is zero (suspended TANF cases), APECS distributes current support payments to the State to reimburse public assistance payments for prior months (as in c. below).

c. Prior Months Public Assistance Reimbursement

APECS distributes support payments that exceed the current month's public assistance payment to reimburse public assistance payments for prior months.

d. Payments in Excess

APECS disburses support payments that exceed the cumulative unreimbursed public assistance to the CP within 15 calendar days after the end of the month in which the support is collected.

2. Never Assistance Cases

a. Support collections, including federal income tax refund offsets, in never assistance cases are disbursed to the family, except a collection on a fee subaccount. Any collection on a fee subaccount is retained by the state.

b. Effective October 1, 2007, an annual $25 fee is due from the CP for each IV-D case in which the CP has never received assistance for the case and DCSE has collected and disbursed at least $500 in child support during the federal fiscal year. The fiscal year for the federal government begins on October 1 and ends on September 30.

c. The CP is not required to pay the fee directly to DCSE. The fee is automatically retained from the CP's payments once $500 has been disbursed for the federal fiscal year. If subsequent collections are not sufficient to retain the $25 fee from the CP, DCSE will supplement the difference for the federal fiscal year.

d. The annual $25 fee is not due if less than $500 has been collected and disbursed during the federal fiscal year.

e. The never assistance annual fee may be viewed on APECS using the accounting functions menu.

3. Former Assistance Cases

a. Distribution of collections (except for federal income tax refund offsets)

1) first, distributed to satisfy the current monthly support obligation and paid to the family;

2) second, any amount above the current monthly support obligation is distributed to satisfy never-assigned arrearages and paid to the family;

3) third, any amount above the amounts distributed in 1) and 2) is distributed to satisfy conditionally assigned arrearages and paid to the family;

4) fourth, any amount above the amounts distributed in 1), 2) and 3) is distributed to satisfy unassigned pre-assistance arrearages and paid to the family;

5) fifth, any amount above the amounts distributed in 1), 2), 3), and 4) is distributed to satisfy permanently-assigned arrearages and retained by the state to pay the state and federal shares. The URPA is reduced by the amount distributed to permanently assigned arrearages;

6) sixth, any amount above the amounts distributed in 1), 2), 3), 4), and 5) is distributed to satisfy unassigned-during assistance arrearages and paid to the family;

7) seventh, distributed collections exceeding the cumulative amount of the URPA paid to the family to satisfy unassigned during-assistance arrearages are paid to the family.

8) Any collection on a fee subaccount is retained by the state.

b. Distribution of collections through the federal income tax refund offset

1) Federal income tax refund offset is distributed first to permanently assigned arrearages (if certified as TANF arrearages) and then to conditionally assigned arrearages. The state retains these collections up to the amount of the URPA. Any excess amount is held and APECS generates an excess letter to the NCP.

2) Federal income tax refund offset is distributed first to the never assigned arrearages (if certified as non-TANF arrearages). Any remaining amount of federal income tax refund offset is distributed to unassigned pre-assistance arrearages and then to unassigned during-assistance arrearages, and paid to the family. Any excess amount is held and APECS generates an excess letter to the NCP.

4. Non-IV-D Cases

All collections posted on a non-IV-D case are disbursed to the CP.

(11-1-99) (11-1-2000)(1-1-08)(4-20-09)

F. Holds (03-01-2005)

1. General Rules

a. APECS allows a hold or a release status on

1) a specific financial transaction, or

2) a participant or case account.

b. APECS requires one of the following hold reasons when a worker places a hold on a transaction or an account.

1) A = Accounting Review

2) B = Offset Bond

3) C = Case Worker Review

4) F = Foreign Currency

5) H = Appeal Hearing

6) I = Invalid Address

7) M = Miscellaneous Hold

8) N = Dishonored Payment

9) P = Payee Not Yet Loaded

10) U = Unclaimed Property

11) X = Conversion Hold

c. Access APECS Hold/Release Transaction screen to manually enter a hold on a

transaction or account. Refer to the APECS User Manual pages 5.15-5.15-4.

d. APECS does not require a release date to place a hold.

1) APECS holds payments with a transaction or an account hold and a specified release date until the specified release date. APECS automatically distributes payments on the release date.

2) APECS holds payments with a transaction or an account hold that does not have a specified release date indefinitely.

3) District office and Central Office fiscal staff manually disburse payments that have a transaction or account hold and do not have a specified release date.

e. APECS does not allocate payments to a case when no current support or arrears are due on the case.

f. APECS holds payments that exceed the NCP's support order as future payments in the NCP's participant account and prints the payments on the Undistributed Receipts Report.

g. APECS places a 30-day hold on payment(s) on a closed case. The payment(s) appears on the Undistributed Receipts Report with a code "W" (income withholding). The worker may initiate a refund if appropriate within the 30-day hold period by releasing the hold. Otherwise, APECS will automatically generate the refund after the 30-day hold period expires. Refer to item Section G, item 5.e.

h. In months where the NCP has more pay days than charge days for his or her support order, the excess payments do not distribute from the NCP's participant account to case accounts. The payments automatically distribute in months when the support order has more charge days than the NCP has pay days.

1) If the payment resulted from an enforcement action and

a) is less than one month's support, and

b) did not result from over collecting on arrears, review the financial records to verify that payments on hold were collected for a period when the pay period had more weeks than the order period. For example, an NCP with a weekly support order and pay periods, has 5 pay periods in the month. The support order has 4 charge periods in the month.

Support Order = $20 per Week

Support Payments Deducted by Employer for Month = $100

Support Order for Month = $80

Future Payments = $20 for Month

2) If the payments are the result of an enforcement action, and b) above does not apply, refer to Chapter 29, Disbursements.

i. Invalid Payments

1) APECS distributes invalid payments to the Unidentified Payor Account, Account 70, where they are held until released by a manual adjustment.

2) The Undistributed Receipts Report includes these payments until a fiscal worker releases them.

2. Rules for UIFSA Cases

a. UIFSA states enforce orders issued by that state or another UIFSA state for the full amount of the order.

b. Contact the other state to obtain a copy of the order if the order is not in the paper file.

c. Monitor payments using the Undistributed Receipts Report.

d. Manually distribute the portion of the payment that exceeds the Virginia support order from the NCP's participant account to the custodial parent's case account to the custodial parent's payee account. Refer to Chapter 31, Adjustments. Refer to Chapter 18, Receivables, for instruction on adjusting receivable accounts.

3. Rules for TANF Cases

a. Do not refund or distribute the payment unless the overpayment is the result of an enforcement action taken by DCSE. Refer to Chapter 29, Disbursements, for instructions on refunding payments.

b. APECS allocates and distributes future payments when obligations accrue in subsequent months.

4. Rules for Non-TANF Cases

   a. If the payment is not the result of an enforcement action taken by DCSE, retain the payment for future support unless the case is closed to IV-D. Contact the NCP to obtain written authorization to distribute the payment as a gift to the family.

   b. District office fiscal staff

      1) complete the Excess Payments Letter to the NCP.

      2) create a self-generated worklist for 15 work days in the future as follows:

         <EXCESS PAYMENTS LETTER DUE>

      3) create an APECS Case Event History entry as follows

         <EXCESS PAYMENTS LETTER MAILED TO NCP>

      4) mail the letter by first class mail.

   c. When the NCP returns the signed letter, district office fiscal staff process the payment according to the block checked.

      1) If the block saying the payment is a gift is checked, distribute the payment as a gift. Refer to step e. below.

      2) If the block saying the payment is for arrears not on DCSE's records is checked, correct the problem.

      3) If the block saying the payment is for future obligations is checked, no action is taken.

   d. If the NCP does not return the letter, district office fiscal staff attempt to contact the NCP by telephone. If this is not successful, retain the payments as future support.

   e. Distribute the payments using the miscellaneous account.

      1) If the NCP regularly overpays by the same amount, establish an obligation for the amount on the miscellaneous account. Refer to Chapter 18, Receivables, for instructions.

      2) If the NCP overpays by varying amounts, manually distribute the payments

through the miscellaneous account. Refer to Chapter 31, Adjustments.

3) These payments are not included in DCSE's collections or disbursements reported

a) on in-house collection reports or

b) federal reports.

5. Automated Hold Reasons

a. Invalid Address <I>

1) District and Central Office Staff

a) type an <I> in the Hold Reason field on APECS when they find out that the APECS address is incorrect and

b) leave the Release Date field blank.

2) Division of Finance Distribution staff

a) cancel checks returned by the post office as undeliverable. APECS automatically places a hold reason of <I> on these transactions. Refer to Chapter 31, Adjustments, for additional information.

b) District office fiscal staff review the transactions daily on the Undistributed Receipts Report. Update the address, release the hold when the check was returned by the post office as undeliverable, and worklist supervisor to approve distribution of payment.

b. Checks Returned for Other Reasons <M>

Division of Finance Distribution staff cancel check returned for other reasons. APECS automatically places a hold reason of <M> on these transactions. Refer to Chapter 31, Adjustments, for additional information.

c. IRS Payments from Joint Tax Returns <J>

1) APECS automatically

a) holds payments for 180 days and

b) releases the hold before the release date when notified by the Internal Revenue Service that the spouse, named on the joint return,

(1) filed an amended return with the Internal Revenue Service (IRS) and

(2) received a refund from the IRS.

2) The Hold Code is <J>.

d. IRS Single Returns (K)

Effective March, 2004, APECS automatically distributes the payments upon posting of the single IRS tax intercepts. This code is no longer used.

e. State Tax Returns (S)

1) APECS does not hold payments posted as state tax intercepts. This code is not used.

2) State tax intercept is applied to current support owed. Any remaining amount is applied to arrearages owed.

6. Manual Holds

a. Refer to the APECS User Manual, pages 5.8-1 through 5.8-3 for instructions on how to place or release a hold on participant or case accounts.

b. Refer to the APECS User Manual, pages 5.15-1 through 5.15-4 for instructions on how to place or release a hold on a transaction.

c. District and central office fiscal staff place accounting review holds (A). They take the following actions:

1) Place the transaction hold or account hold for five work days or less.

2) Specify a release date.

3) Create the following self-generated worklist for the day before the release date to review the case and verify the completion of actions.
<VERIFY COMPLETION OF ACCOUNTING REVIEW>

4) Attach a note to the worklist explaining the reason for the review.

5) Customer Services staff or other central or district office staff that receive information requiring an accounting review

   a) worklist a district office fiscal worker. Refer to Appendix A for listing of responsible fiscal worker codes for each district office.

   b) attach a note to the worklist saying who the information was received from and why an accounting review was requested.

   c) create a case event history entry explaining the reason for the review.

d. Performance (Offset) Bond (B)

   Central office payment processing staff

   1) place a transaction hold on the payment when adding the posted bond to APECS.

   2) do not specify a release date.

e. Case Worker Review (C)

   1) District office specialists

      a) place this hold on the NCP's participant account for five work days.

      b) specify a release date.

      c) create a self-generated worklist for the day before the release date as follows:

         <VERIFY SPECIALISTS REVIEW COMPLETED>

   2) Customer Services staff or other central or district office staff that receive information that make a case review necessary

      a) create a worklist to the district office worker assigned the case.

      b) attach a note to the worklist saying who the information was received from and why a case review is necessary.

f. Foreign Currency (F)

   1) The bank notifies Central office Financial Operations Distribution and Control

Unit staff when a payment written in foreign currency is returned. They

a) use APECS hold/release account function to place a hold on the NCP's participant account.

(1) Type <HOLD> in the Hold/Release Status field.

(2) Type <F> in the Hold Reason field.

(3) Leave the Release Date field blank.

b) APECS completes

(1) the Hold Date field when the change is transmitted.

(2) creates an entry in the participant event history as follows:

(a) EVENT TYPE <HLDP>

(b) EVENT DESCRIPTION <HOLD ACCOUNT AT PARTICIPANT>

c) Financial Operations Distribution and Control Unit staff access the APECS Event History and add the following note.

<NCP ACCOUNT ON HOLD BECAUSE PAYMENTS ARE RECEIVED IN FOREIGN CURRENCY. PAYMENTS ARE POSTED BEFORE CONVERTED TO U.S. DOLLARS. PAYMENTS ARE RELEASED WHEN CONVERTED TO U. S. DOLLARS (initials of worker making entry)>

d) District office staff do not release the hold on the NCP's participant account. This is a Central Office only function.

g. Appeal Hearing (H)
District office specialists place holds for appeal hearings.

1) Place a hold when a NCP appeals an action. This is to avoid distributing payments that may be received.

2) Place a hold on the NCP's participant account when the appeal affects all custodial parents with whom the NCP has cases.

3) Place a hold on the custodial parent's participant account when the appeal only effects a specific CP.

4) Do not specify a release date.

5) Release the hold when the appeal is resolved.

h. Miscellaneous (M)

1) District office and central office staff place this hold when a transaction or account needs to be held for reasons other than the ones listed above.

2) Use discretion in deciding the duration of the hold.

3) Create a self-generated case event history entry explaining the reason for account holds.

4) Attach a note to a transaction hold explaining the reason for the hold.

i. Dishonored Payments (N)

This code is not used at this time.

j. Unclaimed Property (U)

Use this code when the payee is not located after research. The payments will be transferred to unclaimed property.

7. Obsolete Hold Reasons

a. Payee Not Yet Loaded <P>

APECS automatically, at conversion,

1) placed a hold on cases that had a payee on the old systems and

2) released the hold after the payee was added to APECS.

b. Conversion Hold <X>

1) APECS automatically, at the time of conversion,

a) placed holds on payments escrowed on the old systems and

b) distributed payments, other than intercept payments, that converted with a release date.

2) District office fiscal staff manually distributed intercept payments.

(3-1-1997 Chapter reformatted)(11-1-1999) (11-1-2000) (1-1-2001)(05-01-2002)(05-01-2004)(03-01-2005)

G. Undistributed Receipts Payments (10-01-2007)

Undistributed receipts payments that are returned to DCSE appear on the Undistributed Receipts Reports (URR). The URR lists all undistributed receipts payments on APECS that are at the "participant level" or "case level" or in the "unidentified payer" account (Account 70.)

1. Types of undistributed receipts payments:

   a. Returned/Cancelled checks

   b. Withholdings and other enforcement remedies

   c. Federal tax intercepts - single and joint returns

   d. Unapproved adjustments

   e. Amounts of $1 or less

2. The Undistributed Receipts Reports need to be reviewed and worked on a daily basis.

3. When working the URR, it is important to:
   a. Review each transaction to determine why the transaction is on the report;
   b. Research each transaction to determine what action is needed to resolve the transaction; and

   c. Resolve the transaction by performing the appropriate action(s).

4. Returned/Cancelled Checks

   a. Research the notes in APECS behind the DISB line for the transaction to determine why the check was returned and cancelled.

   b. Research the address information on the case.

      1) If the current address of the payee is found, send a Postmaster letter to verify the

address.

2) If the payee's current address is not found, make diligent locate efforts (i.e. DMV, VEC, STARS, ADAPT etc.) to find the current address.

   a) Check Option 11 (FCR, Assets, Location Services) on APECS Main Menu.

   b) Utilize other locate resources as outlined in Chapter 14, Section E.

   c) If necessary, send a *Postmaster Verification Request* on the last known address in APECS.

3) After verifying the current address for the payee, update the payee address and release the payment(s).

c. Document all locate efforts on APECS under the participant level.

d. When trying to locate the CP, generate a *Notification of Action Taken by DCSE* document to the last known address. If the *Notification of Action Taken* document is returned due to a bad address, refer the case to the case worker to initiate a *Closure Intent Notice* if the case meets a case closure criterion.

e. Notify the NCP and the employer (if an income withholding is in place) to suspend sending payments to DCSE because the CP's address is unknown. This can only be done if there are no other cases for this NCP.

f. Advise the NCP that the support order remains in effect.

g. Wait 30 days after a *Closure Intent Notice* is sent to initiate a request to central office to transfer undistributed payments to the unclaimed property (Account 91 on APECS). The request to central office for unclaimed property must be sent to HQFPTMGR and must include:

   1) the original date of receipt of the payment(s);

   2) the adjustment or RCP number of transactions to be moved;

   3) the reason for moving the payment to unclaimed property;

   4) the name of the person to whom the money belongs;

   5) the MPI number of the person;

   6) the SSN of the person; and

7) the last known valid address of the person.

h. Close the case on APECS once the undistributed receipts have been transferred to the unclaimed property account and the case closure time frames have been met as outlined in Chapter 37, Case Closure.

5. Withholdings and Other Enforcement Remedies

a. Research the case to see if a "hold" has been placed at the "participant level" or "case level" in APECS. If there is a "hold" placed, determine why the "hold" was placed and take appropriate steps to see if the "hold" can be released.

b. Check the effective date of the undistributed receipts. Research the amount of the current support and arrearages due, the next charge date, the obligation amount, and the emancipation date(s) of child(ren) to determine if the withholding needs to be modified or released.

c. Refer the case to the case worker if the income withholding needs to be modified.

d. If the undistributed receipt is due to an enforcement remedy and if research reveals that the NCP has overpaid and is due a refund, initiate a refund to the NCP of the undistributed amount as appropriate.

1) Research should include a request to central office for a copy of the check or money order if the payment amount differs from the income withholding payments or if a payment is posted on an account without any enforcement action. These payments could be mispostings.

2) Before generating a refund, verify that the NCP's address is current. If the address is over a year old, run locate (DMV, VEC, State Tax, IDEC, Credit Reporting Agency, etc.)

3) If the NCP cannot be located, before requesting a transfer of a payment at the NCP level to unclaimed property, determine if the check was remitted by an out-of state child support agency. These payments can be sent back to that agency as a refund.

e. APECS places a 30-day hold on payment(s) on a closed case. The payment(s) appears on the Undistributed Receipts Report with a code "W" (income withholding). The worker should research the reason for the payment on a closed case.

f. If, after initial review, it is determined that the NCP is due a refund for the undistributed amount, release the hold. Document case/participant events as appropriate to indicate the steps taken to research and resolve the issue. After the hold is released, APECS will automatically generate a refund; or

1) if, after initial review, it is determined that the payment should remain on hold pending further review, use one of the following review reason codes to continue the hold beyond the 30-day period and change the release date, if known, or leave blank:

M = misposted payment
I = out-of-state agency
W = income withholding
P = payment from another source

2) Once the issue has been resolved, release the hold on the payment and document the case/participant events as appropriate to indicate the steps taken to research and resolve the issue. After the hold is released, APECS will automatically generate a refund.

6. Federal Tax Intercepts - Single Returns

a. Research the case to see if a “hold” has been placed at the “participant level” in APECS. If there is a “hold” placed, determine why the “hold” was placed and take appropriate steps to see if the “hold” can be released.

b. Research the case to see if a “hold” has been placed at the “case level in APECS. If there is a “hold” placed, determine why the “hold” was placed and take appropriate steps to see if the “hold” can be released.

c. Research the case to determine if there is any documented reason to not allow money to be disbursed to the CP. Review the case events for entries such as bankruptcy, appeals, or arrears disputes in determining if payments should be disbursed.

d. Verify CP and NCP current addresses on APECS.

e. Check the arrearages to see if paid in full. If the arrearages are paid in full and an income withholding is in place for current support and arrearages, refer the case to the case worker to modify the income withholding.

f. If additional arrearages exist on other cases that the NCP has and there is excess undistributed FTAX, research to see if central office has generated the *Tax Intercept*

Letter Regarding Excess Money to the NCP. If not, mail this document to the NCP.

g. If the NCP does not return the bottom portion of the *Tax Intercept Letter Regarding Excess Money* within 30 days stating that the NCP does not allow DCSE to apply the excess FTAX to additional arrearages, apply the excess payment to the additional arrearages.

h. If the NCP wants the excess FTAX refunded, or if there are excess FTAX monies left after satisfying all arrearages, refund the overpayment to the NCP.

i. Document the case event history on all of the NCP's cases in APECS, for example, UNDIST$:FTAX/Single Return. Add notes. Examples of notes:
1) UNDIST$:FTAX/Single Return - FTAX single return of $1000 received 03/01/02. $600 posted to account and will disburse to CP. Excess of $400 on NCP participant level. All arrearages paid in full. Worklisted SES to modify income withholding to current support only. Will refund excess FTX of $400 to NCP.

2) UNDIST$:FTAX/Single Return - FTAX single return of $400 received 03/01/02. Held at NCP participant level due to Bankruptcy per Special Counsel. Refund FTX to NCP.

