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CHAPTER 1 – INTRODUCTION TO THE PROGRAM MANUAL

A. Purpose and Use of the Program Manual

The Division of Child Support Enforcement (DCSE) Program Manual is a program guidance manual. It is not a "policy manual." Only the State Board of Social Services has the authority to approve "policy" for the Department of Social Services. It is, rather, a "guidance document" within the meaning of Va. Code § 2.2-4001. Such documents, unlike statutes and formally promulgated regulations, do not have the force of law. *See, e.g.*, Davenport v. Summit Contractors, Inc., 45 Va. App. 526, 532, 612 S.E.2d 239 (2005). Therefore, this Program Manual does not bind DCSE or the Department of Social Services to any particular course of conduct or interpretation of statutes or regulations, and should not be read as conferring any legal rights upon any person.

The primary goal of this Program Manual is to ensure, to the highest possible degree, uniform and consistent handling of all IV-D child support cases across the state. Federal law and regulations outline the requirements for the DCSE Child Support Program. Virginia complies with these requirements and has enacted legislation to support them.

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

This Manual contains guidance for the workers and supervisors of the Division of Child Support Enforcement (sometimes referred to as DCSE or "the Division") in carrying out their daily activities. This guidance has been developed by the Program Guidance Team at the Division's headquarters, in consultation with the Division's management and legal services staff.

The Manual does not answer all possible questions. For matters within the scope of this Manual, all district offices are expected to follow the guidance provided in this Manual. However, no manual can discuss all possible situations. Therefore, when faced with situations not clearly addressed in the Manual, the case worker should discuss the situation with colleagues, supervisors and the District Manager, and, if appropriate, refer the situation to the designated Program Specialist. If an answer is still not clear, the Program Specialist can refer the question to the Program Guidance Team for a response.

This Manual contains guidelines concerning opening and closing cases, establishing paternity and support, enforcing orders, processing payments, and related functions. More general information, including lists of legislative provisions, acronyms, and other reference material, is included in the DCSE Resource Manual, which is included at the back of this manual.

Following many discussions in the online version of the Program Manual are hyperlinks to the legal authority that governs the principles under discussion. Click on these links to view the federal or state law, regulation, or other authority in question. These links primarily include references to federal statutes (United States Code or U.S.C.), federal regulations (Code of Federal Regulations or C.F.R.), state statutes (Virginia Code), and state regulations (Virginia Administrative Code or VAC).

In addition, this Manual contains links to explanations of terms that are specific to the child support enforcement program. In the online version of the Manual, click on any hyperlink to view additional

information, usually a definition of the term or expansion of an acronym. In some cases, such as when two references to a form are close together in the text, or when a term is commonly used throughout the manual, only the first of those references will include the hyperlink.

For help with navigating through the document and using the hyperlinks, see the navigation help page at the end of the Resource Manual.

For cross-references to the corresponding provisions in the prior version of the Program Manual, see the tables of Cross-References in the Resource Manual.

B. The Strengthening Families Initiative and the VDSS Practice Model

The Virginia Department of Social Services (VDSS), which is the parent agency of the Division of Child Support Enforcement (DCSE), is committed to the goal of strengthening families within Virginia. DCSE is committed to working toward this overall goal by structuring its program, to the extent possible, in accordance with the principles outlined by VDSS in connection with its Strengthening Families Initiative (SFI).

The SFI has three specific goals: Reducing non-marital births; connecting and reconnecting fathers with their children; and encouraging the formation and maintenance of safe, stable, intact, two-parent families. In order to achieve these goals, the SFI uses a holistic approach that looks beyond the agency's customers as individuals and focuses instead on strengthening the family unit as a whole. This approach requires DCSE staff members to keep the goals of the SFI in mind whenever they are dealing with noncustodial parents (NCPs) and custodial parents (CPs). More information about the SFI and its goals, including the VDSS Practice Model, is provided on the DSS intranet.

All DCSE employees who deal with NCPs, CPS, and other persons associated with DCSE cases, including children and spouses of NCPs and CPs, should act in accordance with the principles set forth in the Practice Model, whenever possible. For example, DCSE staff members should avoid using terms like "absent parent," "deadbeat dad," and the like. When interviewing the parties to a child support case, staff members should treat both parties with respect and avoid making statements that are harshly critical of an NCP. They should encourage both parents to be involved with their children when the circumstances permit such involvement. Although visitation matters are not within the jurisdiction of DCSE, staff members should encourage both parties to a case to make efforts to increase visitation by the NCP, so the children can have the benefit of substantial contact with both parents.