7. Federal Tax Intercepts - Joint Returns

These items should only be researched if they do not release after the required six months (180 days) hold.

a. Research joint returns the same way as single returns. However, a joint return is held for six months before monies are disbursed to the CP or refunded to the NCP.

b. Do not release the joint FTAX before the six months hold expires, unless the NCP=s current spouse signs a release stating no injured spouse claim has been or will be filed with the IRS. Only the CP or the NCP can request an earlier release, which must be authorized in writing by the current spouse of the NCP.

c. Document the case event history in APECS, for example, UNDIST$:FTAX/Joint Return. Add notes. Examples of notes:

1) UNDIST$:FTAX/Joint Return - Joint return of $500 posted 03/01/02. Will disburse to CP on 09/01/02.

2) UNDI ST$:FTAX/Joint Return - Joint return of $1000 received 03/01/02. $800 posted to account, but will not disburse to CP for six months due to joint return. Excess of $200 on NCP participant level. Additional arrearages owed by NCP.

APECS-generated *Tax Intercept Letter Regarding Excess Money* to the NCP on 03/02/02.

8. Unapproved adjustments

   Unapproved adjustments require approval by a supervisor to be processed.

9. Amounts of $1 or less

   a. If a case is closed and has an undistributed amount of $1 or less, send a worklist to HQFPTMGR to have the undistributed amount transferred from the closed case.

   b. If a case is open and has an undistributed amount of $1 or less, do not request a transfer or adjust the undistributed amount. When another payment posts, the full amount will disburse if the total exceeds $1.

(5-1-02)(9-1-02)(5-1-04)(3-1-05)(11-1-05)(10-1-07)

A. Purpose of Chapter (11-01-2000)

1. The purpose of this chapter is to provide policy, procedures, and information regarding

   a. automated disbursements to custodial parents (CPs),

   b. automated disbursements to noncustodial parents (NCPs) when the case is closed,

   c. manual disbursements to CPs,

   d. manual disbursements to NCPs,

   e. manual disbursements to the Commonwealth and federal accounts,

   f. time frames for disbursements,

   g. returned checks,

   h. stop payments, and

   i. reissued checks.

2. The chapter refers the reader to the DCSE Program Manual,

   a. Chapter 7, Documents and Record Retention, Section C, Documents that Generate a Worklist;

   b. Chapter 21, Enforcement by Intercept Processes, Section B, Federal Intercept, for information on refunds the Internal Revenue Service (IRS) generates;

   c. Chapter 28, Allocation and Distribution,

      1) Section F, Holds, for information on holds, undistributed payments on closed cases, invalid payments, and the Undistributed Receipts Report; and

      2) Section E, Distribution, for information on distribution of payments;

   d. Chapter 31, Adjustments,

      1) Section B, Types of Adjustments, for procedures to adjust undisbursed payments;

      2) Sections H and I, Receivables, for procedures on adjusting entries;

3) Section J, Cash, for procedures to transfer cash from Automated Program to Enforce Child Support (APECS) to IV-A and IV-E.

3. The chapter refers the reader to the APECS User Manual,

   a. Chapter 5, Section 18, pages 19.1 - 19.3 for functional processing steps to add or update warrant numbers; and

   b. Chapter 8, Section 2, page 8-1, for functional processing steps to access APECS document generation.

4. The chapter refers the reader to the APECS How to Handbook,

   a. Section I, Redistribution,

      1) Chapter 3, How to Redistribute an Undisbursed Current Month Non-AFDC Payment, for information on refunding undisbursed payments;

      2) Chapter 6, How to Redistribute an Undisbursed Prior Month Non-AFDC Payment, for information on refunding undisbursed payments; and

   b. Section II, Refunds, Chapter 2, How to Refund a Disbursed Non-AFDC Payment.

5. The chapter also identifies documents, reports, and worklists associated with the functions.

(8-1-1997) (11-1-2000)

B. Non-TANF Disbursements (07-01-2007)

1. Disbursement is an automated APECS function. It occurs immediately after allocation and distribution of a support payment, unless a transaction or account has a hold placed on it or the mail address is missing. Refer to Chapter 28, Allocation and Distribution, Section F, Holds, for information on holds.

2. APECS disburses support payments to non-TANF CPs within two business days after the Division receives the payment.

3. A CP may elect to have support payments deposited directly to a checking or a savings account via electronic funds transfer (EFT). Another state's child support agency may also request direct deposits.

   a. The CP or another state's child support agency must complete an authorization

agreement, sign it, and attach a copy of a voided check (checking account) or a deposit slip (savings account), to initiate direct deposit. These should be mailed directly to the Division of Finance in the Home Office.

b. Upon setting up a direct deposit account, the Division of Finance worker updates the EFT indicator on APECS. The EFT indicator is located on the Participant Information Screen for a CP and on the Employer/Agency Screen for another state's child support agency. The codes for the EFT indicator field are as follows:

Blank = Not participating in direct deposit
P = Pre-notice mailed to the requesting party providing an opportunity for verification and correction of the information received by the Division. The pre-notice code "P" will automatically change to "Y" in 15 days unless the Division is notified that the information received is incorrect. The verification process may take 12 to 15 calendar days to complete. The direct deposit cannot be activated until the verification process is complete.
Y = CP/Agency participating in direct deposit
N = Direct deposit terminated

c. The CP/other state's child support agency is notified by mail each time that a direct deposit has been made to the account.

d. A participant may terminate participation in direct deposit at any time by notifying the EFT Coordinator in the Division of Finance in writing. A participant may choose to opt out of direct deposit and select the debit card program.

e. Contact the Division of Finance's EFT Coordinator with any requests or questions regarding direct deposits.

4. A CP may have payments disbursed via debit card instead of direct deposit.

a. A CP may elect/opt into the debit card program. Contact the Division of Finance's EFT Coordinator with any requests or questions regarding the debit card program.

b. if the CP did not elect to have support payments deposited directly to a checking or a savings account via electronic funds transfer the CP will automatically be placed into the debit card program when the CP meets the criteria of two payments in two consecutive months. A CP that is enrolled in the debit card program, either by option or automatically, may choose to opt out and select direct deposit instead.

c. Upon setting up the debt card program for the CP, the Division of Finance worker updates the EFT indicator on APECS. The EFT indicator is located on the Participant Information Screen for a CP and on the Employer/Agency Screen for another state's child support agency. The Debit Card Program EFT codes are:

A = Account active
C = Account closed
E = Account established but not activated
L = Debit Card Letter sent
O = Online request by client for Debit Card
R = Rejected no SSN/Date of Birth
S = Submitted for Debit Card
X = Client Permanently Excluded from EFT Process

d. A participant may terminate participation in the debit card program at any time by notifying the EFT coordinator in the Division of Finance in writing.

e. Contact the Division of Finance's EFT coordinator with any request or questions regarding the Debit Card Program.

(8-1-97)(12-15-98)(9-1-99)(11-1-2000)(7-1-07)

C. TANF Disbursements **(20-03-2010)**

Payments allocated to TANF or AFDC/FC cases disburse in the following order:

1. $**100** Pass-through Payments to the CP

This disbursement does not apply to AFDC/FC cases or to TANF cases in which the current month's public assistance payment is zero.

a. ADAPT disburses up to $**100** pass-through payment to the CP

1) weekly if the current support received by the Division for the month is $**100** or more and a TANF grant has been paid to the family in that month.

2) monthly if the current support received by the Division for the month is less than $**100** and a TANF grant has been paid to the family in that month.

b. Refer to Chapter 28, Allocation and Distribution, Section E, Distribution, for additional information on pass-through payments.

2. Payments in Excess of Current Month's Public Assistance Paid

a. APECS retains current support payments that exceed the current month's public assistance payment to reimburse public assistance payments for prior months.

b. Refer to Chapter 28, Allocation and Distribution, Section E, Distribution, for additional information on payments in excess.

3. Payments in Excess of Cumulative Public Assistance Paid

a. APECS disburses to the CP support payments that exceed the cumulative public assistance paid. This disbursement occurs within 15 calendar days after the end of the month in which the support is collected.

b. Refer to Chapter 28, Allocation and Distribution, Section E, Distribution, for additional information on payments in excess.

(8-1-1997)(12-15-1998) (11-1-2000)(020-03-2010)

D. Refunds (12-15-1998)

1. Fiscal workers in district offices and the Division of Finance process refunds.

2. Types of Refunds

a. Overpayment Refunds

1) Overpayments by Income Withholding

2) Overpayments by IRS Intercept

3) Overpayments by Lottery Intercept

4) Overpayments by State Tax Intercept

5) Overpayments by Private Collection Agency

6) Overpayments by Vendor Intercept

7) Overpayments by Virginia Employment Commission

8) Overpayments by Other Methods

b. Invalid Payments

c. Refunds Generated by the IRS

3. If an overpayment has disbursed to the CP, notify the CP that an overpayment occurred and request repayment. Refer to Chapter 34, Recovery and Recoupment, Section D, Recoupment from Non-TANF CPs, and Section E, Recoupment from TANF CPs, and the APECS How To Handbook, Section II, Refunds, Chapter 2, How to Refund a Disbursed Non-AFDC Payment.

(8-1-1997)(12-15-1998)

E. Automated Refunds (03-01-2005)

Overpayment Refunds

1. APECS places a 30-day hold on payment(s) received when a case is closed. The payment(s) appears on the Undistributed Receipts Report with a code "W" (income withholding). The worker may initiate a refund if appropriate within the 30-day hold period by releasing the hold. Refer to Chapter 28, Allocation and Distribution, Section G, item 5.e. Otherwise, APECS will automatically generate the refund after the 30-day hold period expires.

2. APECS does not automatically generate a refund to an NCP who overpays on an open case. Refer to Chapter 28, Allocation and Distribution, Section F, Holds, for additional information. If a payment needs to be refunded to an NCP on an open case, refer to Section F, Manual Refunds.

(8-1-1997)(11-1-2000)(03-01-2005)

F. Manual Refunds **(02-03-2010)**

1. Issue an overpayment refund manually to an NCP when

a. the NCP overpays total arrears owed on all cases and subaccounts and the NCP's case is closed; or

b. the NCP's case is open to IV-D and the payment was collected using an inappropriate involuntary collection action or the involuntary collection action resulted in an overpayment. If the refund is necessary because the Division over collected on an income withholding, verify that the income withholding has been modified or released.

c. District Office

1) Generate a refund request by completing the Request for Payment Transfer/Refund (DCSEP-826-09/00). The Accountant Senior or a designee may sign the request. Forward the request to the Division of Finance in the Home Office for processing the refund if the money has not been disbursed to the CP.

2) If the money has already been disbursed to the CP, forward the signed request with attachments to the appropriate Assistant Director's Office for approval.

3) If approved by the Assistant Director, forward the request to the Division of Finance in the Home Office for processing the refund.

d. Home Office

1) The Exceptions Processing Unit in the Division of Finance will document APECS on the date the request is received.

2) The Exceptions Processing Unit will also maintain a log in Microsoft Access of all refund requests received.

3) The Exceptions Processing Unit will process the refund request. The original request with attachments will be kept on file in the Division of Finance.

2. IRS Refunds

a. IRS Advance Refunds

1) District office fiscal workers refund payments to NCPs before the Division receives the payment from the IRS or posts the payment to APECS when

a) the NCP provides a copy of the intercept notice he or she received from the IRS and

b) the Division verifies that

(1) the federal Office of Child Support Enforcement (OCSE) has received notice that the IRS has intercepted the payment for the Commonwealth and

(2) that the IRS has not refunded the payment.

2) District office workers

a) verify that the payment has not posted on APECS and

b) send a mail message requesting OCSE verification to the Intercept Unit if it has not posted.

3) Intercept Unit workers contact OCSE, using the on-line query, to verify if

a) OCSE has received notice that the IRS has intercepted the payment for the Commonwealth;

b) IRS has refunded the payment; and

c) the refund is from a joint return.

4) Intercept Unit workers

a) send one of the following mail messages to the district office:

(1) <OK TO REFUND INTERCEPT PAYMENT>

(2) <DO NOT REFUND INTERCEPT PAYMENT>

b) attach the following note to the mail message if the payment is to be refunded:

(1) Payment Intercepted <(date payment intercepted by the IRS,)>.

(2) <Payment Not Refunded by the IRS>.

(3) <Intercept Is from a Joint Return> or <Intercept Is Not from a Joint Return>.

c) attach the following note to the mail message if the payment is not to be refunded:

<(An Explanation of Why the Payment Is Not to be Refunded)>.

b. IRS Refunds from Joint Returns

IRS refunds from joint federal tax returns are not disbursed until six months have passed since the payment was intercepted. After six months have passed, follow the procedures listed below. However, if the NCP does not have any arrears on any case(s), refund the IRS tax intercept excess money to the NCP immediately (and the joint tax return filer, if any). Refer to Chapter 21,

Enforcement By Intercept
Processes, Section B, item 27, Overpayment of Certified Arrears.

1) District office fiscal workers process refunds of joint tax payments if

   a) the payment to be refunded is identified as a joint federal tax payment,

   b) the amount has not been disbursed, and

   c) both names appear on the APECS Inquire Participant Address screen.

2) District office workers

   a) access the APECS Inquire Intercept Data screen and verify that the payment was received from a joint federal tax return;

   b) check the NCP's participant address on the APECS Inquire Participant Address screen for the IRS address for the year of the intercept; verify that the IRS address has two names; and

   c) verify that the payment has not disbursed.

3) District office workers forward the refund request to the Exceptions Processing Unit in the Division of Finance if any of the three conditions are not true.

4) If all three conditions are true, district office workers

   a) verify that the payment posted as <FTAX>; The payment must be identified as <FTAX> on the Case Account Statement for these procedures to work.

   b) check to see if an IRS adjustment <FOIR> posted; If an IRS adjustment has posted, calculate the maximum refund amount by subtracting the adjustment from the payment.

   (c) If the spouse filed an injured spouse form with the tax return or if an adjustment is not posted on APECS, worklist the Intercept Unit at <HQFIPAS1>.

   d) follow normal refund procedures using the reason code <FOIR>; The code <FOIR> must be used for the deletion and modification program to report the refund to the IRS automatically.

   e) verify that both names appear on the warrant register; If both names appear,

no other action is needed. If only one name is printed on the Warrant Register,

(1) worklist the Exception Processing Unit at <HQFOTFT1> to pull and cancel the check; and

(2) request the Exceptions Processing Unit to process the refund.

5) Exceptions Processing Unit workers

a) process refunds that do not meet the three conditions necessary for district office workers to process the refunds, and

b) process refunds for which both names do not appear on the warrant register.

c. Invalid Payments

Division of Finance workers generate invalid payment refunds within ten work days of identification, if the payer address is available, using a Revenue Refund Voucher.

(8-1-97)(12-15-98) (11-1-2000)(10-9-09)(02-03-2010)

G. Refunds Generated by the IRS (11-01-2000)

1. When appropriate, the IRS issues refunds of intercepted payments after the payments are disbursed to the Division.

2. The IRS deducts refunds from the next Collection and Address tape forwarded to the Division.

3. APECS automatically adjusts the refund from the NCP's accounts receivable.

4. When the payment has been disbursed to the CP, a recoupment account is established. Refer to Chapter 34, Recovery and Recoupment.

(8-1-1997) (11-1-2000)

H. Stop Payments and Reissue Checks (07-01-2007)

1. General Rules

a. Initiate stop payment requests for

1) checks reported lost, misplaced, mutilated, destroyed, stolen, or never received by payees, and

2) checks issued in error. Payee must be notified in writing or by phone of stop payment. Document APECS Case Event History.

b. Refer to item 3 below for stale dated checks.

2. Stop Payments and Reissue Check Process

To initiate stop payment and reissue check requests

a. Home Office and District Office Staff

1) If an inquiry on a check is received from the payee, obtain the necessary information to decide if a stop payment needs to be placed on the check.

a) Identify the payee on the check by verifying the name, address, social security number, case information, etc.

b) Research APECS to find out if the request is valid. For a valid request, the following conditions exist:

(1) A check was issued.

(2) Ten or more (for in-state) and 15 or more (for out-of-state) working days have elapsed since the mailing of the check, unless the district manager approves a shorter waiting period if extenuating circumstances exist. Document APECS Case Event History of extenuating circumstances.

2) If either (1) or (2) do not exist, the request is invalid. If the request is invalid,

a) notify the payee of the reason for not initiating a stop payment, and

b) document the APECS Case Event History.

3) If both (1) and (2) are true,

a) review the documentation on the APECS Case Event History;

b) research the payee account to see if the check has been canceled;

(1) If the check has been canceled, find the reason for the cancellation and

release the hold on the check if appropriate.

(2) If the check has not been canceled, go to the next step.

c) research Wachovia Account Reconcilement system to determine if check has been cashed. If check has not been cashed, have the payee complete the *Stop Payment Request Affidavit*. The *Stop Payment Request Affidavit* advises the payee not to cash the check if received, and to return it to the Division. Maintain the original *Stop Payment Request Affidavit* in the district office.

d) if check has been cashed and fraud/forgery is alleged, have the payee complete the Affidavit on Check Endorsement. Refer to Section J, Alleged Forgery Claims, for instructions.

e) initiate a request for stop payment, as follows, after the *Stop Payment Request Affidavit* has been completed and signed by the payee:

(1) Worklist the designated Division of Finance worker.

(2) Document the APECS Case Event History.

(3) Provide the following information in the worklist notes:

(a) Warrant (Check) Number

(b) Warrant Date

(c) Check Amount

(d) Posting Date

(e) Payee Name

(f) Event ID Number

(g) Reason for Request

(h) Statement verifying *Stop Payment Request Affidavit* on file.

b. Banking Unit workers

1) review the APECS Case Event History and worklist notes,

2) process all stop payment requests received by 1 p.m., daily,

3) use the Wachovia Account Reconcilement system to find out the status of the check.

   a) If the check has been cashed,

      (1) return the worklist back to the district office and document APECS Case Event History.

      (2) District office will notify the payee and proceed with alleged fraud/forgery claim. Refer to Section J, Alleged Forgery Claims.

   b) If the check is still outstanding, check to find out if the check

      (1) was returned as undeliverable and subsequently remailed or canceled or

      (2) has not been returned to the Division.

   c) If the check was remailed, worklist the requester with a note. A stop payment and reissue request cannot be processed on the check, unless at least ten (for in-state) or 15 (for out-of-state) working days have elapsed since the date of mailing. Document the APECS Case Event History.

   d) If the check has been canceled, worklist the requester; attach a note explaining the action taken and the cancellation reason. Document the APECS Case Event History.

   e) If the check has not been cashed,

      (1) Use the Wachovia Bank Invision System to place an on-line stop payment on the check.

      (2) Document the APECS Case Event History.

      (3) The following work day, verify through Wachovia Account Reconcilement system that stop payment was placed.

      (4) Cancel adjustment back to APECS. Cancel adjustment must be approved by team leader or supervisor.

      (5) Release hold for reissue if appropriate.

      (6) APECS releases the payment automatically.

3. Stale Dated Check Process

   a. To initiate replacement check requests, Banking Unit workers

      1) receive the stale dated check,

      2) attach a cover letter to the check requesting a replacement check,

      3) forward the check and the cover letter to the Department of the Treasury, and

      4) document the APECS Case Event History.

   b. The Department of Treasury sends the replacement check to the payee.

(8-1-1997)(12-15-98)(11-1-02)(5-1-03)(7-1-07)

I. Alleged Forgery Claims (07-01-2007)

1. Statute of Limitations

   The liability of a bank arising out of checks with forged endorsements is determined largely by provisions in Articles 3 and 4 of the Uniform Commercial Code. The Uniform Commercial Code contains a statute of limitations of three years after the payment of a check bearing a forged endorsement.

2. District office workers

   a. contact the payee to appear in person to review the check copies and to sign necessary notarized documents;

   b. worklist the designated Division of Finance worker to close the file and document the APECS Case Event History if upon review of the endorsement on the back of the check, the payee acknowledges that it is his or her signature; and

   c. use the APECS on-line document generation facility to generate the Affidavit on Check Endorsement if the payee says that it is not his or her signature and the date the check was cashed does not exceed the statute of limitations;

      1) Make a photocopy of the document.

      2) Have the payee read and sign both copies of the *Affidavit on Check Endorsement* before a notary and have the notary notarize both copies.

3) Photocopy the signed and notarized document.

4) Send both copies of the notarized documents to the designated Division of Finance staff.

3. When APECS generates the *Affidavit on Check Endorsement*, it also generates a

   a. Case Event History entry; refer to Chapter 7, Documents and Record Retention, Section E, On-Line Documents for event information;

   b. worklist item; refer to Chapter 7, Documents and Record Retention, Section C, Documents that Generate a Worklist, for worklist information.

4. Banking Unit workers

   a. make a photocopy of the *Affidavit on Check Endorsement*,

   b. forward the two copies received from the district office to Wachovia Bank if the date the check was cashed does not exceed the statute of limitation;

   c. document the APECS Case Event History; and

   d. file a copy of the *Affidavit on Check Endorsement* and related documents.

5. Response to the *Affidavit on Check Endorsement* document

   a. If Wachovia Bank finds out that someone other than the payee cashed the check, the bank credits the Department of Treasury for the check. The Department of Treasury notifies the Banking Unit of the credit. Adjust credit to APECS.

   b. If the bank's investigation reveals that the payee cashed the check, the bank responds in writing to the Department of the Treasury.

   c. The Department of the Treasury forwards a copy of the bank's response to the Division of Finance. Upon receipt of the bank’s response from the Department of the Treasury, Banking Unit workers

      1) worklist the appropriate DCSE staff to notify the payee; attach notes explaining the bank’s response;

      2) forward a copy of the bank's response to the appropriate DCSE staff.

      3) document the APECS Case Event History.

(12-15-98)(11-1-02)(7-1-07)

J. Cancel Checks (12-15-1998)

1. General Rules

   a. Identify checks that the post office and other sources return to the Division to be canceled or remailed.

   b. Research and cancel undeliverable returned checks within 24 hours of receipt.

   c. Research and cancel miscellaneous returned checks within 72 hours of receipt.

2. Research and Cancellation of Checks

   Banking Unit - Division of Finance

   a. Receive and record all returned undeliverable and miscellaneous checks on the Returned Check Log.

   b. Run a control tape on the checks and the entries on the Returned Check Log.

   c. Verify that the totals agree. Resolve discrepancies, if any.

   d. Separate undeliverable checks from miscellaneous checks.

   e. Update the Undeliverable Check RID and the Miscellaneous Check RID.

   f. Make photocopies of the miscellaneous returned checks and any attachments.

      1) Deliver the original miscellaneous returned checks to the Banking Unit supervisor. The supervisor places the checks in the safe while they are being researched.

      2) Separate miscellaneous returned check copies by types.

      3) Deliver the miscellaneous returned check copies and attachments to appropriate workers for research.

         a) Research to see if a stop payment has been placed on the check. If it has,

            (1) update the Miscellaneous Check RID and

(2) refer to Section I.

b) If research reveals that the check has been returned because it is stale dated or mutilated,

(1) refer to Section I.

(2) update the Miscellaneous Check RID.

c) If research reveals that the check can be remailed,

(1) mail the check,

(2) update the Miscellaneous Check RID, and

(3) type a self-generated entry in the APECS Case Event History. Attach notes to the event.

4) Cancel the remaining miscellaneous checks using the APECS on-line check cancel function.

5) Update the Miscellaneous Check RID.

g. Make photocopies of undeliverable returned checks.

1) Deliver the original checks to the Banking Unit supervisor. The supervisor places the checks in the safe while they are being researched.

2) Deliver the undeliverable returned check copies and attachments, if any, to appropriate workers for research.

a) Research to see if a stop payment has been placed on the check. If it has,

(1) forward the check to the Department of the Treasury and

(2) update the Undeliverable Check RID.

b) If a stop payment has not been placed on the check and the payee address has not been updated on APECS, cancel the check. Refer to Chapter 31, Adjustments, for adjusting entry procedures.

(1) Notify the district office that the check was returned.

(2) Update the Undeliverable Check RID.

h. Complete a Deposit Certificate for the payments to be deposited. Refer to Deposit Certificate instructions.

i. Forward the Deposit Certificate and the payments to the Revenue Control Unit.

(12-15-1998)

A. General Rules (07-01-2008)

1. **When a call is received by the DCSE Customer Call Center, wherein a CP indicates that support payments have not been received as expected and an emergency exists, obtain information pertaining to the general nature of the emergency situation. Document the Automated Program to Enforce Child Support (APECS) Case Events History for the case.**

2. **Transfer the call to the appropriate District Office worker.**

3. **The District Office worker should advise the District Manager immediately that the CP has indicated an emergency situation.**

4. **The District Office worker should obtain the following information, as applicable, from the CP and document the case event history (self-generated event):**

   a. **The nature of the emergency;**

   b. **If an eviction, the name of the landlord or person responsible for receiving rent payments, the telephone number and the results of contact;**

   c. **If a foreclosure, the name of the person or institution holding the mortgage, the mortgage number, the telephone number and the results of contact;**

   d. **If a repossession, the name of the person or institution responsible for receiving payments, the telephone number and the results of contact;**

   e. **If threatened with utility cut-off, the name of the company and account number, the telephone number, the name of the contact person and the results of contact;**

   f. **If threatened with loss of child care service, the name of the child care provider; and the child for whom day care is being provided. Also, obtain the telephone number of the child care provider;**

   g. **If threatened with a loss of medical insurance, the name of the insurance company, the policy number, and the means of contacting the insurance company;**

   h. **If threatened with denial of required medical treatment, the name of person needing treatment, the name of the physician and the medical facility, a general description of the medical treatment sought, and the means of contacting the physician or the medical facility;**

i. If threatened with denial of required prescription medicines, name of person needing medicine, the name of the pharmacy or medical institution, and the means of contacting the pharmacy or the medical institution;

j. If threatened with a loss of automobile or home insurance, the name of the insurance company, the policy number, and the means of contacting the insurance company;

k. If the CP reports a lack of food, refer the CP to the appropriate local welfare agency for possible assistance with emergency food stamps, and continue to process the case.

(7-1-08)

B. Emergency Action (07-01-2008)

1. **The District Office worker should obtain and document information about the missing or delayed payment from the NCP, employer, or out of state child support agency as appropriate (method of payment, how payment was identified, date of payment and date of mailing, name appearing on check, amount of check, address to which it was sent, and status of payment, i.e. paid or still outstanding).**

2. **Research automated systems in an effort to identify the status of the child support payment.**

3. **Attempt to gain an extension from the creditor for the CP to make the necessary payment by advising the creditor that DCSE is actively researching the status of the child support payment that is due to the CP.**

4. **Notify Home Office Customer Services Manager or designee of the CP's emergency situation and information obtained about the payment.**
5. **Home Office Customer Services Manager or designee coordinates with the appropriate Division of Finance management to locate and expedite disbursement of a payment either by direct deposit, debit card or paper check if there are funds in the agency's possession due the CP that may have been misapplied or misdirected.**

6. **Home Office Customer Services Manager or designee notifies District Office of Division of Finance actions.**

7. **District Office contacts CP to advise of extension and payment status.**

8. **Document actions appropriately in case events.**

(7-1-08)

A. General (04-18-1994)

The adjustment process changes the balance in participant and case subaccounts or case and system accounts. Automated Program to Enforce Child Support (APECS) generates automated adjustments. Staff create semi-automated and manual adjustments.

(04-18-1994)

B. Types of Adjustments **(01-01-2001)**

1. **Automated Adjustments**

   a. For automated adjustments using system data or tape information, APECS

      1) establishes subaccounts when extensions are added to an order.

      2) adds obligations for the current month.

      3) moves the balance in the current month receivable to an existing prior receivable subaccount or establishes a prior receivable and moves the balance.

      4) transfers Non-Temporary Assistance for Needy Families (TANF) arrears to TANF when cases reopen to TANF.

      5) when unreimbursed public assistance reaches zero, moves the remaining TANF arrears to Non-TANF arrears.

      6) establishes IRS fee subaccounts. This function was not used for the 1993 and 1994 federal tax years.

      7) accrues and maintains unreimbursed public assistance.

   b. Financial information transferred to APECS from SUPE and ACSES generated conversion adjustments.

2. **Manual Adjustments**

   a. Staff enter the information and adjust the accounts and subaccounts.

   b. Central and district office fiscal staff enter manual adjustments.

3. **The "**Post" **function on APECS**
   a. moves cash to noncustodial parent (NCP) accounts.

b. redistributes payments from the Unidentified Payor Account and Mapper **RIDS** to NCP accounts.

1) If the payment is to be distributed using the allocation program, no additional adjustment is needed.

2) If the payment is not to be distributed using the allocation program, additional adjustments are entered to distribute the payment.

c. Payments received on tape are automatically posted.

4. The "Distribution**" function on APECS** moves payments from the NCP level, to the case level, to the payee level.

5. The "Disbursement" **function on APECS** moves payments from the payee level to the warrant register file.

(1-1-1996) (01-01-2001)

C. Accounts and Subaccounts (01-01-1996)

1. Adjust subaccounts at any of the following levels:

a. NCP

b. payee

c. case

2. Payee refers to who is receiving the payment. This is usually the custodial parent (CP) or agency receiving child support services. It may be the NCP or someone that does not receive child support services.

3. Adjust accounts at any of the following levels:

a. case

b. system

c. state

4. Adjust accounts and subaccounts from account to account and subaccount to subaccount.

a. Adjust payments posted to the incorrect NCP back to the receipt account.

b. Adjust payments posted to the correct NCP and allocated to the incorrect case back to the NCP level.

(01-01-1996)

D. Manual Adjustments (01-01-1996)

1. General Information

a. Effective January 1992**,** the local social services agencies base the grant amount on the support disbursed to the CP as of the TANF approval date.

b. Do not redistribute payments posted and disbursed before the TANF approval date.

c. If the CP received support payments after the approval date.

1) Report the amount received to the local social service agency. Refer to Chapter 34, Recovery and Recoupment.

2) Add a note to the transaction explaining the action taken.

2. Research the need for a cash adjustment.

a. If your research reveals any of the following**,** do not request an adjustment:

1) TANF case was approved mid-month with a retroactive effective date. A payment disbursed to the CP before the TANF approval date.

2) TANF arrears payment posted and disbursed to the non-TANF CP.

a) Non-TANF arrears owed (same NCP and CP);

b) add a note to the transaction explaining the action.

3) Non-TANF payment posted as a payment in excess (B-3 or B-5) payment.

a) The payment disbursed to the CP (same NCP and CP);

b) add a note to the transaction explaining the situation.

b. If your research reveals that current support was not posted for the month, request an

adjustment.

c. Figure out what caused the need for redistribution.

   1) adjustment entered twice

   2) incorrect account or subaccount adjusted

   3) case management information incorrect or incomplete

d. Identify the corrective action.

   1) duplicate adjustment

      a) If APECS has not processed the adjustment, refer to the APECS Users Manual.

      b) If the adjustment has been processed by APECS, reverse the original entry.

   2) incorrect account or subaccount adjusted

      a) If APECS has not processed the adjustment, refer to the APECS User's Manual.

      b) If the adjustment has been processed by APECS, reverse the original entry.

   3) case management information

      Update the case management information that created the need for the adjustment.

e. Create a self-generated APECS Case Event History entry as follows:

   1) adjustment reason

   2) corrective action

f. Refer to Chapter 7, Documents and Record Retention, for general information to include in self-generated Event History and notes entries.

g. Create event notes for the entry with the following information:

   1) payments to redistribute or receivable to adjust

2) name of the staff to approve the request

h. Create a self-generated worklist to one of the following:

1) The Research Unit, if any of the following Central Office payment processing errors created the need for redistribution:

a) social security number entered was incorrect and matched another social security number in APECS;
b) master participant number entered was incorrect and matched another participant number in APECS;

c) staff entered the wrong payment amount;

d) staff entered the payment date incorrectly and caused the payment to allocate incorrectly. For example, the payment date entered as 1991, instead of 1992.

2) Central Office staff create a self-generated worklist based on whether the payment has been disbursed.

a) Customer Services Unit supervisor sends a mail message to

(1) request the district office to review and approval the request, or

(2) Division of Finance to process the request.

b) Research Unit supervisor sends a mail message to the Manager of the Research Unit for review and approval.

3) District office staff create a mail message to the staff that is designated to approve the request.

(01-01-1996)

E. Redistribution Request Approval **(01-01-2001)**

1. Approval of a redistribution request certifies that

a. the requested action is valid,

b. APECS information supports the requested action,

c. the incorrect or incomplete information that created the need for the redistribution has

been corrected, and

d. the redistribution is a valid expenditure of funds.

2. The manager or supervisor

   a. reviews the case documentation,

   b. approves the request, and

   c. creates a self-generated case event entry with the following information:

      1) whether the transaction was approved,

      2) initials and last name, and

      3) the date request approved.

3. The fiscal supervisor approves the request, if the payment has not been disbursed.

4. The **Assistant Director** or designee approves the request if the payment has been disbursed.

5. The Payment Processing Manager approves requests that are the result of a payment entry error.

6. Dual disbursements

   a. District office staff

      1) send a mail message to the **Assistant Director's office** to review and approve the request, and

      2) fax the request to the **Assistant Director's** office.

   b. **Assistant Director's** Office Staff

      1) review and approve the request, and

      2) fax the request to the Central Office Exception Processing Unit.

   c. The Exception Processing Unit supervisor distributes requests to staff.

d. The Banking Unit manager approves requests that require a dual disbursement. The approval certifies that

1) the dual disbursement is necessary because of an error made by a staff, and

2) the request has been approved by **an Assistant Director** or the Payment Processing Manager.

(1-1-1996) (01-01-2001)

F. Fiscal Staff Process the Request **(01-01-2001)**

1. District office fiscal staff

a. locate the payment(s) to be redistributed,

b. decide to what accounts or subaccounts the payment(s) have been distributed,

c. **complete a *Request for Payment Transfer/Refund* document and forward it to the Division of Finance.**

2. **Division of Finance** fiscal staff review the request to verify that

a. the "Reason for Transfer/**Refund Request**" section of the ***Request for Payment Transfer/Refund* document** is completed with a reason from the reasons to request a redistribution section,

b. the ***Request for Payment Transfer/Refund* document** is complete,

c. the accounts and subaccounts support the requested redistribution,

d. the case management information supports the requested redistribution.

3. Division of Finance Research Unit staff forward the request to the Exception Processing Unit when the verification is successfully completed.

4. **Division of Finance** staff contact the manager or supervisor that requested the redistribution if

a. the reason is not included in the "Reason for Transfer/**Refund Request**" section of the ***Request for Payment Transfer/Refund* document** ,

b. the ***Request for Payment Transfer/Refund* document** is not complete,

c. the accounts and subaccounts do not support the requested redistribution,

d. the case management information does not support the requested redistribution, and

5. **Division of Finance** staff create a self-generated Case Event History entry with the following information:

   a. name of the staff contacted

   b. reason contacted

   c. result of contact

   d. date contacted

6. Enter the adjustment

   a. If the adjustment is for payments posted to SUPE or ACSES, use the adjustment for no prior transaction.

   b. Include a note with each manual adjustment. Record the following information in the note:

      1) reason for the adjustment

      2) approvals obtained

   c. Refer to the APECS Users Manual for how to enter the adjustment.

   d. Create a mail message to supervisor to approve the adjustment.

(01-01-1996) (01-01-2001)

G. Cash Adjustment Approval (01-01-1996)

A supervisor's approval is required on manual payment adjustments.

1. APECS does not process adjustments that are not approved.

2. Record approval on APECS the same day the mail message is received.

3. Approval of the adjustment certifies that

a. the request has the required approvals,

b. appropriate subaccounts and accounts are adjusted, and

c. reason codes necessary for CARS adjustments are correct.

4. When a dual disbursement is necessary, approval also certifies that a mail message has been created to the Recoupment Unit to generate the APECS *Overpayment Notification*.

(01-01-1996)

H. Receivables General **(01-01-2001)**

1. Central Office staff establish the following fee subaccounts:

   a. parental kidnaping fee

   Enter the amount the payer is responsible for paying using the adjustment module.

   b. collection and monitoring fee
   Do not enter these fees in APECS.

2. APECS establishes the Internal Revenue Service (IRS) intercept fee subaccount. Refer to Chapter 35, Fees.

3. Recoupment

   Division of Finance staff establish the subaccounts.

4. Interest

   a. Enter the amount of interest due the CP. Include a note explaining how the interest was calculated. For example, the number of months at what interest rate.

   b. Enter the amount of interest the NCP owes on arrears. Include a note explaining how the interest was calculated. For example, the number of months at what interest rate.

5. Reconcile payment and order history before processing.

   a. Refer to the Fiscal Record instructions for periods before conversion of the case to APECS.

   b. Use the Account Statement for periods after conversion of the case to APECS.

6. When the adjustment brings the receivable balance to zero, verify that all enforcement actions have been released. Refer to Chapter 19, Enforcement Rules, and refer to Chapter 24, Enforcement by Other Methods.

7. Process adjustment using the adjustment module or the order module.

8. Use the following reason codes:

   a. Receivables

      1) FAAA = add arrears previously held in abeyance

      2) FAAD = Use this reason code to remove arrears that accrued in error. The Commissioner has to discharge arrears that legally accrued before they are removed.

      3) FACC = The court gave the NCP credit for payments made instead of support.

      4) FAIC = adjust interest charge

      5) FAOW = An Administrative Order was issued and the obligation added to the system without proper service of notice.

      6) FAPG = NCP parent overpayment agreement

      7) FCPR = The arrears were dismissed by the judge at the CP's request.

      8) FCTC = Court pass through payment to CP when the judge orders the NCP to pay the CP in the court.

      9) FDPC = Direct payment to the CP by the NCP. A judge ordered the reduction.

      10) FNAR = new non-TANF case with arrears

      11) FNAS = TANF child support arrears assigned to the Commonwealth

      12) FNCR = new non-TANF case with a credit balance

      13) FNSS = non-TANF spousal support arrears assigned to the Commonwealth

      14) FOES = order established

      15) FOMD = A case review or court order resulted in a decrease in current support

due.

16) FOMI = A case review or court order resulted in an increase in current support due.

17) FOOV = A judge has vacated the current support order.

18) FOTH = adjustment for a reason not listed

19) FVLT = create voluntary subaccount

20) FVPE = voluntary payment from the putative father (PF) before the establishment of paternity

b. Refunds

1) FIPR = invalid payment refund

2) FIRS = refund made by the IRS

3) FLOT = overpayment received from a lottery intercept

4) FMWW = overpayment received from an income withholding

5) FOIR = overpayment received from an IRS intercept

6) FORE = overpayment received from a source not listed

7) FOST = overpayment received from a state tax intercept

8) FPCA = overpayment received from a private collection agency

9) FVEC = overpayment received from the Virginia Employment Commission

10) FVND = overpayment received from a vendor intercept

c. Canceled Checks

1) FCAN = cancel check for a reason not listed

2) FCAR = cancel a check returned by the payee

3) FCUC = cancel an undeliverable check

4) FRIS = reissue a canceled check

d. Distribution
   1) FDTC = distribute payment to the CP

   2) FP4A = adjust TANF case payment

e. Disbursement

   FDDE = disbursement to cover dual expenditure

f. Recoupment

   1) FNSF = insufficient funds in the bank to cover payment

   2) FPNE = payer did not endorse the payment

   3) FRCO = CP overpaid

   4) FREP = emergency payment issued

   5) FROP = overpayment issued for a reason not listed

   6) FSBP = payer placed a stop payment on the payment

   7) FSOP = stale dated payment not honored by the bank

g. Redistribution

   1) FAPA = redistribute from NCP to NCP

   2) FCHS = redistribute from child support to spousal support

   3) FCPP = redistribute from CP to CP

   4) FFES = redistribute from a fee subaccount to a support subaccount

   5) FINS = redistribute from an interest subaccount to a support subaccount

   6) FRTS = redistribute from a recovery subaccount to a support subaccount

   7) FSAP = redistribute from the Unidentified Payor Account to a NCP subaccount

8) FSPF = redistribute from a support subaccount to a fee subaccount

9) FSPI = redistribute from a support subaccount to an interest subaccount

10) FSSC = redistribute from a spousal support subaccount to a to a child support subaccount

11) FSTR = redistribute from a support subaccount to a recoupment subaccount

h. Miscellaneous

1) FIDP = add the interest due to the payee

2) FINV = correct an invalid adjustment

3) FURP = adjust unreimbursed public assistance

9. Adjust receivables using the support order module for any of the following reasons:

a. order established before APECS

The effective date of the order is before APECS conversion. The order was not entered on SUPE or ACSES.

b. new obligation

The obligation established may or may not include retroactive arrears.

c. modification for increase or decrease

d. **fee**

(1-1-1996) (1-1-2001)

I. Receivables and Cash **(01-01-2001)**

Adjust to issue manual refunds.