CHAPTER 2 – CASE OPENING, TRANSFER, AND CLOSING

A. Eligibility for Services

1. Description of Full IV-D Child Support Services

   DCSE provides the following services in full IV-D service cases:

   a. locating NCPs, their employers, income and assets

   b. establishing paternity

   c. establishing and adjusting child support obligations (upward or downward)

   d. establishing health care orders

   e. enforcing child support and medical support obligations, and

   f. collecting and disbursing child support payments including court ordered medical support payments for a specific dollar amount 22 VAC 40-880-20

2. Exceptions to Full IV-D Child Support Services

   IV-D partial services:

   a. Locate-only services may be requested by:

      1) a CP, legal guardian, attorney or agent of a child who is not receiving 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 kidnapping laws, and

         b) to enforce a child custody or visitation determination.

"Authorized persons" include Commonwealth Attorneys, District Attorneys, and agents of the court. Private attorneys are not considered agents of the court for this purpose, and thus are not authorized persons.

The authorized person or other entity applies to the SPLS Unit which provides these services. 45 C.F.R. § 302.35.

3. 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 under Virginia Code § 20-79.1 and 20-79.3

b. Incoming or outgoing UIFSA petitions identified as non-IV-D under Virginia Code § 20-88.44.

These services are handled by Central Registry staff in Central Office. Refer to Chapter 15, Non-IV-D Cases, for further information.

B. Rules for Providing Child Support Services (04/2013)

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 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. 45 C.F.R. § 302.33 and 22 VAC 40-880-30.

2. Service recipients receiving TANF or AFDC/FC benefits are automatically eligible for child support enforcement services. A separate child support application is not required. 45 C.F.R.§ 302.31 and Virginia Code §§ 63.2-1908 and 1909 and 22 VAC 40-880-30.

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 himself or 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**,** an application has not been received from anyone else, and the order on the case was entered by a court, refer to Chapter 8, Section E of the Procedures Manual, Change of Physical Custody of a Child When Support is Ordered by a Virginia Court, for guidance.

7. If DCSE is enforcing a case and learns that the payee no longer has physical custody of the child, the order is an ASO and neither an application for child support services from a person other than the obligee or obligor has been received nor has a referral from LDSS been received, attempt to

contact the CP.

Attempts to contact the CP should be made by using all means available including telephone calls, email and written communication. Send the CP a Notice of Action Taken requesting that contact be made with the Division immediately. If no response is received from the CP, staff should review the facts of the case to determine the best course of action to be taken next.

8. If the Division is enforcing a case and learns that the payee no longer has physical custody of the child and the order on the case is an ASO, refer to Chapter 4, Section W, Change of Physical Custody of a Child for Whom Support is Ordered.

9. A Custodial Parent may request that support payments be temporarily forwarded to another person when the CP is on active duty in the military or needs a short term temporary change of payee for other reasons (such as incarceration, for example). In this situation, the CP may elect to complete the *Change of Payee Temporary Request* form (this is an APECS form, number 801).

   It is recommended that this form be used when the time period for redirection of payments is anticipated to be no more than approximately six months. This time limitation should be explained to the original and temporary payees at the time the form is completed. Contact should be initiated with both the original and temporary CPs if no communication has been received at the end of the six-month time frame. The case should be re-evaluated at that time to determine if an applicaton for services from the temporary payee should be requested of if there is an extenuating circumstance which would result in the temporary payee receiving funds for a longer period of time.

   a. The current CP must execute one form per case if/when multiple cases are involved.

   b. The completed form must be singed in the presence of a Notary Public.

10. 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 Intergovernmental Reference Guide to determine the age of majority for termination of support. Virginia Code § 20-88.69.

11. 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.

C. Instate Public Assistance Cases

1. Acceptance of child support services is a condition of eligibility for TANF **or** AFDC/FC. LDSS refer these cases to DCSE unless the LDSS decides that good cause exists. Virginia Code § 63.2-602(B) and 22 VAC 40-880-30.

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. 45 C.F.R. § 302.33(a)(4) and 22 VAC 40-880-30.

   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.

D. Out-of-State Public Assistance Cases

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 6, Central Registry and Interstate Rules, for information about interstate cases.

E. Instate Nonpublic Assistance Cases

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. Virginia Code § 20-60.5(A)(1).

F. Out-of-State Nonpublic Assistance Cases

1. Intergovernmental 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 6, 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 are located.

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 6, Central Registry and Interstate Rules, Central Registry Responsibilities.

G. International Child Support Enforcement

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 15, Non-IV-D Cases, Intergovernmental Non-IV-D Cases.

6. Refer to Chapter 6, Central Registry and Interstate Rules, Reciprocal Enforcement, for instructions on how to process international cases.

H. Other Agencies May Apply for Child Support Services

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.