1. Refunds General

a. District office fiscal staff create a self-generated worklist **to the** Division of Finance Exception **Processing** Unit, and

1) verify that APECS has a current mailing address for the payee.

2) research subaccounts linked to the NCP to see if any receivable has a balance.

3) use the Distribution Journal to find the original distribution of the payments.

2. Overpayment Refunds

a. Verify that the case is closed and the NCP does not owe arrears on any case or that the overpayment resulted from an involuntary enforcement action.

b. Verify Payments.

1) District office fiscal staff

a) locate payments that need to be refunded,

b) find out the accounts or subaccounts to which the payments distributed, and

c) complete a **Request for Payment Transfer/Refund document** for refund. The amount recorded in the APECS Case Event History must equal the amount recorded on the **Request for Payment Transfer/Refund document**.

2) Refer to the microfilm instructions to obtain payment information for periods before conversion.

c. Reconcile Subaccounts

d. Process the fiscal record. Use the Fiscal Record procedures for periods before conversion to APECS. Use APECS Cash Account Statement for periods after conversion.

e. Adjust receivable subaccount balances. The balance in all arrears, fees, and interest subaccounts must be zero after the refund is processed with one exception. The current support subaccount may not be zero if the refund resulted from overcollection using income assignment.

3. IRS and State Intercept Payments

a. Verify receipt of an IRS or state intercept payment or that a copy of the IRS notice to the NCP has been received. Create a self-generated APECS Case Event History entry to document receipt of this document. Include the following data in the entry:

1) name of Document

2) date Received

b. If the NCP has a balance in any receivable, find out if the NCP was mailed the *Tax Intercept Letter Regarding Excess Money* and if it was returned as undeliverable. The APECS Case Event History contains this information if the payment was received after the case converted to APECS.

c. If the payment was received before the case converted, the information is in the paper file. Create a self-generated APECS Case Event History entry with the following information:

1) name of document

2) date mailed

3) whether the document was signed and returned

4) date the signed document was received

d. If the payment was from a joint return, adjust the joint intercept payment from the NCP level to account 25. Use the adjust account balance option on APECS.

e. If the intercept has not been received by the Division of Child Support Enforcement (DCSE), initiate the payment using the AP IRS Refund Option on APECS.

f. Place a hold on the payment at the payee level, if the intercept is from a joint return.

g. Refer to Chapter 29, Disbursements.

(1-1-1996) (1-1-2001)

J. Cash **(01-01-2001)**

1. Manual adjustments are made to cash for the following reasons:

a. Redistribution

Distribute to the CP. Redistribute undisbursed cash **posted** to the wrong payee in error.

b. Redistribution to cover a dual expenditure

Obtain the cash for the second distribution from the Commonwealth's share of the TANF agency level account.

c. Redistribute payment in excess to state

Redistribute payments distributed to the wrong subaccount.

d. Redistribute interest payable from account 40 to payee subaccount

e. Distribute B3 and B5 payments to the CP **(old cases)**.

f. Distribute payments to the state level TANF program.

g. Distribute payments to the state level Aid to Families with Dependent Children in Foster Care (AFDC/FC) program.

h. Distribute payment to the non-IV-E foster care program.

i. Distribute payment to the Medicaid program.

j. Distribute Voluntary Payment.

Use to manually distribute a payment posted to an unobligated NCP. If payments continue to be received and an obligation cannot be established, establish a voluntary obligation.

k. Disburse to the state level TANF program.

1) Adjustment to transfer funds to the TANF program.

2) Transfer of cash from IV-D to IV-A for week ending (Complete week ending date).

l. Disburse to the state level AFDC/FC program.

1) Adjustment to transfer funds to the AFDC/FC program.

2) Transfer of cash from IV-D to IV-E for week ending (Complete week ending date).

m. Disburse to non-IV-E foster care.

1) Adjustment to transfer funds from IV-D to the non-IV-E foster care program.

2) Transfer of cash from IV-D to non-IV-E/FC for week ending (Complete week ending date).

n. Disburse to Medicaid.

1) Adjustment to transfer funds to the Medicaid agency.

2) Transfer of cash from IV-D to Medicaid for week ending (Complete week ending date).

o. Disburse to the Department's unclaimed property account.

2. Use recovered payments to reduce the CP expenditure accounts and increase the IN-STATE TANF account. Record recoupment of dual disbursement.

3. Create a self-generated worklist to the Recovery and Recoupment Unit to generate the *Overpayment Notification* document and establish the recoupment subaccount.

4. Redistribution reasons

a. Current support was not satisfied for the month for any of the following reasons:

1) APECS information not accurate or complete,

2) payment data entered incorrectly.

b. Court ordered non-TANF arrears payment posted to TANF arrears.

c. Payment instruction needed on case.

d. Payment instruction not followed.

5. Redistribution

a. Decide why the payment was distributed erroneously.

b. Verify that APECS has been updated to support the redistribution.

c. Locate the payment to be adjusted.

d. Decide to which subaccount the payment was distributed.

e. Adjust payments back through each account through which they distributed. For example, adjust a payment that distributed to the state level account from the state level account to the case level subaccount, to the payer level subaccount, and then redistribute.

f. Adjust the payment to be redistributed to the payer level.

g. APECS redistributes the payment.

(1-1-1996) (1-1-2001)

K. Unidentified Payor Account **(01-01-2001)**

1. Division of Finance Exception Processing Unit supervisor receives APECS Unidentified Event Tracking forms for the previous day from the Payment Processing Identification supervisor by 10:00 a.m. each work day.

2. Compare the APECS Unidentified Event Tracking forms to the Unidentified Payor Outstanding section of the APECS Undistributed Receipts Report

   a. to identify transactions for which an APECS Unidentified Event Tracking form and payment copy or payment listing was not received and

   b. retrieves a copy of the payments or payment listings or assigns staff to retrieve the copies.

3. Division of Finance Exception Processing Unit fiscal staff

   a. Receive a section of the Undistributed Receipts Report, Unidentified Payor Outstanding section for payments posted the previous day and a microfilm copy of each payment or payment listing.

   b. Attach an APECS Unidentified Event Tracking form to each payment copy or payment listing copy that does not have one attached.

   c. Complete the following data elements on each attached APECS Unidentified Event Tracking form:

      1) RECEIPT DATE

      2) TRANSACTION EVENT ID

      3) CONTROL NUMBER

4) POSTING DATE

5) AMOUNT OF PAYMENT

d. Research each payment from the previous production run on the day it is received by

1) reviewing each payment copy or payment listing copy and locate identifying information.

2) accessing APECS, ACSES, SUPE, and VACIS on-line and search by name and social security number to identify possible matches.

e. Compare the name and address on the systems with the name and address on the payment copy or payment listing copy.

1) When the case that the payment is to be posted to is identified on APECS, refer to step k. below.

2) When the case that the payment is to be posted to is on the SUPE and ACSES RID and the case did not convert to APECS,

a) check the ACSES and SUPE disposition reason code to decide if the case was closed at the customer's request or for a reason that meets federal closure criteria.

b) If the case was closed at the customer's request or for a reason that meets federal closure criteria, locate the case closure date.

(1) If the effective date of the payment is before the closure date, forward the payment to the CP.

(2) If the effective date of the payment is after the closure date, refund the payment to the NCP.

c) If the case was not closed at the customer's request or for a reason that meets federal closure criteria,

(1) complete the Cases with Payments Posted to APECS Unidentified Payor Account and Unconverted Cases with Cash on a RID and

(2) forward to the Office Services Assistant responsible for forwarding to the district office.

f. Write the telephone number on the APECS Unidentified Event Tracking form if the payment copy or payment listing copy has a telephone number recorded on it. Refer to instructions for completing the form.

g. If a telephone number is not on the payment copy or payment listing copy and the payment is from an employer or out-of-state agency,

1) use the APECS INQUIRE EMPLOYER/AGENCY DATA to obtain the telephone number. Refer to APECS User Manual pages 4.4-1 through 4.4-4.

a) If the telephone number is not on the screen,

(1) print a copy of the APECS screen.

(2) request the number from directory assistance.

b) Write the number on the APECS Unidentified Event Tracking form. Refer to instructions for completing the form.

c) Write the number on the APECS screen copy. Forward the screen copy to the APECS Solution Center to add the number to APECS.

2) Contact the payer at the number to obtain the information necessary to post the payment. Hold the payment copy or payment listing copy up to two days to contact the payer.

3) Access APECS Hold/Release Transaction screen. Refer to the APECS User Manual pages 5.15-5.15-4.

a) Enter one of the following codes in the review status field

(1) <R> if the transaction is being researched

(2) <V> if research revealed that the payment is a voluntary payment

(3) <O> if the payment was referred to another office for research or

b) enter a <U> in the hold reason field to designate the payment as unclaimed property.

4) Record the information obtained in the comment section on the APECS Unidentified Event Tracking form. Refer to instruction for completing the form.

5) Refer to step j. if the payer cannot be reached by telephone.

h. Request microfilm copies of earlier payments when

1) two or more NCPs have the same name as the payer and other information on the case file does not match the information on the payment copy or payment listing copy, or

2) the name written on the payment cannot be positively identified.

i. Compare the writing on the earlier payments with the writing on the payment copy being researched.

1) If the writing does not match, refer to step j.

2) If the writing appears to match, ask a second staff to compare the writing on the two documents. If both staff agree that the writing matches, refer to step m.

j. Write the mailing address on the APECS Unidentified Event Tracking form if the payment copy or payment listing copy has an address recorded on it and the payment cannot be identified using system data or the telephone. In addition complete the following information:

1) If the payment or payment listing was received from an employer or out-of-state agency, complete

a) employer or agency name

b) employer or agency address

2) If the payment was received from an individual, complete

a) payer name

b) payer address

Refer to instructions for completing the form.

3) Access APECS Hold/Release Transaction screen. Refer to the APECS User Manual pages 5.15-5.15-4.

a) Enter one of the following codes in the review status field

(1) <R> if the transaction is being researched

(2) <V> if research revealed that the payment is a voluntary payment

(3) <O> if the payment was referred to another office for research or

b) enter a <U> in the hold reason field to designate the payment as unclaimed property.

4) forward the completed APECS Unidentified Event Tracking form to the Office Services Assistant to type and distribute the letter.

k. When a payment is identified using the above procedures,

1) check the Mapper RIDS by name and social security numbers for additional payments for the NCP.

2) Adjust additional payments located when adjusting the payment in the Unidentified Payor Account.

3) complete the Payer Name on the APECS Unidentified Event Tracking form.

4) Refer to instructions for completing the form.

5) Create a self-generated worklist to the district office specialist to provide a new social security, addresses, or name obtained in identifying the payment.

a) <New social security number obtained>

b) <New address obtained>

c) <New name obtained>

6) Add a note to the worklist to include the new information.

7) set the form aside to enter all adjustments at once.

l. If district office assistance is needed, complete the Closed Cases with Payments Posted to APECS Unidentified Payor Account or with Balances on a RID. Refer to the instructions for completing the form.

m. Decide to which district office to forward the request.

1) Review the CP locality and district office code for closed cases with information on the RIDS. CP information is not available for purged cases. Mail the form to the district office for the area where the payer is.

2) If the district office code is for the following districts, the code may not be valid.

   a) Newport News District Office,

   b) Virginia Beach District Office, and

   c) Manassas District Office.

3) Some cases from these offices have been reassigned.

4) Refer to Chapter 1, Program Overview and Structure, Appendix B, Locality Listing by Region and District Office, for FIPS codes assigned to each district office.

n. Attach APECS Unidentified Event Tracking form, payment copy or payment listing copy, and copy of RID if payments on RID.

o. forward to the office services assistant.

p. set the payment copy or payment listing copy aside for additional research when the case that the payment is to be posted is not identified using the above steps. Record why the payment could not be identified

   1) on the Undistributed Receipts Report, Unidentified Payor Account section.

   2) on the APECS Unidentified Event Tracking form.

q. adjust payments from the Unidentified Payor account and RIDS to the Manual Distribution account when the payment was received and processed by DCSE in error.

4. **Division of Finance** Exception Processing Unit office services assistant

   a. copies the Closed Cases with Payments Posted to APECS Unidentified Payor Account and Unconverted Cases with Cash on a RID, and the payment copy or listing.

   b. files the copy in a pending file by district office.

c. mails the original request to the district office by courier.

d. follows up on requests for which a response has not been received in seven business days.

1) Contact the district office accountant senior by telephone.

2) If a response is not received within five business days from the telephone call, contact the district manager by memo.

3) If a response is not received within five business days from the memo, contact the regional administrator by memo.

4) If a response is not received within five business days from the memo, contact the Central Office Program Specialist by memo.

5. District office accountant seniors

a. receive the Closed Cases with Payments Posted to APECS Unidentified Payor Account and Unconverted Cases with Cash on a RID.

b. assign the requests to fiscal staff to research and decide action needed.

6. Within three working days of receiving the request, District office staff:

a. research the requests and make one of the following decisions:

1) The case was closed in error.

2) The arrears were not transferred from the non-TANF case to the TANF case when the CP was approved for TANF. Transfer the arrears.

3) Decide that the payment needs to be refunded to the NCP.

b. take the following actions

1) If the case was closed in error, add the case to APECS. Redistribute the payment from the Unidentified Payor Account to the NCP's account.

2) If the arrears were not transferred, transfer the balance. Redistribute the payment from the Unidentified Payor Account to the NCP's account.

3) After the payment is redistributed by the district office,

a) notify Central Office by sending a mail message. Refer to the APECS User Manual, pages 3.2-5 and 3.2-6.

b) File the APECS Request for District Office Assistance in Processing a Payment in the Unidentified Payor Account in a central file alphabetically.

c. If the payment needs to be refunded to the NCP.

1) Verify the NCP's address.

2) Write the verified address on the on APECS Request for District Office Assistance in Processing a Payment in the Unidentified Payor Account.

3) Return the APECS Request for District Office Assistance in Processing a Payment in the Unidentified Payor Account to:

Division of Finance - Exception Processing Unit, 3rd floor

7. **Division of Finance** Exception Processing Unit staff take the following actions when the processed Request for District Office Assistance in Processing a Payment in the Unidentified Payor Account is returned by the district office.

a. pull the copy of the Request for District Office Assistance in Processing a Payment in the Unidentified Payor Account from the pending file, and

b. shred the copy.

c. forward the original form to the staff that initiated the request.

8. **Division of Finance** Exception Processing Unit office service assistant receives a mail message from the district office staff that the payment was distributed.

a. pull the copy of Closed Cases with Payments Posted to APECS Unidentified Payor Account and Unconverted Cases with Cash on a RID from the pending file, and

b. file the copy in the unit file in alphabetical order.

9. **Division of Finance** Exception Processing Unit fiscal staff

a. receive the Closed Cases with Payments Posted to APECS Unidentified Payor Account and Unconverted Cases with Cash on a RID completed by the district office staff from the office services assistant.

b. Use the APECS Inquire Employer/Agency Data screen to obtain the Federal identification number. If the federal identification number is not on APECS, contact the employer or the out-of-state agency to obtain the number.
c. If the social security number for an individual is not on APECS, contact the individual to obtain the number.

d. transfer the payment from the RID. Refer to How to Refund Payment from a RID.

e. adjust payments from the RIDS to the NCPs accounts when the payment belongs to DCSE.

10. Reports

a. Daily Cash Processing Summary

Central Office and district office staff complete the following data elements and submit to supervisor by 4:00 p.m. each day.

1) Location

2) Staff Name

3) Staff Number

4) Date

5) Event ID#

6) Account/MPI #

Refer to instructions for completing the form and the APECS How to Handbook, Section VI, Chapter 7, How to Complete the Daily Cash Processing Summary for Approval and Reconciliation.

b. Central Office staff complete the following reports daily:

1) Undistributed Receipts Unidentified Payor Outstanding Daily Production Report. Refer to instructions for completing the report.

2) Unidentified Payment Reason Report. Refer to instructions for completing the report.

(1-1-1996) (1-1-2001)

L. Unreimbursed Public Assistance (URPA) (01-01-1996)

1. Only use this adjustment for cases that converted from SUPE and ACSES and did not properly cross the interface.

2. Calculate URPA when the case converted from SUPE and ACSES with an incorrect amount.

3. The formula is

   a. sum of TANF or AFDC/FC grants

   b. minus NCP payments

   c. plus B1, B3, B5 and hold harmless payments.

(01-01-1996)

M. Monthly Adjustment (04-18-1994)

Compile report by type of adjustment.

(04-18-1994)

N. Staff Station Reconciliation (01-01-1996)

Refer to Chapter 33, Reconciliation.

(01-01-1996)

O. Related Documents **(01-01-2001)**

1. *Overpayment Notification*

2. ***Request for Payment Transfer/Refund***

3. *Tax Intercept Letter Regarding Excess Money*

4. Daily Cash Processing Summary

5. Undistributed Receipts Unidentified Payor Outstanding Daily Production Report.

6. Unidentified Payment Reason Report.

7. APECS UNIDENTIFIED EVENT TRACKING

8. Closed Cases with Payments Posted to APECS Unidentified Payor Account or with Balances on a RID.

9. Unidentified Payment Letter to Individual

10. Unidentified Payment Letter to Company

(01-01-1996) (3-1-1997 Chapter reformatted)(01-01-2001)

A. Purpose of Chapter (07-01-2004)

1. The purpose of this chapter is to provide policy, procedures, and information regarding

   a. charging interest on support arrears;

   b. paying interest to custodial parents (CP); and

   c. paying interest to noncustodial parents (NCPs) on state tax refunds intercepted in error.

2. The chapter refers the reader to the Automated Program to Enforce Child Support (APECS) User Manual for functional processing steps for

   a. calculating interest, pages 5.21-1 through 5.21-2,

   b. adding a support order with an interest rate other than 6%, pages 5.5-13 through 5.5-16.

3. The chapter refers the reader to the DCSE Program Manual

   a. Chapter 18, Receivables, for procedures for manually establishing interest subaccounts on APECS;

   b. Chapter 21, Enforcement by Intercept Processes, for certifying interest to the Internal Revenue Service (IRS) for intercept;

   c. Chapter 27, Payment Processing, for procedures to obtain microfilm copies of payments; and

   d. Chapter 31, Adjustments, for procedures to redistribute funds from Account 11, Interest.

(09-01-1996)(07-01-2004)

B. Charging Interest on Support Arrears **(09-01-2004)**

1. APECS sets the Charge Interest Indicator to <Y> when an arrears subaccount is established. The Division of Child Support Enforcement (DCSE) charges interest on support arrears from July 1, 1995 forward unless

   a. the NCP who owes the arrears is less than 18 years old. APECS runs a program, changes the Charge Interest Indicator to <N> if the NCP is under the age of 18.

Effective July 1, 2001, APECS automatically changes the Charge Interest Indicator from an <N> to a <Y> when a minor NCP reaches the month of the 18th birthday. Staff will need to change the Charge Interest Indicator from an <N> to a <Y> manually, as the cases are worked, in which the minor NCP turned 18 prior to July 1, 2001. If the Date of Birth field is blank, the age of the NCP defaults to 18; or

b. the NCP has an administrative support order (ASO) and is active to Temporary Assistance for Needy Families (TANF); if the NCP has a court order and is active to TANF, the interest continues to accrue, but DCSE does not administratively enforce it while the NCP is active to TANF. For an ASO, manually change the Charge Interest Indicator to <N>. Refer to step 2 below; or

c. the Non-TANF CP waives the right to interest, in writing, when the court order is established. Manually change the Charge Interest Indicator to <N>. Refer to step 2 below; or

d. it is an out-of-state support order and the other state does not charge interest. Manually change the Charge Interest Indicator to <N>. Refer to step 2 below.

2. To manually change the Charge Interest Indicator,

   a. select Option 04, Add Support Order, on the APECS Financial Management Menu; refer to the APECS User Manual pages 5.5-13 through 5.5-16 for functional processing steps; and

   b. type <N> or <Y>, as appropriate, in the Charge Interest Indicator field.

3. DCSE may enforce court ordered interest on arrears due CPs before July 1, 1995 at the request of the CP. The CP is responsible

   a. for calculating the interest due and

   b. submitting a written request to enforce the interest. The request needs to include the amount calculated in step a above.

4. Interest is considered support. Use the same administrative and court actions to collect arrears and interest.

5. Refer to Chapter 28, Allocation and Distribution, for the payment posting priority.

6. APECS

   a. charges interest on arrears subaccount balances for the following support types:

1) Child

2) Medical

3) Medicaid

4) Spousal

b. charges interest on arrears subaccount balances for the following subaccount types:

1) TANF

2) Aid to Families with Dependent Children in Foster Care (AFDC/FC)

3) Non-TANF

4) Medical

5) Medicaid

6) Non-IV-D

c. charges interest on arrears subaccount balances at the end of each charge period before the balances for the current month roll over to the arrears subaccount; APECS does not charge interest on a current obligation until the second charge cycle after the obligation posts to APECS;

d. charges interest on arrears added to APECS during the month at the end of the month; do not manually calculate interest on arrears for a case when the case is established on APECS in the month in which it is received;

e. adds interest to the interest receivable subaccount for the type of arrears; the interest subaccounts are:

1) TANFAI - TANF Arrears Interest

2) FCARAI - AFDC/FC Arrears Interest

3) NPAAAI - Non-TANF Arrears Interest

4) MEDIAI - Medicaid Arrears Interest

5) NPAAAI with Support Type MEDI - Medical Arrears Interest

f. disburses interest earned on non-TANF arrears to the CP;

g. distributes interest earned on TANF and AFDC/FC arrears to the Commonwealth;

h. distributes interest earned on Medicaid arrears to Account 35, Medicaid;

i. certifies interest on child support arrears to the IRS and the Department of Taxation; refer to Chapter 21, Enforcement by Intercept Processes;

j. includes interest in the arrears referred to consumer reporting agencies and private collection agencies;

k. rolls interest over from Non-TANF to TANF;

l. includes interest in the balance on the following documents:

1) *Child Support Enforcement Transmittal*

2) *Credit Agency Reporting Letter*

3) *General Testimony for UIFSA*

4) *Motion for Show Cause Summons*

5) *Order to Withhold*

6) *Payment Record/Arrearage Letter*

7) *Uniform Support Petition*

8) *Withholding of Earnings/Notice of Proposed*

7. When providing arrears and interest amounts to a judge, provide the two amounts separately. This is necessary because DCSE does not charge interest on interest. If the judge sets one amount for both, APECS charges interest on interest.

8. When a CP who waived the right to interest is approved for TANF, petition the court that entered the order to modify the order to include interest.

9. There are some cases in which income withholdings are in place and the employers are withholding amounts weekly or bi-weekly as ordered; however, the amounts withheld do not always equal the monthly obligation amount, thereby, resulting in an arrearage on the case for short periods. APECS charges interest on the

arrearage. This presents a problem (some months) since these are not true delinquencies and no interest should accrue.

a. If a worker comes across a case in which arrearage and interest are accruing solely because of weekly or bi-weekly income withholding deductions and there are no arrearages due to nonpayment by the NCP, refer the case to the Accountant Senior or designee to:

1) turn the interest indicator to "N" so that interest does not accrue on the case; and

2) remove any accrued interest due to the weekly or bi-weekly deductions.

b. Do not take the above steps if a case already has arrearages that accrued due to nonpayment by the NCP. Instead, on a case by case basis, adjust the interest to the correct amount when a case is referred to accounting for review and adjustment, or upon request by the NCP.

c. Each District Manager is responsible for establishing an intra-office procedure for monitoring these cases periodically to determine if the interest indicator needs to be changed back to "Y."

d. If the income withholding stops or if arrearages accrue due to reasons other than weekly or bi-weekly income withholding orders, change the interest indicator back to "Y," so interest can accrue.

(07-01-1999)(09-01-2001)(05-01-2002)(09-01-2004)

C. Interest Rates (07-01-2004)

1. Virginia Support Orders

a. Charge interest on Virginia support orders at the judgment rate (currently 6%) unless the Virginia support order specifies a different rate.

b. When an interest rate other than 6% is specified,
1) select Option 04 Add Support Order on the APECS Financial Management Menu. Refer to the APECS User Manual pages 5.5-13 through 5.5-16 for functional processing steps.

2) Type the annual interest rate in the APECS Annual Interest Rate field on the Update Order screen.

c. The monthly interest rate is currently 0.5% for Virginia support orders. Manually calculate the rate as follows:

1) Annual Interest Rate Multiplier = 6/100 = .06

2) Monthly Interest Rate Multiplier = .06/12 = .005

3) Interest Charge for the Month = .005 x Arrears Subaccount Balance

d. The Virginia interest rate may change yearly.

Year Begin	Year End	Rate
01-July-1973	30-June-1981	8%
01-July-1981	30-June-1983	10%
01-July-1983	30-June-1987	12%
01-July-1987	30-June-1991	8%
01-July-1991	30-June-2004	9%
01-July-2004	Current	6%

2. Out-Of-State Support Orders

a. For a support order issued by another state, review the support order for the interest rate specified in the order; or, if not specified, consult the Interstate Referral Guide (IRG), Section F, Support Details, which can be accessed on-line at www.acf.dhhs.gov/programs/cse, to determine the interest rate charged by the state in which the support order was issued. Some states do not charge interest.

b. For an out-of state order,
1) select Option 04 Add Support Order on the APECS Financial Management Menu. Refer to the APECS User Manual pages 5.5-13 through 5.5-16 for functional processing steps.

2) Type the annual interest rate stated in the out-of-state support order or the interest rate applicable to the state (from the IRG) in which the support order was issued in the APECS Annual Interest Rate field on the Update Order screen.

D. Interest Owed To CPs On Held Payments (07-01-2004)

1. District office fiscal staff calculate interest and add the amount calculated to the payment due to a non-TANF CP when all of the following conditions exist.

   a. Payments are held more than 30 calendar days after the end of the month in which they are received.

      1) For example, a payment received on February 28 and disbursed on March 31 earns interest if the other conditions are met.

      2) For example, a payment received on February 28 and disbursed on March 30 does not qualify for interest.

   b. The information to establish a case is received before the interest due date.

   c. The name and social security number of the NCP or the case number is on the payment.

   d. The amount of the interest due the CP is more than $5.

   e. DCSE has the CP's current address.

   f. Payments from IRS joint returns qualify for interest if they are held more than 30 calendar days after the end of the sixth month after they are received by DCSE.

   g. Future payments qualify for interest if they are held more than 30 calendar days after the end of the month in which they are no longer future payments.

2. District office fiscal staff

   a. review the automated case file to find out the date the case was established on APECS;

      1) if the automated case file was established after the interest due date, review the paper file to find out the date the documents required to establish the case were received;

      2) if the documents were received before the interest due date, request a microfilm copy of the payment; refer to Chapter 27, Payment Processing;

   b. review the payment copy to see if the NCP's name and social security number or the

case number is on the payment; and

c. review the CP's address on APECS to see if the address is current.

3. Calculate and pay interest due to Non-TANF CPs by DCSE at the legal rate of interest.

a. The annual legal interest rate is currently 6%.

b. The monthly interest rate is currently 0.5%. Manually calculate the rate as follows:

1) Annual Interest Rate Multiplier = 6/100 = .06

2) Monthly Interest Rate Multiplier = .06/12 = .005

3) Interest Charge for the Month = .005 x Arrears Subaccount Balance

(09-01-1996)(05-01-2002)(07-01-2004)

E. Interest Owed To NCPs (07-01-2004)

District office fiscal staff calculate and pay interest on state tax refunds intercepted in error and not refunded in less than 60 calendar days of receipt by DCSE.

1. Use the APECS Calculate Interest screen to calculate interest.

2. Calculate and pay interest to NCPs on state tax refunds at the rate established by the Internal Revenue Code.

a. Refer to rates below for the Enter Percentage Rate data field on the APECS Calculate Interest screen for the rate.

b. The rate may change quarterly. Obtain the monthly rate by dividing the quarterly rate by three (3).

QUARTER BEGIN	QUARTER END	RATE
1-July 1994	30-September 1994	7%
1-October 1994	31-March 1995	8%
1-April 1995	30-June 1995	9%

1-July 1995	30-March 1996	8%
1-April 1996	30-June 1996	7%
1-July 1996	31-March 1998	8%
1-April 1998	31-December 1998	7%
1-January 1999	31-March 1999	7%
1-April 1999	31-December 1999	8%
1-January 2000	31-March 2000	10%
1-April 2000	31-March 2001	11%
1-April 2001	30-June 2001	10%
1-July 2001	31-December 2001	9%
1-January 2002	31-December 2002	8%
1-January 2003	30-September 2003	7%
1-October 2003	31-March 2004	6%
1-April 2004	30-June 2004	7%

c. Intercept and Reconciliation Unit staff obtain the rate for the next quarter from the Office of Tax Operation, Department of Taxation before the first of each quarter.

(09-01-1996)(05-01-2002)(07-01-2004)

F. Manually Calculating Interest (05-01-2002)

District office fiscal staff manually

1. calculate interest due using the APECS Calculate Interest screen when DCSE owes interest to the CP or the NCP or when the arrears balance for prior months increases or decreases after July l, 1995; calculate the new amount of interest due for each prior month when adjusting an arrears subaccount balance;

   a. select Option 20 - Calculate Interest on the APECS Financial Management Menu; refer to the APECS User Manual, pages 5.21 through 5.21-2 for functional processing

steps; refer to the Calculate Interest help screen for the interest rates;

b. type the amount of the payment, refund, or arrears in the Enter Principal Amount field on the APECS Calculate Interest screen; when adjusting arrears subaccount balances

1) identify the end of month subaccount balance after adjusting each month;

2) calculate interest on each balance identified;

3) type this amount in the Enter Principle Amount field;

c. type the annual interest rate for the type of payment in the Enter Percentage Rate field on the APECS Calculate Interest screen;

1) refer to section E,1 or the Calculate Interest help screen for the interest rates for arrears;
2) refer to section E,2 or the Calculate Interest help screen for the interest rates for payments to CPs;

3) refer to section E,3 or the Calculate Interest help screen for the interest rates for state tax refunds;

d. type the number of months for which interest is due in the Enter # Of Months Held field;

2. subtract the new interest calculated for the month from the amount in the interest subaccount for the month to obtain the difference when calculating interest because of an arrears adjustment;

3. adjust the difference to the subaccount's interest subaccount when calculating interest because of an arrears adjustment; refer to Chapter 18, Receivables;

4. redistribute funds from Account 11, Interest, to the payee subaccount for interest payments to Non-TANF CPs or NCPs; refer to Chapter 31, Adjustments.

(09-01-1996)(05-01-2002)

G. Interest Payments Returned by Another State (05-01-2002)

1. When interest is charged on APECS based on the controlling order and the CP lives in another state, forward the interest payments to the CP or the initiating state, as appropriate.

2. If the other state returns the payment, district office staff

   a. call the other state and explain that the interest accrued according to the controlling order and request that they adjust their accounts to accept the payment and

   b. return the payment to the other state.

3. If the other state refuses the interest payment, refund the interest payment to the NCP and type <N> in the Charge Interest Indicator Field in APECS.

(09-01-1996)(05-01-2002)

H. Interest Earned by DCSE (07-01-1999)

1. The Division of Finance computes interest earned on support collections deposited in the bank.

2. APECS computes interest earned by DCSE on TANF and AFDC/FC collections.

3. Interest earned by DCSE from any source is

   a. reconciled and

   b. reported on federal reports as program income.

(07-01-1999)

I. Reports (09-01-1996)

1. Monthly Interstate Report

2. Department of Accounts Receivable Report

3. OCSE 131

(09-01-1996)

A. General Rules (04-18-1994)

1. Reconcile financial adjustments entered on Automated Program to Enforce Child Support (APECS) daily. Each staff processing financial adjustments on APECS is responsible for completing appropriate documents required for work station reconciliation.

2. Reconcile daily receipts by comparing source document detail to the reports generated by the Division of Child Support's (DCSE)s internal accounting system to ensure accuracy and accountability in handling of receipts.

3. Ensure that the format used for reconciliation establishes an audit trail so that the reconciliation can be traced to source documents, to manual and system generated accounting reports.

4. Maintain record of each reconciliation with all supporting documents so that it is available for inspection by external auditors, such as, the Auditor of Public Accounts, as well as, for inspection by internal auditors.

(04-18-1994)

B. Daily Receipts Reconciliation - District Office **(07-01-2007)**

1. Receive and endorse walk-in support payments and those received by mail.

2. Log the payments on the *Daily Payment Transaction Report* each day.

   a. At close of business, run one control tape on items listed on the *Daily Payment Transaction Report* and another on the negotiable items (checks, money order, cash, etc.). The totals on the control tapes must agree.

   b. Initial and date the control tapes. Attach the control tapes to the *Daily Payment Transaction Report*.

3. Forward the negotiable items to the staff responsible for preparing the Deposit Ticket. The *Daily Payment Transaction Report* and the Deposit Ticket must be completed by different staff.

4. Prepare a Deposit Ticket listing all negotiable items (receipts) for that day.

5. Run one control tape on the Deposit Ticket and another on the negotiable items.

   a. The totals on the control tapes must agree.

b. Initial and date the control tapes. Attach the control tapes to the Deposit Ticket.

6. Compare the totals on the control tapes attached to the *Daily Payment Transaction Report* and the Deposit Ticket. They must agree. If there is a discrepancy, compare the negotiable items, item by item, to the listings on the *Daily Payment Transaction Report* and the Deposit Ticket.

7. Upon reconciliation of the discrepancy, fax the *Daily Payment Transaction Report* along with the Deposit Ticket and other documents (refer to Chapter 27, Payment Processing, Section A, Payment Processing) to the Payment Processing Unit, Division of Finance in Central Office. If there are no receipts in a business day, write "none" across the front of the form, and fax it to the above unit.

8. Send **daily** the gold copy of the Deposit Ticket to the Payment Processing Unit in the Division of Finance via courier mail.

9. Deposit the daily negotiable items into DCSE's local bank account.

10. Retain and file the original *Daily Payment Transaction Report* in the district office.

(4-18-94)(9-1-04)(4-1-06)(7-1-07)

B.1. Petty Cash Reconciliation - District Office **(07-01-2007)**

1. **Each office should maintain a petty cash bank account. No cash ("slush fund") should be kept in the office.**

2. **The district office must have an Official Memorandum on file signed by the District Manager designating individuals who have the authority to sign petty cash checks and to reconcile monthly the petty cash bank statement. The reconciliation of the monthly petty cash bank statement shall be performed by someone who does not sign checks or approve payments.**

3. **Petty cash checks may be written only for authorized purposes. No other disbursement shall be made from petty cash funds.**

4. **The petty cash checkbook must be kept under lock and all checks should bear a stamp stating "VOID AFTER 60 DAYS".**

5. **All checks must be accounted for in the check record. The check record must show the date the check was issued, the check number, the name of the payee and the amount disbursed. When the monthly bank statement is received, the check record must be marked to indicate which checks have been paid by the bank.**

6. **If a petty cash check has not been cashed in 60 days, efforts should be made to contact the payee on the check immediately to resolve the outstanding check. If the check is lost, a new check may need to be issued.**

7. **Spoiled checks should be marked "VOID" and the signature line obliterated or mutilated**

8. **The petty cash check book must be reconciled with the petty cash bank statement monthly. Upon completing the reconciliation, the statement will be signed and dated, then presented to the District Manager to approve and sign.**

9. **A *Request for Reimbursement Voucher* must be submitted to the Division of Finance monthly (regardless of the amount) unless there are no items to be reimbursed. Petty cash checks that have not cleared the bank should not be included in the reimbursement request. Receipts must be obtained for all disbursements and accompany the reimbursement voucher**

10. **The *Monthly Petty Cash Reconciliation Report* (not the bank statement) must be emailed to the Division of Finance monthly.**

(9-1-04)(7-1-07)

C. Daily Receipts - Division of Finance (09-01-2004)

1. Revenue Control Unit (Receipts Section)

   a. Receive payments and sort them by category; microfilms the source documents; and prepares batches of payments.

   b. Run two sets of control tapes, one each by two different staff, on the batches of payments to verify the total on each batch.

   c. Receive copies of receipts logged on the *Daily Payment Transaction Report* and deposit tickets from the district offices.

   d. Record batches of payments with identifying microfilm numbers onto the Batch Control Assignment Sheets (BCAS). This should include districts' receipts of payments.

   e. Total and reconcile the Batch Control Assignment Sheet entries to control tapes.

   f. Record the *Batch Control Assignment Sheet* total on the Daily Revenue Control Summary (DRCS).

g. Forward the original of the Daily Revenue Control Summary to the Reconciliation Unit.

h. Forward the payment source documents and the *Batch Control Assignment Sheet*s to the Payment Processing Unit for posting of payments.

i. Checks with no information (no case number or no SSN) and multiple payment checks are forwarded to the Revenue Control Unit - Deposits Section before they are sent to the Payment Processing Unit.

2. Payment Processing Unit

a. Post all payments on APECS for the receipt date. APECS will generate a Receipts Register Report which will list each payment that has been keyed on the APECS system that day.

b. To reconcile posting to the source documents, match totals appearing on the Receipts Register Report to staff totals for the receipt date. If the totals match, payment posting is reconciled.

c. If the totals do not match, compare Receipts Register Report to the source documents, such as, *Batch Control Assignment Sheet*s, Daily Revenue Control Summary, microfilm copy of original documents, etc. Possible sources of discrepancies are listed below.

1) Payments entered with incorrect receipt date

2) Payments entered with incorrect amounts

3) Payments not posted

4) Duplicate entry of payments

5) Error in receipts total

d. Upon identification and correction of the discrepancy, payment posting is considered reconciled.

3. Revenue Control Unit (Deposits Section)

a. Receive batches of payments posted (source documents) and the *Batch Control Assignment Sheet*s back from Payment Processing Unit.

b. Run a control tape on the source documents to verify that all source documents

included in the batches have been returned by Payment Processing Unit.

c. Check the *Batch Control Assignment Sheet*s for any comments noted by the Payment Processing Unit. If a discrepancy between the *Batch Control Assignment Sheet* and the source documents is discovered by Payment Processing Unit while posting payments, it would be recorded in comments on the *Batch Control Assignment Sheet*.
d. Complete the Deposit Certificate (DC) and the Deposit Summary by receipt date, daily. Deposit all receipts as "unclassified" receipts.

e. Run control tapes on the Deposit Certificates and the Deposit Summary totals and reconcile the two before making a deposit to the bank.

f. Deposit daily receipts into the Department's bank account prior to 2:00 p.m. daily.

g. Forward the original of the Deposit Certificates (two parts) to the Division of Finance.

h. Forward copy of the Deposit Summary to the Reconciliation Unit.

4. Reconciliation Unit

a. Upon receipt of the Daily Revenue Control Summary and the Deposit Summary from the Revenue Control Unit, access the Daily Cash Reconciliation Control spreadsheet. The spreadsheet is in receipt date order. All entries for posting of receipts, system posting, and deposits should be done by receipt date.

b. Enter the receipts total for the receipt date in the "Gross Receipts" row on the spreadsheet, from the Daily Revenue Control Summary.

c. Enter the receipts total for the receipt date in the "APECS System Posting" row on the spreadsheet, from the APECS Cash Receipts Report. Enter the corresponding system posting date above the entry on the spreadsheet.

d. Enter the central office deposit total by receipt date in the "Deposits" row on the spreadsheet, from the Deposit Summary.

e. Enter the district offices deposit total by receipt date in the "Deposits" row on the spreadsheet, from the District Control Log.

f. Once all gross receipts, system posting, and deposits for a given receipt date have been entered on the spreadsheet (generally within ten days after the receipt date), determine the "Net Receipts".

"Net Receipts" equal "Gross Receipts" plus or minus any "Adjustments" and minus any "Transfers Out".

g. The *Batch Control Assignment Sheet*s are the source documents for verifying any adjustments or transfers out. The *Batch Control Assignment Sheet*s are used in payment processing for reconciling batches of receipts with posting and deposits. Examine these sheets for any corrections, notes, and transfer outs related to receipts. "Adjustments" appear on the front the *Batch Control Assignment Sheet*s in the form of notes or corrections.

   "Transfers Out" appear on the back of the *Batch Control Assignment Sheet*s and represent checks that cannot be cashed.

h. Record all adjustments and transfers out for this receipt date on the Incident Report form and total.

   Below is a list of possible reasons for a discrepancy that may need to be recorded on the Incident Report.

   1) Monies deposited under incorrect receipt date.

   2) Adjustments to receipts or system posting.

   3) Foreign exchange rate variances.

   4) Bank or Treasury notification of deposit error.

   5) Payments entered with incorrect receipt date.

   6) Payments entered with incorrect amounts.

   7) Payments not posted.

   8) Duplicate entry of payments.

   9) Error in receipts total.

i. Enter the total for adjustments and transfers out onto the spreadsheet.

j. Once all adjustments and transfers out have been entered on the spreadsheet, the totals for receipts, system posting, and deposits should be the same. If they are, receipts are reconciled. If there is a discrepancy between the three totals, the differences must be explained as reconciling items.

k. The reconciling items are usually posting or deposit errors.
System posting errors should be investigated by tracing back from the Receipts Register to the *Batch Control Assignment Sheet*s to Batch Headers to the individual check copies if necessary. Deposit errors should be investigated by comparing Deposit Certificates to the Deposit Summaries or from the "Notifications" sent by the bank or the Department of the Treasury.

l. If the receipts do not reconcile, recheck all entries made on the spreadsheet.

(4-18-1994) (01-01-2001)(09-01-2004)

D. Work Station Reconciliation (04-18-1994)

Refer to sec. IV, chap. 7 of the APECS How To Handbook.

(04-18-1994)(3-1-1997 Chapter reformatted)

DIVISION OF CHILD SUPPORT ENFORCEMENT
CHAPTER 34 RECOVERY AND RECOUPMENT **(09-01-2004)**

A. Purpose Section **(09-01-2004)**

This chapter describes how money is recovered or recouped when

1. a payment to the Division of Child Support Enforcement (DCSE) is returned unpaid by the bank.

2. a non-Temporary Assistance for Needy Families (**Non-**TANF) custodial parent (CP) is overpaid.

3. a TANF CP retains assigned support payments or is overpaid by DCSE.

4. a noncustodial parent (NCP) is sent a refund check in error.

(04-18-1994)(09-01-2004)

B. General Information (09-01-1999)

1. Designated staff in the Division of Finance set up recoupment subaccounts on APECS.

2. The term 'recovery' is used when the noncustodial parent (NCP) or CP repays DCSE.

3. The term 'recoupment' is used when DCSE withholds monies from support payments to repay DCSE.

(9-1-1999)

C. Dishonored Payments Returned by the Bank **(09-01-2004)**

1. Central office staff

a. **Generate** the APECS *Returned Check Letter* to the NCP or **the** CP**, as applicable,** when the dishonored payment was written by the NCP **or** the CP or by another individual for **the NCP or the CP**. APECS generates a case event history **<RETURNED CHECK LETTER>** when the APECS *Returned Check Letter* is generated. APECS **also** generates a worklist **<RETURNED CHECK LETTER>** in 15 days to check if the payment has been recovered.

b. **Generate** a manual returned check letter if the payment was written by the NCP's employer or another agency**. Create** a self-generated participant event history entry **and a 15 days worklist to check for a payment** if a manual letter is generated.

c. Notify the district office staff that a payment has been dishonored by the bank.

d. Prepare a Revenue Refund Voucher **and** buy the dishonored payment back from the bank.

e. **Process** a financial adjustment on APECS to set up a recoupment subaccount for the NCP or **the** CP, **as applicable.** APECS **will retain** 100 percent of subsequent payments until the recoupment subaccount is paid in full.

f. **Check** the APECS subaccount when the worklist is received to find out if the dishonored payment has been replaced.

g. **Generate** the APECS *Replacement Check Acknowledgment Letter* to the NCP or **the** CP, **as applicable, if** a replacement payment is received. APECS generates a participant event history **<REPL CHECK ACKNOWLEDGMENT L>** when the APECS *Replacement Check Acknowledgment Letter* is generated.

h. **Notify** the district office staff if the dishonored payment has not been replaced.

2. District office staff

Upon receipt of notification from central office that a dishonored check has not been replaced by the payor, take appropriate enforcement action against the payor or refer the case to Legal Counsel for legal action.

(04-18-1994)(09-01-2004)

D. Recoupment from **a** Non-TANF **CP (09-01-2004)**

DCSE must have written authorization from the CP to recoup payments from the CP or the CP must be given three notices before recouping. To start the recoupment process, central office staff will check the APECS Inquire Participant Data (Q2A screen) to verify the recoupment indicator status:

1. If the recoupment indicator is a "Y":

Generate and mail the *Notice of Recoupment* document. The *Notice of Recoupment* includes the *Repayment Options Form,* and gives the CP 15 days to respond. APECS creates an NREC case event when the *Notice of Recoupment* is generated. APECS also generates a 20-day NREC worklist.

a. If a payment is received in full within 20 days, enter RRPF disposition on the NREC case event in APECS, which will delete the NREC worklist. APECS will then create a RCUP worklist to remind the worker to create a recoupment subaccount. Establish the CP overpayment recoupment subaccount and post and distribute the payment through this account; or

b. If the CP returns the *Repayment Options Form* and checks Option 2 on the form, enter ROII disposition on the NREC case event in APECS, which will delete the NREC worklist. APECS will then create a RCUP worklist to remind the worker to create a recoupment subaccount. Establish the CP overpayment recoupment subaccount to recoup 10% of current support and 100% of arrearages collected; or

c. if no response is received form the CP in 20 days, enter NRBR disposition on the NREC case event in APECS, which will delete the NREC worklist. APECS will then create a RCUP worklist to remind the worker to create a recoupment subaccount. Establish the CP overpayment recoupment subaccount to recoup 10% of current support and 100% of arrearages collected.

2. If the recoupment indicator is an "N" or blank:
Generate and mail the ***Notice of Payment in Error*** **document. The** ***Notice of Payment in Error*** **includes the** ***Repayment Options Form*** **and allows the CP 15 days to either return the payment in full or agree to a recoupment arrangement of 10% of current support and 100% of arrearage payments collected, until the recoupment is complete. APECS generates an NOPE case event. APECS also generates a NOPE worklist to follow-up in 20 days from the of mailing of the documents.**

a. If a payment is received in full within 15 days, enter RRPF disposition on the NOPE case event in APECS, which will delete the NOPE worklist. APECS will then create a RCUP worklist to remind the worker to create a recoupment subaccount. Establish the CP overpayment recoupment subaccount and post and distribute the payment through the account; or

b. if the CP returns the ***Repayment Options Form*** **and checks Option 2 on the form, enter RROF disposition on the NOPE case event in APECS, which will delete the NOPE worklist. APECS will then create a RCUP worklist to remind the worker to create a recoupment subaccount. Establish the CP overpayment recoupment subaccount, which will recoup 10% of current support and 100% of arrearages collected; or**

c. if the CP has not returned the payment in full or has not returned the ***Repayment Options Form*** **with the appropriate options checked, there will be no disposition on the NOPE case event. After 20 days, APECS will generate the** ***Second Notice of Payment in Error*** **and the** ***Repayment Options Form*** **and mail them to the CP. APECS enters a disposition of SNOR to end the NOPE case event. APECS also creates an SPEL case event when the** ***Second Notice of Payment in Error*** **and the** ***Repayment Options Form*** **are generated as well as a 15-day SPEL worklist. The second notice allows the CP 10 days to either return the payment in full or agree to a recoupment arrangement of 10% of current support and 100% of arrearage payments collected, until the recoupment is complete.**

1) If a payment is received in full within 10 days, enter RRPF disposition on the SPEL case event in APECS, which will delete the SPEL worklist. APECS will then create a RCUP worklist to remind the worker to create a recoupment subaccount. Establish the CP overpayment recoupment subaccount and post and distribute the payment through the account; or

2) if the CP returns the ***Repayment Options Form*** **and checks Option 2 on the form, enter RROF disposition on the SPEL case event in APECS, which will delete the SPEL worklist. APECS will then create a RCUP worklist to remind the worker to create a recoupment subaccount. Establish the CP**

overpayment recoupment subaccount, which will recoup 10% of current support and 100% of arrearages collected; or

3) if the CP has not returned the payment in full or has not returned the *Repayment Options Form* with the appropriate options checked, there will be no disposition on the SPEL case event. After 10 days, APECS will generate the *Final Notice of Payment in Error* and the *Repayment Options Form* and mail them to the CP. APECS enters a disposition of FNOR to end the SPEL case event. APECS also creates an FNPE case event when the *Final Notice of Payment in Error* and the *Repayment Options Form* are generated as well as a 15-day FNPE worklist. The final notice allows the CP 10 days to either return the payment in full or agree to a recoupment arrangement of 10% of current support and 100% of arrearage payments collected, until the recoupment is complete.

a) If a payment is received in full within 10 days, enter RRPF disposition on the FNPE case event in APECS, which will delete the FNPE worklist. APECS will then create a RCUP worklist to remind the worker to create a recoupment subaccount. Establish the CP overpayment recoupment subaccount and post and distribute the payment through the account; or

b) if the CP returns the *Repayment Options Form* and checks Option 2 on the form, enter RRON disposition on the FNPE case event in APECS, which will delete the FNPE worklist. APECS will then create a RCUP worklist to remind the worker to create a recoupment subaccount. Establish the CP overpayment recoupment subaccount, which will recoup 10% of current support and 100% of arrearages collected; or

c) if the CP does not return the payment in full or return the completed *Repayment Options Form* within 15 days after the final notice, enter NRBR disposition on the FNPE case event in APECS, which will delete the FNPE worklist. APECS will then create a RCUP worklist to remind the worker to create a recoupment subaccount. Establish the CP overpayment recoupment subaccount, which will recoup 10% of current support and 100% of arrearages collected.

(9-1-1999)(09-01-2004)

E. Recoupment from a TANF CP (09-01-1999)

1. Do not set up a recoupment subaccount to recoup from CPs receiving TANF.

2. District office staff

a. notify the local department of social services (LDSS) whenever

1) assigned support payments are or have been retained by a TANF CP.

2) DCSE issues a payment to a TANF CP in error.

b. send a mail message to the central office Reconciliation Unit notifying them to deduct the amount of the payment from the federal share of TANF or Aid to Families with Dependent Children in Foster Care (AFDC/FC) funds transferred to the Division of Finance.

(3-1-1997 Chapter reformatted)(9-1-1999)

F. Recoupment from an NCP (09-01-2004)

When a refund is issued to an NCP in error, a recoupment account may need to be set up manually, using APECS Account 52, and monitored until the recoupment is complete. Only Division of Finance (DOF) staff at Central Office are authorized to set up an Account 52 in APECS.

1. **Upon notification of an error and/or a request for recoupment of the refund, DOF staff will verify that the payment to the NCP was made in error.**

2. **If the request is valid, DOF staff will notify the NCP of the error and advise the NCP to return the check. Allow 15 days for the NCP to respond.**

3. **If the NCP does not respond within 15 days, create an APECS Account 52 at the NCP's level (do not use APECS Account 15 for this recoupment) for the amount of payment made in error and place a hold at the NCP's level.**

4. **Monitor the account daily for a payment from the NCP. When a payment posts, manually move the amount for current support to the current support subaccount(s) for the case(s) linked to the NCP. Move any remaining amounts (paid towards arrearages) to the recoupment account 52.**

5. **When the recoupment account has been paid in full, remove the hold placed at the NCP's level.**

(09-01-2004)

A. Types of Fees Paid by Noncustodial Parents (NCPs) (02-02-2009)

NCPs are required to pay the following fees:

1. attorney
2. genetic test
3. Internal Revenue Service (IRS) intercept
4. fees charged by other states for whom the Division of Child Support Enforcement (DCSE) is enforcing a case, and
5. fees for copies of documents
6. private service of process fee

(9-1-99)(2-2-09)

B. Types of Fees Paid by CPs (01-01-2008)

CPs are required to pay the following fees:

1. fees for copies of documents
2. fees charged by other states enforcing a case. The other state deducts fees from payments before they forward the payments to Virginia.
3. fees for additional genetic test if CP challenges the result of a genetic test. This fee must be paid in advance by the CP.
4. an annual $25 fee for each IV-D case in which the CP has never received assistance for that case and for whom the state has collected and disbursed at least $500 in child support each federal fiscal year. The fee is automatically deducted from the CP's payments.

(3-1-1999)(1-1-08)

C. Types of Fees Paid by Non-IV-D Customers (04-18-1994)

1. parental kidnapping
2. collection and monitoring
3. fees for copies of documents

D. Types of Fees Paid by DCSE but subject to reimbursement (02-02-2009)

1. Seize Assets for Enforcement

   a. car storage

   b. auction fees

   c. miscellaneous

2. birth certificates

3. extradition

4. IRS full collection

5. private process servers

6. certified copies of out-of-state orders

7. copies of out-of-state birth certificates

8. IRS intercept

9. genetic test

10. other costs associated with processing a case.

(09-01-1999)

E. Attorney Fees (03-01-2003)

1. Provide prior notice to the NCP that DCSE may charge a fee for the services of an attorney.

2. Charge attorney fees to the NCP when DCSE wins in a court enforcement action presented by an attorney. DCSE or the NCP may initiate the action.

3. Criteria for charging an attorney fee

   Charge the NCP an attorney fee on a show cause when the judge

   a. finds the NCP in contempt, and

      1) orders a payroll deduction, or

      2) sets a performance bond for failure to pay or perform, with or without service of process.

b. finds the NCP not in contempt,

1) but orders a payment on the arrears, and

2) allows the NCP to pay the arrears.

c. on a foreclosure, the court orders the sale of the NCP's property.

d. on a foreclosure, a settlement is reached with the NCP, but the case is still on the docket requiring the appearance of an attorney.

e. the NCP is found in contempt of an order for health or medical insurance.

f. on an appeal, the court upholds the administrative enforcement action DCSE took. Modification of the periodic amount due does not mean that the court did not uphold the action.

g. on an Appeal De Novo of an income withholding to the Circuit Court.

h. on an appeal of a show cause from the Juvenile and Domestic Relations Court, the Circuit Court finds the NCP in contempt.

i. the NCP fails to appear for an enforcement hearing and the judge issues a capias.

4. The fee is $120 per action.

5. The fee is not charged when

a. the NCP complies with the order terms after the case is referred to court and the case is removed from the docket before the hearing

b. the show cause hearing is for

1) failure to appear for genetic testing, or

2) failure to pay genetic test fees.

c. the court reviews the order to add health insurance.

d. the court only establishes the amount of arrears and does not order any action.

6. The attorney who presents the case in court

a. decides if a fee is to be charged,

b. checks the yes or no block on the Automated Program to Enforce Child Support (APECS)-generated *Legal Services Case Referral* document, and

c. forwards the original document to the appropriate district office.

7. Each district office has a designated staff person who receives the fee referral document and forwards it to the appropriate fiscal staff to set up a fee subaccount.

8. Entering NCP Attorney Fee Subaccount on APECS

   Refer to Chapter 5.6 of the APECS User's Manual for instructions on how to enter and update order extensions. Attorney's fee subaccount is set up on APECS using the support type MISC and subaccount type AFLG.

   a. Through the Adjustment Module

      Use the Adjustment module (to prevent the review date of an order from being changed) to set up an attorney's fee subaccount

      1) if the fee subaccount is being added to a case before the initial order has been entered on APECS; or

      2) if the fee subaccount is being added to an existing order already entered on APECS.

   b. Through the Order Module

      Use the Order module to set up an attorney's fee subaccount

      1) if the fee subaccount is being added at the same time as a new order; or

      2) if the fee subaccount is being added to a modified order which includes attorney fees.

9. Mail the *Notice of Fee Payment Due* document to the NCP.

   a. APECS automatically generates the *Notice of Fee Payment Due* document (batch version) when an attorney fee subaccount is created for the first time and a balance is added to the subaccount. If there is no MAIL address for the NCP on APECS, the *Notice of Fee Payment Due* document will not be generated through the batch process.

   b. The *Notice of Fee Payment Due* document can also be generated on demand manually. To generate the *Notice of Fee Payment Due* document manually, access the document through the Document Generation Menu on APECS. APECS screen AATGA9 - *Notice of Fee Payment Due* - Supplemental Screen will display the subaccount type and the fee balance due. Press PF9 to print the document.

   c. The case event for this document is NFPD. The event notes record the type of the fee, the amount, and the address to which the notice was sent.

d. There is no worklist associated with this document.

(3-1-1999)(1-1-2001)(5-1-2001)(7-1-2001)(3-1-2002)(03-01-2003)

F. Genetic Test (03-01-2003)

1. Charge an NCP the genetic test fee when the test results are used to administratively establish paternity, or the court orders the NCP for the payment of the fee.

2. Charge a CP the genetic test fee when the court orders the CP for the payment of the fee.

3. Collect the genetic test fee in advance from the party challenging the test result when a CP or an NCP challenges the result of a genetic test and requests additional genetic testing.

4. Collect the genetic test fee in advance from the party seeking relief when a CP or an NCP seeks relief from legal determination of paternity and the court orders genetic testing.

5. The fee is the amount charged by the genetic testing vendor.

6. Entering NCP Genetic Test Fee Subaccount on APECS

   Refer to Chapter 5.6 of the APECS User's Manual for instructions on how to enter and update order extensions. Genetic test fee subaccount is set up on APECS using the support type MISC and subaccount type AFBT.

   a. Through the Adjustment Module

      Use the Adjustment module (to prevent the review date of an order from being changed) to set up a genetic test fee subaccount

      1) if the fee subaccount is being added to a case before the initial order has been entered on APECS; or

      2) if the fee subaccount is being added to an existing order already entered on APECS.

   b. Through the Order Module

      Use the Order module to set up a genetic test fee subaccount

      1) if the fee subaccount is being added at the same time as a new order; or

      2) if the fee subaccount is being added to a modified order which includes attorney fees.

7. Entering CP Genetic Test Fee Subaccount on APECS

a. Set up the CP genetic test fee subaccount using the adjustment module at the CP participant level. There is an edit on APECS which requires the CP to be the mother.

b. Select option 07, Client Blood Test Fee Recoup, from the APECS Financial Adjustment Menu. Enter the CP's MPI#. Enter the amount of genetic test fee due from the CP and confirm (F9).

c. Enter notes and confirm (F9) to complete the adjustment.

8. Pay the fee for CPs receiving child support services when they are ordered by a judge to pay the fee.

9. Interstate cases

a. Virginia as the initiating state

1) The responding state's genetic test contractor will invoice the district office for the genetic test fee.

2) The district office will pay the invoice.

3) If paternity is established, set up a genetic test fee subaccount on APECS for the NCP.

b. Virginia as the responding state

1) Request the vendor to bill the other state if the case has been referred to Virginia for paternity establishment by putting the initiating state's name and address in the "billing information" section of the Test Request Form.

2) If paternity is established, set up a genetic test fee subaccount on APECS for the NCP. Enter the initiating state's FIPS code on the subaccount.

3) APECS forwards genetic test fees recouped to the initiating state. Refer to Chapter 28, Allocation and Distribution and Chapter 29, Disbursements.

10. Mail the Notice of Fee Payment Due document.

a. APECS automatically generates the *Notice of Fee Payment Due* document (batch version) when a genetic test fee subaccount is created for the first time and a balance is added to the subaccount. If there is no MAIL address for the NCP on APECS, the *Notice of Fee Payment Due* document will not be generated through the batch process.

b. The *Notice of Fee Payment Due* document can also be generated on demand manually. To generate the *Notice of Fee Payment Due* document manually, access the document through the Document Generation Menu on APECS. APECS screen AATGA9 - *Notice of Fee Payment Due* - Supplemental Screen

will display the subaccount type and the fee balance due. Press PF9 to print the document.

c. The case event for this document is NFPD. The event notes record the type of the fee, the amount, and the address to which the notice was sent.

d. There is no worklist associated with this document.

(3-1-1999) (5-1-2001) (11-1-2001)(03-01-2003)

G. Attorney, Genetic Test, and Private Service of Process Fee Collections (04-20-2009)

1. When the NCP or the CP mails a fee payment to DCSE and

   a. if the payment is not identified as a fee payment prior to posting, it will be posted as a regular support payment. APECS will distribute the payment according to the normal payment hierarchy.

   b. if the payment is identified as a fee payment prior to posting, the payment will not be posted. A copy of the payment or notification of the fee payment will be sent to the Payment Exception Processing Unit to be manually applied to the appropriate fee subaccount.

   c. if the NCP or the CP brings a fee payment (either cash or check) to the district office, the fiscal staff will set up a fee subaccount, make the appropriate adjustments to APECS, and prepare and send to the central office a special fee *Daily Payment Transaction Report* (531F).

2. If the NCP or the CP fails to make the fee payment, take appropriate enforcement actions. Refer to Section O, Enforcement of Fee Receivables.

(3-1-99) (5-1-01)(3-1-03)(4-20-09)

H. IRS Intercept (11-09-2009)

1. The IRS charges DCSE a fee for each payment deducted from a NCP's tax refund and forwarded to DCSE.

   a. When a collection is made from tax returns for more than one year, a fee is charged for each year.

   b. When a collection is made for TANF arrears and Non-TANF arrears, a fee is charged for each category.

2. Beginning with federal tax year 1995, APECS generates the *Important Notice About Child Support*. This document notifies an NCP that they will be charged the fee when a collection is obtained using the IRS.

3. The fee for federal tax years were as follows:

    a. 1992 - $5.19
    b. 1993 - $7.28
    c. 1994 - None
    d. 1995 - $7.83
    e. 1996 - $5.71
    f. 1997 - $6.02
    g. 1998 - $6.80
    h. 1999 - $7.45
    i. 2000 - $8.10
    j. 2001 - $10.20
    k. 2002 - $11.65
    l. 2003 - $11.65
    m. 2004 - $12.65
    n. 2005 - $12.65
    o. 2006 - $13.65
    p. 2007 - $13.65
    q. 2008 - $14.65
    r. 2009 - $14.65
    s. 2010 - $14.05

4. Fee subaccounts established for federal tax year 1993 were adjusted on APECS to zero.

5. Do not refund fees collected before September 1, 1994.

(9-1-99) (3-1-01)(3-1-02)(1-1-07)(1-1-08)(11-9-09)

I. Fees Other States Charge NCPs (09-01-1999)

1. Notify the NCP of fees charged by the state receiving his payments.

2. Create a self-generated Participant Event History entry as follows <AP NOTIFIED (ENTER ABBREVIATION FOR STATE) CHARGES FEE> Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

3. Create event notes for the entry with the following information:

    a. the type of fee charged by the other state

    b. the amount of the fee charged by the other state

    c. when the fee was effective

4. Create a self-generated worklist for 90 calendar days in the future. In the Worklist Description field type <REVIEW RECEIVABLES & ADJUST FOR FEE>

5. Create event notes for the entry as necessary.

6. Review the receivables and adjust.

(9-1-1999)

J. Fees Other States Charge CPs (09-01-1999)

1. Notify the CP of fees charged by the state enforcing his/her case

2. Create a self-generated Participant Event History entry as follows: <CP NOTIFIED (ENTER ABBREVIATION FOR STATE) CHARGES FEE> Refer to Chapter 6, Documentation Requirements, for general information to include in self-generated event history and notes entries.

3. Create event notes for the entry with the following information:

   a. the type of fee charged by the other state

   b. the amount of the fee charged by the other state

   c. when the fee was effective

4. Create a self-generated worklist for 90 calendar days in the future. In the Worklist Description field type <REVIEW RECEIVABLES & ADJUST FOR FEE>.

5. Create event notes for the entry as necessary.

6. Review the receivables and adjust.

(9-1-1999)

J.1. Private Service of Process Fee (04-20-2009)

1. Charge an NCP the entire amount of the private service of process fee that DCSE has been billed for the service.

2. Charge a PF the amount of the private service of process fee that DCSE has been billed for the service when paternity has been established for him as the father. Do not charge the PF a fee if paternity is not established.

3. If the NCP has more than one case, add the fee to one of the cases and document the other case(s) where the private service was used to serve the documents.

1. Add the fee for the private service to subaccount AFSP on APECS. Follow these steps when entering the private service of process fee on APECS:

   a. The fee subaccount can be established through either the support order or

the adjustment module.

b. Use the support type MISC (miscellaneous) when building the AFSP

c. Use the transaction type AFEE to establish the fee through the adjustment module. (Refer to Chapter 5.6 of the APECS User's Manual for instructions on how to enter and update order extensions.)

d. The Notice of Fee Payment Due letter will automatically generate when any of the fee subaccounts are created and with a balance.

e. The batch notice will not automatically generate if there is no MAIL address for the NCP on APECS.

f. Workers have access to the notice online through the Document Generation option 10/09.

(4-20-09)

K. Parental Kidnapping (09-01-1999)

1. Charge parental kidnapping fees to locate the NCP in child custody and parental kidnapping cases.

2. The cost is $40 per request and is forwarded with the request. The person who petitions the court to request the service pays the fee.

3. Central Office State Parent Locator Service or Central Registry staff receive the application and fee.

   a. Receipt the fee.

   b. Mail a copy of the receipt to the payer.

   c. Establish the fee subaccount on APECS. Refer to Chapter 31, Adjustments.

   d. Hand-deliver the fee to the Central Office Financial Operations Revenue Control Unit the same day received. Take the receipt book with the payment.

   e. Refer to Chapter 27, Payment Processing.

3. Reconcile the receipt book monthly. Refer to Chapter 33, Reconciliation.

4. Receive an invoice from the federal parent locator service.

   a. Reconcile for the invoice to the receipt book.

   b. Initiate payment of the invoice.

~~L. Collection and Monitoring Service (03-09-2010)~~ (deleted-3-9-2010)

As of July 1, 2009, the Collection and Monitoring Unit was discontinued and there is no collection and monitoring service or fee to instate Non IV-D customers who do not qualify for child support services.

(9-1-99)(3-8-2010)

L. Fees Paid by DCSE (02-02-2008)

The following fees are paid out of the district office petty cash fund:

1. copies of out-of-state birth certificates
2. certified copies of out-of-state orders
3. other costs associated with processing a case.

(9-1-99)(2-2-09)

M. Allocation of Payments to Fee Subaccounts (05-01-2001)

Refer to Chapter 28, Allocation and Distribution, Chapter 29, Disbursements.

(9-1-1999)

N. Enforcement of Fee Receivables (05-01-2001)

Use all enforcement remedies, except the IRS intercept, to collect fee subaccounts.

(9-1-1999)(5-1-2001)

O. Documents (05-01-2001)

1. *Official Receipt*
2. *Legal Services Case Referral*
.
3. *Notice of Fee Payment Due*
4. *Important Notice About Child Support*

(3-1-1997 Chapter reformatted)(9-1-99)(5-1-01)(3-8-2010)

A. Case Transfers (07-01-2005)

Transfer a case file to another office when

1. the applicant moves from a locality served by one district office to a locality served by another district office

2. an interstate noncustodial parent (NCP) moves from a locality served by one district office to a locality served by another district office

3. the case type changes from Non-IV-D to IV-D or from IV-D to Non-IV-D

4. an application for services is received by a district office that does not have responsibility for the case

5. a custodial parent moves out of state and the noncustodial parent resides in Virginia

(1-1-1997)(3-1-1997)(09-01-1999)(07-01-2005)

B. Steps for Initiating Transfers (09-01-1999)

1. Within five business days of determining that a case needs to be transferred, take the following steps:

   a. review the Automated Program to Enforce Child Support (APECS) and the paper files for completeness, update all necessary screens, generate any documents (such as *Notification of Action Taken by DCSE*, *Interstate Status Report*); and

      1) enter the new locality code on APECS screen C8C using the Update Case/Participant function, and

      2) confirm the referral on the APECS case referral screen.

   b. Document the APECS case event history with the following information:

      1) date of transfer, and

      2) reason for transfer.

c. Review APECS to determine if related cases need to be transferred also. Other cases need to be transferred when

   1) the custodial parent (CP) has more than one case, or

   2) the NCP in interstate cases has more than one case.

d. For interstate cases, notify the Central Registry of the location of the case. The district office transferring the case must inform the other state as to which district office is now responsible for the case and must provide any other pertinent information.

e. Complete a Case Transfer Cover Sheet.

f. Send the paper file with a Case Transfer Cover Sheet to the appropriate district office or service point. The initiating office must prepare a duplicate paper file if the original cannot be found.

g. APECS automatically recommends assignment of the case to the appropriate staff in the receiving office.

h. The new staff must confirm the reassignment on APECS. APECS generates a worklist to the new staff.

i. APECS records a cross-locality transfer in the case event history when a case is transferred to another district.

j. Assigning a case to a unit and staff generates an event. The receiving district staff must acknowledge receipt of the paper file by recording the date the paper file is received in the case event history notes.

2. If the receiving district determines that they need the paper file for immediate action,

   a. a supervisor in the receiving district office must request via worklist that the transferring office forward the paper file within one business day, and

   b. the staff in the transferring office must fax or deliver the paper file to the receiving district office or service point within one business day.

(1-1-1997)(3-1-1997)(09-01-1999)

C. Assistance From Another District Office (09-01-1999)

A district may request the assistance of another district to help in the processing of the case.

1. Request another district's assistance when

   a. a court appearance or interview is required in another district, or

   b. transferring a court order from one court jurisdiction to another.

2. Cases forwarded for assistance from another district office should be sent to the appropriate team's supervisor.

3. Steps for requesting the assistance of another district office.

   a. Prepare a duplicate paper file. Document that the file was copied for another district's assistance.

   b. Update case and financial information if needed.

   c. Document the case event history with the following information:

      1) date assistance requested, and

      2) type of assistance requested.

   d. Generate a Case Referral form.

   e. Forward the duplicate paper file with a Case Referral form to the receiving district.

4. General rules for requests for assistance

   a. District offices involved in the request for assistance must provide status reports to each other concerning the case.

   b. The district office initiating the request is responsible for responding to status inquiries from the CP or NCP.

   c. The district office responding to the request is responsible for updating APECS and the case event history.

   d. The responding district office must return the updated copied file to the initiating district office within five business days after the required action on the case is

completed.

e. The district office responsible for the case must review the returned file, retain necessary documents and properly dispose of the copied file.

(1-1-1997)(3-1-1997)(09-01-1999)

C.1. Exceptions to Case Transfer **(07-01-2006)**

Do not transfer a case file to another office when

1. the case type is ARRP (TANF arrears only)

2. the custodial parent is incarcerated, unless a third party has custody of the dependant(s)

3. the noncustodial parent **in an incoming interstate case** is incarcerated

(7-1-2005)(7-1-2006)

D. Documents (09-01-1999)

1. APECS

   a. *Notification of Action Taken by DCSE*

   b. *Interstate Status Report*

2. Manual

   Case Transfer Cover Sheet

(3-1-1997)(09-01-1999)

A. Reasons for Case Closure (12-01-2008)

Close a case that meets any of the following criteria:

1. A current support order does not exist and arrears are less than $500 with all enforcement actions including certification (if possible) to credit reporting agencies, IRS tax refund intercept and state tax/lottery/vendor intercept having resulted in no collection over the most recent 12 consecutive month period, or the arrearages are unenforceable according to the laws of the Commonwealth. Cases may be closed without waiting 12 months if the arrearage balance falls below the minimum threshold of $25.00 for submission to state tax/lottery/vendor intercept, and all other possible enforcement efforts have been unsuccessful.

   (Note that a case may not be closed as uncollectible when the noncustodial parent (NCP) has multiple cases and is paying, but due to the payment distribution hierarchy no money is applied to the case in question.)

   Use the Automated Program to Enforce Child Support (APECS) case closure code <CNOA>. *Closure Intent Notice* required.

2. DCSE staffs have verified that the noncustodial parent (NCP) or putative father (PF) is deceased and determined that DCSE can take no further action, including a levy against the estate.

   Use APECS case closure code: <CDIE>. *Closure Intent Notice* required.

3. DCSE cannot establish paternity because

   a. the child is at least 18 years old and the statute of limitations bars action to establish paternity, or

   b. genetic testing excluded the PF as the father of the child (note that the case for the excluded PF is to be closed, but a *Closure Intent Notice* is not required in this situation if another PF will be pursued), or

   c. a court determined that the PF is not the father of the child, or

   d. a determination has been made that it would not be in the best interests of the child to establish paternity because the child was conceived as a result of incest or forcible rape, or

e. legal proceedings for adoption are pending, or

f. the identity of the biological father is unknown, and cannot be identified after diligent efforts, including at least one interview with the applicant/recipient by district office staff.

Use APECS case closure code: <CPAT>. Closure Intent Notice required except as indicated in 3.b. above.

4. The location of the NCP is unknown.

a. sufficient information to initiate automated locate efforts is available, and regular attempts using multiple sources to locate the NCP have been unsuccessful for more than three years, or

b. insufficient information is available to initiate automated locate searches, and locate efforts have been unsuccessful over a one-year period.

Use APECS case closure code <CULO>. *Closure Intent Notice* required.

5. The NCP has no income or assets that DCSE can levy against or attach for support, and cannot pay support for the duration of the child's minority because the NCP

a. is institutionalized in a psychiatric facility,

b. is incarcerated with no chance of parole, or

c. has a medically verified total and permanent disability.

Cases where the NCP has received or been eligible to receive SSI benefits, whether or

not monetary benefits were received, for at least 24 consecutive months may be closed. Use the on-line SVES directory as documentation of SSI status. (If the NCP has been paying voluntarily the case should remain open.) If paternity is at issue for any child(ren) for whom application has been made, efforts must be made to establish paternity prior to case closure.

Use APECS case closure code <CINS>. *Closure Intent Notice* required.

6. NCP is a citizen of and lives in another country, and meets all of the following criteria:

    a. the NCP does not work for the federal government or a company with headquarters or offices in the United States,

    b. the NCP has no reachable income or assets, and

    c. the Commonwealth is unable to establish reciprocity with the country where the NCP lives. Refer to Chapter 11, Central Registry and Interstate Rules, and Section M, Reciprocal Enforcement, for countries with which the Commonwealth has reciprocity.

    Use APECS case closure code <CNRE>. *Closure Intent Notice* required.

7. DCSE has used all applicable locate services for a Locate Only case. Refer to Chapter 14, Location, for location services.

    Use APECS case closure code <CLOC>.

8. The Non-TANF applicant/recipient requests closure of his/her case and there is no assignment to the Commonwealth of medical support or arrears that accrued under a support order.

    a. The request may be made verbally or in writing. If the request is verbal, staff verifies the following information:

        1) NCP's Name

        2) Custodial Parent=s (CP) Name

        3) applicant/recipient's Social Security Number

        4) applicant/recipient's Date of Birth

        5) applicant/recipient's Present Address

        For verbal requests, when staff determines that the applicant/recipient is the person making the request for case closure, staff should ask the applicant/ recipient to also send the request in writing, which--though not required to close the case--serves as

additional documentation of the request to be included with the case file. If staff has any doubt that the person making a verbal request for case closure is the applicant/ recipient, staff is to inform the requestor that the request must be made in writing, and that the case will not be closed until the written request is received. An exception is where both parents are NCPs (or an NCP and PF), and the applicant/recipient requests closure of the case of only one of the legal or potentially legal parents (typically a son or daughter or other relative), but wants DCSE to continue pursuing the other legal parent or PF. Reflecting the statement in Chapter 9.C.9, the applicant/recipient may request closure of all of the cases of legal or potentially legal parents of a child, but not just one, while DCSE continues to pursue support against another legal or potentially legal parent.

b. If both parents are service recipients, and one requests case closure, inform the requestor that the case must remain open as the other parent is also an applicant/recipient. Refer to Chapter 10, Application Process.

d. A *Closure Intent Notice* is not required when a case is closed for this reason, however, the former applicant/recipient is to be notified either orally (in person or by telephone) or in writing (a Notification of Action Taken may be used) that the case has been closed and that DCSE will provide copies of certain legal documents including certified copies of orders, and copies of paternity establishment documents and payment/arrearage records upon request. Document the case history of the method of notification.

Use APECS case closure code <CDIS>.

9. The local department of social services (LDSS) finds good cause in Temporary Assistance for Needy Families (TANF), Medicaid-only or Aid to Families with Dependent Children/Foster Care (AFDC/FC) cases why DCSE of Child Support Enforcement (DCSE) may not continue efforts to secure support without risk of harm to the CP or child. Refer to Chapter 3, Interaction With Local Agencies.

   Use APECS case closure code <CGCA>.

10. DCSE is unable to contact the Non-TANF applicant/recipient, in a case where no state debt is owed, within a 60-calendar day period despite an attempt by at least one letter sent by first class mail to the applicant/recipient's last known address. Note: When loss of contact with the applicant/recipient occurs in a case where state debt is owed, the case cannot be closed under this closure reason, and will remain open to collect the state debt. In this situation, send a Notice of Action Taken to explain DCSE's

action, including terminating efforts to collect or enforce current support, and direct the former applicant/recipient to contact the NCP or pursue court action in this regard.

a. A basis for a determination of loss of contact with the applicant/recipient may be established in either of two ways:

   1) Any letter sent to the applicant/recipient's last known address that is returned by the U. S. Post Office, sheriff's office, etc. indicating that the letter cannot be delivered because the applicant/recipient has moved. (Note that if the returned correspondence is a check; efforts to locate the CP are required within 24 hours as part of DCSE's financial management procedures. However, under these circumstances, if the CP cannot be located, proceed with case closure as described below. Refer to Chapter 20, Enforcement by Wage Withholding, Sections J and K, for information on when to modify or release the Income Withholding Order when the whereabouts of the child or caretaker are unknown.

   2) Any letter sent to the applicant/recipient requesting contact to which the applicant/recipient does not respond.

b. Upon the expiration of 60 days from the date a letter described in paragraph 10(a) of this section was sent, mail the *Closure Intent Notice* by first class mail.

c. In order to close a case for loss of contact with the service recipient, as with closing cases for any of the other nine reasons set forth in this chapter that require a *Closure Intent Notice*, 60 days must expire from the date the *Closure Intent Notice* was sent before the case can be closed.

e. These requirements are the minimum set forth in federal regulation. In addition to these efforts, attempts to contact the applicant/recipient by telephone and/or by other methods may be made, but are not required. The purpose of requiring two separate letters (each with a full 60-day expiration period required prior to taking the next step) is to afford more than one opportunity for the applicant/recipient to receive the correspondence (i.e., to allow time for mail to be forwarded to possible new address).

f. Loss of contact with service recipients in Child only, Medicaid only cases (where the child/ren, but not the CP, is receiving Medicaid benefits) is a basis for case closure as no assignment of rights is required.

   Use APECS case closure code <CUNC>. *Closure Intent Notice* required.

11. In a non-TANF case, staff documents the APECS Case Event History as to the circumstances of the applicant/recipient's noncooperation and an action by the applicant/recipient that is essential for the next step in providing services.. Note: Child only, Medicaid only cases (where the child/ren, but not the CP, is

receiving Medicaid benefits) may also be closed for noncooperation of the applicant/recipient as no assignment of rights is required.

Use APECS case closure code <CNON>. *Closure Intent Notice* required.

12. In an incoming interstate case staff documents the APECS Case Event History as to failure by the initiating state to take an action which is essential for the next step in providing services. Refer to Closure of Interstate Cases in this chapter.

    Use APECS case closure code <CINT>. *Closure Intent Notice* required.

An automated case closure initiative has been undertaken where APECS identifies certain cases through searches and matches of available information. Once a case meets the appropriate criteria, APECS automatically generates a Closure Intent Notice with the closure reason noted. The notices are mailed from the Home Office. Each contains the return address of the district office responsible for the case. A report is generated showing cases that have administrative enforcement remedies in place (i.e., liens, income withholding orders, etc.). A worker may prevent automatic closure within 65 days after the Closure Intent Notice is sent by removing the closure code from the Update Case Information Screen. Following generation of a Closure Intent Notice by a worker, or when a worker identifies a case to be closed, APECS will take over the process, initiating a Closure Intent Notice, if necessary, and ensuring that the case will remain open for at least 65 days after a Closure Intent Notice is sent.

(3-1-2000)(9-1-02)(9-1-04)(9-1-05)(1-1-07)(12-1-08)

B. Special Circumstances Requiring Case Closure Actions **(04-07-2010)**

Cases Opened in Error

Occasionally cases are opened by mistake or misunderstanding and all parties involved agree that the case should not have been opened. These are most frequently found in automatically referred TANF cases that are determined to be duplicate cases referred more than once, or those that should not have been referred at all (i.e., the case was not approved for TANF, the putative father of the only child in a case is deceased at the time of application for TANF, etc.).

When duplicate cases have been found open on APECS for the same participants:

1. Cross reference the closed case to the active case and combine case information, **and close the duplicate case(s)**.

2. **If arrears are due, transfer the subaccount balance to the active case before closing the case.**

3. **Do not inactivate the participants; continue efforts to work the case.**

4. **Use APECS case closure code: <CDUP>**

When cases are referred in error and should not have been opened in the first instance:

1. **Use APECS case closure code: <CDUP>**

2. Death of Custodial Parent or Payee
   The death of a CP or payee in a case is NOT a reason in and of itself to close a case. There may or may not be an ongoing need for IV-D services based on the facts and particulars of each individual case situation.

   a. Attempt to contact the NCP or any known relatives or acquaintances of either parent.

   b. Send a contact letter to the last known address in hopes of reaching the executor of the CP's estate or other the person handling business matters for the deceased CP. This person may have custody of the child(ren) or be able to inform you who does have custody.

   c. Continue collecting support until advised differently by the executor, the new custodian or a court.

   d. Once it is determined that custody is not at issue and that DCSE services are to continue, an application is needed from the new custodian.

   e. If these matters cannot be determined, or if the new custodian does not want DCSE services or will not cooperate, the case may be closed for one of the reasons set forth in section A of this chapter.

   f. If you cannot contact the executor or new custodian, close the case due to loss of contact.

(7-1-99)((4-7-2010)

C. Case Closure Steps (05-01-2003)

1. Generate the *Closure Intent Notice* for case closure reasons 1 through 6, and 10 through 12 listed in Section A, 60 calendar days before closing the case. For all closure reasons, except 4 and 7, keep the case open if the applicant/recipient

   a. supplies information in response to the *Closure Intent Notice* or

   b. reestablishes contact with DCSE.

For closure reasons 4 and 7, the applicant/recipient must be able to provide updated information that can lead to the establishment or enforcement of a child support order or medical insurance in order to keep the case open.

2. For closure reasons 7 through 9 (locate only cases, requests for closure by non-TANF service recipients, and good cause determinations, respectively), other notification, including a *Notice of Action Taken* may be used.

3. Generating the *Closure Intent Notice* on APECS also generates a case event history entry, and a worklist item. Refer to Chapter 6, Documentation Requirements and Chapter 7, Documents and Record Retention.

4. Close the case if the applicant/recipient does not respond to the *Closure Intent Notice* within 60 calendar days.

5. Upon request from the former service recipient, provide him or her copies of any of the documents listed as available on the *Closure Intent Notice*.

6. Release all enforcement actions taken or pending against the NCP, including:

   a. Liens

   b. Income withholding

   c. State income tax certification

   d. Internal revenue service (IRS) income tax certification

   e. Consumer reporting agency referral

   f. Orders to withhold

   g. Orders to deliver

   h. Seizure and sale activity

   i. Judicial enforcement activity

   j. IRS full collection

   k. Vendor debt set-off program

   l. Suspension/revocation of professional or occupational license

   m. Suspension/revocation of drivers license

7. Adjust Subaccount Balances
   a. Adjust subaccount balances to zero except when the arrearage is owed to the Commonwealth (also called "state debt").

   b. Do not zero out arrears in subaccounts due the Commonwealth on TANF and AFDC/FC cases. APECS will transfer these arrearages to a doubtful account as part of required discharge procedures. Refer to Chapter 18, Receivables.

8. If redirection of support monies to the CP is necessary, district office staff

   a. Generate the *Change in Payee Notice* to the NCP, which also generates a case event history entry, and a worklist item.

   b. Serve the notice on the NCP using certified mail, return receipt requested, or one of the methods of service as defined in Chapter 8, Section B., Methods of Service.

   c. Mail a copy of the served notice and a copy of the proof of service to the CP and to the court having jurisdiction over enforcement of the order.

   d. Document successful service on the NCP and the type of service on the APECS Case Event History entry.

9. Update APECS with the appropriate case closure reason. Refer to "Reasons for Case Closure" in this chapter.

10. If DCSE's efforts to serve notice on the NCP to redirect support payments to the CP have been unsuccessful, DCSE continues to provide collection and disbursement services (as a non-IV-D case) until the notice is served on the NCP, or other arrangements for these services are made.

    a. Type an entry in the APECS Case Event History and Notes to document that the NCP could not be notified to redirect support payments.

    b. Update the case type to non-IV-D.

    c. Generate a *Notification of Action Taken by DCSE* to the CP.

11. Retain closed case records for a minimum of three (3) years. Refer to Chapter 7, Documents and Record Retention.

(03-01-2001)(5-1-2003)

D. Closure of Interstate Cases (07-01-1999)

1. DCSE may close an incoming interstate request for services (but not "quick locate" requests) when staff documents failure by the initiating state to take an action which is essential for the next step in providing services.

    a. When the initiating state requests location services through the Central Registry using an interstate referral, and location attempts are unsuccessful, DCSE is not required to conduct quarterly repeat location attempts.

    b. Request action from the initiating state in situations where action or additional information is needed from the initiating state in order for DCSE to take the next step in providing services.

    c. Allow the initiating state 30 calendar days to furnish additional information, or to notify DCSE when they will provide the information.

    d. If the initiating state does not provide additional information within 30 calendar days, or notifies DCSE that the case may be closed, send the initiating state a *Closure Intent Notice*.

2. If the NCP is found living in another state, take the following steps:

    a. Within 10 business days of locating the NCP, return the form and documentation to the initiating state, or if directed by the initiating state, mail the information to the Central Registry in the NCP's new state. Include the NCP's new location.

    b. Close the case after the initiating state or the NCP's new state acknowledges receipt of the transferred case.

3. Do not automatically close a case because the CP moves from one state to another state and the NCP lives in a third state.

    a. The CP's new IV-D agency must notify the CP's old IV-D agency that they have established an interstate case with the responding state before the old IV-D agency may close the case.

b. Offer and continue to provide all appropriate services until notified that the new IV-D agency has established a case.

c. If an income withholding is in place, redirect payments to the CP's new address.

d. Distribute payments to the CP at the CP's new address until the IV-D agency in the CP's new state notifies DCSE that they are providing services.

e. The CP's new state sends the Interstate *Child Support Enforcement Transmittal* to the CP's old state to request redirection of payments.

(07-01-1999)

E. Documentation (07-01-1999)

Document the APECS Case Event History and Notes when a case is closed to include, at a minimum, the following information:

1. A description of the case situation that qualifies a case to be closed to IV-D must be documented based on the specific requirements listed in Section A. Cases closed without sufficient documentation may result in audit exceptions.

2. For requests by non-TANF applicants or other IV-D agencies, the name of requester, date and type of request (verbal or written), and verification steps taken if request was verbal must be documented.

(07-01-1999)

F. APECS Documents (03-01-2000)

1. *Change in Payee Notice*

2. *Closure Intent Notice*

3. *Notification of Action Taken by DCSE*

(03-01-2000)

G. Worklists (11-01-1999)

1. *Change in Payee Notice*

2. *Closure Intent Notice*

(11-01-1999)

A. Purpose of Chapter (06-05-2009)

1. The purpose of this chapter is to provide policy, procedures, and information concerning

   a. instate non-IV-D cases,

   b. interstate non-IV-D cases,

   c. international non-IV-D cases,

   d. actions taken by district office staff, and

   e. actions taken by Central Registry staff.

2. The chapter refers the reader to the DCSE Program Manual,

   a. Chapter 28, Allocation and Distribution, Section B, Allocation, for the payment allocation hierarchy;

   b. Chapter 36, Case Transfer, for procedures to transfer cases; and

   c. Chapter 37, Case Closure, for procedures to close cases.

(3-1-97)(6-5-09)

B. Instate Non-IV-D Cases **(10-09-2009)**

1. A non-IV-D case is a case

   a. with a court-issued *Income Deduction Order* that orders the employer to mail payments to the Division of Child Support Enforcement (DCSE), and

   b. for which DCSE has not received an application for services or a referral from a local department of social services (LDSS), and

   c. for which the only authority DCSE has is to

      1) receive,

      2) post,

      3) distribute, and

4) disburse income withholding payments from an employer in accordance with the distribution rules, and

5) stop current support from charging when notified by the court; notified by the custodial parent that the youngest child on the order does not meet the criteria of Va. Code § 16.1-278.15(A) and § 20-124.2(C) (a full-time high school student who is not self-supporting and who lives in the home of the parent or party receiving the support); or when the youngest child on the order attains the age of 19. To stop current support from charging, close and zero out the current support extension/subaccount. In addition, any arrears that accrued after the youngest child's 19th birthday should be deducted from the arrears balance. NOTE: This procedure should be employed only if the court order does not extend support past the age of 19 (*e.g.*, because the child is disabled).

2. New support orders issued on or after July 1, 1995, include a provision for an immediate income withholding, unless the parties agree to an alternative payment arrangement or the court finds "good cause" as demonstrated by one of the parties. Courts may also order an immediate income withholding when adjusting an order. The orders require employers to forward payments to DCSE.

3. Do not initiate enforcement action of any type on a non-IV-D case. Do not issue *Income Withholding Order (IWO)* for non-IV-D cases.

4. The parties are responsible for petitioning the court to have the income withholding order transferred, adjusted, or terminated for a non-IV-D case.

5. Central Registry staff will perform the following:

   a. Receive a copy of the support order and court issued *Income Deduction Order* from a court.

      1) If the support order and the *Income Deduction Order* do not have sufficient information to establish a non-IV-D (NIVD) case in APECS, contact the court to request corrected documents.

      2) Non-IV-D support orders received by DCSE in which the court has not ordered an *Income Deduction Order* should be returned to the court, unless the court order specifies that payments be made through DCSE without an *Income Deduction Order*. Generate and send the *Request for Information from the Court* document along with the documents received from the court except when the court order specifies that payments be made through DCSE without an *Income Deduction Order*.

b. Check APECS to find out if a IV-D case with the same participants already exists:

1) If an ARRP or ARRN case type exists with a debt to the state and if the case is open in APECS, establish another case (NIVD case type) to add the new court order/*Income Deduction Order*. This will result in two open cases in APECS for the same participants, one IV-D case and the other a non-IV-D case; or

2) if a MAOP case type exists and if the case is open in APECS, do not establish a non-IV-D case;

a) add the order to the case; and

b) document behind the Display Case Information screen the receipt of and details of the court order/*Income Deduction Order*; and

c) forward the court order/*Income Deduction Order* to the responsible case worker in the district office; or

3) if the case type is other than ARRP, ARRN or MAOP and if the case is open in APECS, do not establish a non-IV-D case.

a) Document behind the Display Case Information screen the receipt of and details of the court order/*Income Deduction Order*; and

b) forward the court order/*Income Deduction Order* to the responsible case worker in the district office to update the existing IV-D case; or

4) If a IV-D case exists in APECS and the case is closed, ask the responsible case worker in the district office to reopen that case, change the case type to NIVD in APECS and transfer the case to the Central Registry.

c. If a case does not exist in APECS with these participants, establish a non-IV-D case in APECS within two (2) work days of receiving the court order and the copy of the *Income Deduction Order*.

1) Enter all available information on APECS;

2) Set up a paper file;

3) Mail the

a) *Non-IV-D Letter to Custodial Parent* to the payee and

b) *Non-IV-D Letter to Noncustodial Parent* to the obligor;

c). Include an application for IV-D services with each letter mailed in steps above;

d. Update APECS when the court or either party supplies new information;

e. Worklist Division of Finance staff to process financial adjustments when necessary; refer to Chapter 31, Adjustments, Section I, Receivables and Cash, for types of adjustments that may be requested using the APECS worklist function.

f. Complete a *Request for Refund/Transfer* form and send to Disbursement Unit staff to request a refund, transfer, or payment to a CP when necessary;

g. Forward employment status changes received from employers to courts;

h. If the CP or the NCP in a non-IV-D case applies for child support enforcement services, change the APECS case type from NIVD (non-IV-D) to NADC (IV-D) on the Update Case screen, update the ALT AGMT field (from "Y" to "N") on the Display Support Order screen, update the locality code on the Refer Case screen, and add additional information included on the application.

1) APECS will automatically generate the *Important Notice* to the NCP when the case type is changed from NIVD to NADC.

2) If the applicant is the CP, generate the *Contact Letter to Noncustodial Parent* advising the NCP that the CP has applied to DCSE for enforcement services.

3) If the applicant is the NCP, generate the *Notification of Action Taken* advising the CP that the NCP has applied to DCSE for enforcement services.

4) Generate and send the *Notice to Court of a Change in Case Status* to let the court know that DCSE has received an application for IV-D services and will take appropriate enforcement actions on the case.

5) Transfer the paper file to the responsible case worker in the district; refer to Chapter 36, Case Transfer, for instructions to transfer case files;

i. If an ARRP, ARRN or a MAOP case with a debt owed to the state becomes a TANF case, the intake worker will research the APECS system to check if there is an open non-IV-D case (NIVD) with the same participants.

1) If a non-IV-D case (NIVD) is found in APECS, the intake worker will advise the Central Registry to close the non-IV-D case.

2) The Central Registry worker must:

   a) close the non-IV-D case in APECS;

   b) send to the court the *Notice to Court of a Change in Case Status* document advising the court that the participants now have a TANF case which DCSE is enforcing and that the court should release the *Income Deduction Order*; and

   c) transfer the paper file to the responsible case worker in the district office; refer to Chapter 36, Case Transfer, for instructions to transfer case files.

j. If a non-IV-D case (NIVD) becomes a TANF case (with the same participants) and Central Registry is notified,

   1) change the case type in APECS from NIVD (non-IV-D) to ADC (TANF) on the Update Case screen; and

   2) update the ALT AGMT field (from “Y” to “N”) on the Display Support Order screen; and

   3) update the locality code on the Refer Case screen; and

   4) transfer the paper file to the district office responsible for the case. Refer to Chapter 36, Case Transfer, for instructions to transfer case files.

k. If a non-IV-D case becomes a Medicaid case (with the same participants) and Central Registry staff is notified,

   1) change the APECS case type from NIVD (non-IV-D) to MAOF or MAOP, as appropriate, on the Update Case screen; and

   2) update the ALT AGMT field (from “Y” to “N”) on the Display Support Order screen; and

   3) update the locality code on the Refer Case screen; and

   4) transfer the paper file to the district office responsible for the case. Refer to Chapter 36, Case Transfer, for instructions to transfer case files.

l. Close non-IV-D cases on APECS when

1) the court notifies DCSE that the parties agreed to an alternative payment arrangement; or

2) the court notifies DCSE to close the case; or

3) an ARRP, ARRN or a MAOP case with a debt to the state reopens to TANF**; or**

4) No payments have been received for 120 days and the NCP has no open IV-D cases. Once closed, these Non-IV-D cases shall be re-opened if subsequent payments are received.

2. Document case events to reflect closing of the case and the reason.

3. DCSE cannot close a non-IV-D case when asked to do so by the CP or the NCP. Ask the requesting party to contact the court..

6. Payment Processing Unit staff post payments to non-IV-D cases.

7. APECS prorates, allocates, posts, and distributes payments to all cases. The same hierarchy for current support and arrears applies to IV-D and non-IV-D cases. Refer to Chapter 28, Allocation and Distribution, and Section B, Allocation.

8. District office staff will perform the following:

a. If an ARRP, ARRN or a MAOP case with debt owed to the state becomes a TANF case, the intake worker must research the APECS system to check if there is an open non-IV-D case (NIVD) with the same participants. If a non-IV-D case (NIVD) is found in APECS, the intake worker must advise the Central Registry to close the non-IV-D case.

b. do not change NIVD case types in APECS without first consulting with the Central Registry non-IV-D case worker,

c. forward any copies of court orders and income withholding orders for non-IV-D cases to the Central Registry,

d. open a closed case when requested by the Central Registry; change the case type to NIVD in APECS and transfer the case to the Central Registry,

e. refer callers with inquiries about their non-IV-D case to the Call Center,

f. contact the Central Registry supervisor for assistance with non-IV-D cases when necessary, and

g. advise walk-in customers with questions regarding their non-IV-D cases to contact the Call Center or the court directly about their non-IV-D case and provide them with the contact information. Do not advise customers to go to the Home Office as walk-ins.

h. If a case closure request is received after the case type is changed from NIVD to NADC, a *Change in Payee Notice* must be served. Refer to Section C, Case Closure Steps, Chapter 37, Case Closure.

(1-1-98)(1-1-07)(6-5-09)(10-9-09)

C. Interstate Non-IV-D Cases (01-01-2007)

1. Types of Interstate Non-IV-D Cases

a. Spousal Only

b. Uniform Interstate Family Support Act (UIFSA) petitions received directly from an individual without an application for child support services included.

c. UIFSA petitions marked non-IV-D that Virginia courts send to the Central Registry for forwarding to another state's court.

d. UIFSA petitions marked non-IV-D that courts in another state mail to the Central Registry to be forwarded to a Virginia court.

2. The IV-D agency in the other state has no involvement with these cases.

3. DCSE provides the following services to these customers:

1) Receive Payments

2) Post Payments

3) Distribute Payments

4) Disburse Payments in accordance with the distribution rules

4. District office staff

    a. have no ongoing responsibility for processing interstate non-IV-D cases;

    b. review case information and identify cases coded to the district office in error when processing the Undistributed Receipts Report, responding to telephone calls, or reviewing cases for other purposes;

        1) Identify cases using the APECS Display Case Information Screen.

            a) The LC/UNIT STATUS field is <900>.

            b) The IV-D STATUS field is <NIVD>.

            c) The JURISDCTN field is <CL-O>.

            d) The INTERSTTE field is <R>.

            e) The DEPENDENTS/RELATIVES field is blank.

        2) Verify that the information above is correct.

        3) Correct information that is not correct and add information that is not completed.

        4) Transfer the APECS case to a Central Registry worker.

    c. Document actions taken in the APECS Case Event History and notes;

    d. Generate the APECS Notification of Action Taken by DCSE to the custodial parent;

    e. Transfer the paper file to the Central Registry; refer to Chapter 36, Case Transfer, for case transfer procedures,

    f. Refer callers to the Call Center.

    g. Contact the Central Registry supervisor for assistance with non-IV-D cases.

5. Central Registry staff

    a. Add non-IV-D cases to APECS,

    b. Receive paper files for non-IV-D cases from other states and district offices,

c. Forward documents to courts,

d. Resolve disbursement issues,

e. Add new information received from the IV-D agencies and courts in other states to APECS,

f. Update APECS and forward the case to the appropriate district office when an application for services is received, and

g. Close the case on APECS when notified that the other state court closed the case.

(01-01-1998)(7-1-2004)(01-01-2007)

D. Documents (06-05-2009)

1. *Non-IV-D Letter to Custodial Parent (DCSEP 786)*

2. *Non-IV-D Letter to Noncustodial Parent (DCSEP 785)*

3. *Notice to Court of a Change in Case Status*

4. *Request for Information from the Court*

5. *Change in Payee Notice*

(1-1-98)(1-1-07)(6-5-09)

CHAPTER 39 CASES NOT CONVERTED TO APECS **(09-01-2005)**

A. General (07-01-2005)

All cases on the Automated Child Support Enforcement System (ACSES) and the Support Enforcement Public Assistance Computer System (SUPE) at conversion to APECS are on microfiche. Use this microfiche, as needed, to find cases that did not convert to APECS.

1. The microfiche for SUPE cases is in internal number order.

2. The microfiche for ACSES cases is in case number order.

3. The microfiche is indexed by

   a. noncustodial parent (NCP) name and

   b. social security number (SSN).

(01-01-1998)(07-01-2005)

B. Categories of Cases That Did Not Convert (07-01-2005)

1. SUPE Cases That Reopened on the Day of Conversion

2. Cases Coded Incorrectly Because They Opened and Closed on the Same Day.

3. Closed ACSES Cases

4. Cases Closed to Temporary Assistance for Needy Families (TANF) with No Arrears

5. Closed IV-D Cases Regardless of the TANF Status

6. NCP Converted to APECS, but the Case Did Not Convert

7. CP Converted to APECS, but the Case Did Not Convert

(01-01-1998)(07-01-2005)

C. Reporting the Outstanding Balance on Rids (04-18-1994)

Report the outstanding balance as Unclaimed Property.

(04-18-1994)(1-1-1998)(3-1-1997)(9-1-2005-reformatted)