I. IV-D Spousal Support

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 there is an open case in which there is a current child support order or child support arrearage that accrued pursuant to the order that is being enforced. This includes cases in which the current child support obligation is $0 (because a social security or other disability payment satisfies the child support obligation).

3. DCSE does not collect or enforce orders that are for spousal support only. If previously provided, IV-D spousal support enforcement services end when a current child support obligation is

terminated either by the appropriate court or based on the youngest child's emancipation 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.

4. If the case meets case closure criteria, refer to the section in this chapter regarding Case Closure.

J. The Application Process

1. General Rules about the Application Process

   a. An application package consists of the *Application for Child Support Enforcement Services*, *Statement of Payments Received*, and the "Child Support and You" brochure. Preparing the package is a manual process. The documents are not available through document generation on APECS.

   b. The LDSS gives public assistance applicants a copy of the "Child Support and You" brochure when they apply for TANF, AFDC/FC, or Medicaid.

   c. Application packages must be made easily accessible to the public. 45 C.F.R. § 303.2(a) and 22 VAC 40-880-80.

      1) When a person comes into the office to request an application, give them the application package that day.

      2) When a person requests an application in writing or by telephone, mail the application package within five business days of receiving the request.

      3) 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.

   d. Track all requests for applications (whether in person, by telephone, or in writing) on the *Application for Child Support Enforcement Services Log*. This log was formerly maintained on the MAPPER system. Currently, it is maintained in a Microsoft Word or Excel document. Do not log referrals from LDSS on the *Application for Child Support Enforcement Services Log*. Include in the log:

      1) name of applicant

      2) date of request

      3) method of request (in-person, by telephone, in writing)

      4) date the application package given

e. 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.

f. TANF and AFDC/FC recipients residing in Virginia are not required to complete an application for child support services. The 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.

g. Provide non-TANF, non-AFDC/FC and Medicaid parents residing in Virginia an application package upon request.

1) The applicant completes the appropriate sections of the *Application for Child Support Enforcement Services* and the *Statement of Payments Received*, signs and returns 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.

2) Applications received in the Central Office are forwarded to the appropriate district office.

3) Minor parents may apply for services for their children.

a) The application may be completed by the CP, NCP, or PF.

b) The signature of the minor's guardian or parent is not required on the application.

4) 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.

5) 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.

6) 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.

7) Applicants for "locate only" services complete the *Application for Location Information* and mail it to the Virginia State Parent Locator Service in the Central Office. Refer to sections in this chapter regarding Eligibility for Services, and Case Initiation.

8) Persons who have physical custody of a child and who do not receive TANF or AFDC/FC benefits 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 the following forms:

a) the *Change of Physical Custody* form, and

b) a *Financial Statement*.

2. Accepting Out-of-State Applications

a. Intergovernmental Cases

1) Child support agencies in other states complete the UIFSA forms package and mail it to the Central Registry.

2) 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 6, Central Registry and Interstate Rules, for more information.

3. 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 the following forms:

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 Intergovernmental Reference 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 NCP lives or has assets in Virginia, and

5) assign or transfer the case to the Central Registry if the NCP does not live in Virginia or have assets here.

e. Follow procedures in this chapter regarding Case Transfer, to transfer a case

1) to Central Registry if the NCP 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.

4. Accepting NCP Applications

a. DCSE accepts applications for services from NCPs using the same application handling procedures as with any other application for the same services.

b. Send the CP the *Contact Letter to Non-Applicant CP* advising of the case number and requesting any information needed to process the case.

c. If an application has already been received and the other party wishes to apply for services,

1) accept the application;

2) explain to the other party that a IV-D case has already been established and services are being provided, and

3) note in the file that a second application was received.

d. 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.

e. 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.

1) Take the application and contact the LDSS.

2) If the LDSS says that good cause still exists, explain to the NCP that services cannot be provided at this time.

f. In an NADC case, if you suspect that there is potential for family violence, including if the CP brings it to your attention, set the FVI in APECS, refer to the section in this chapter regarding

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.

K. Noncustodial Putative Father Applicant and Paternity (9/2012)

1. When the noncustodial putative father applies for IV-D services in order to establish paternity of the child, the time periods and procedures are the same as when the custodial mother applies for services. In this situation, the noncustodial PF is responsible for the cost of genetic testing and for any legal fees involved in determining his paternity of the child for whom he has applied for IV-D services. Refer to Chapter 3, 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 FVI in APECS, refer to the section in this chapter regarding 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 the various options that are available 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 an application has been made, follow steps outlined in Chapter 3, 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 non-cooperation in the matter.

9. If the worker determines in cross referencing cases that the CP already has a case with another 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.

L. Application Fees

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.

M. Reapplying for Child Support Services

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 or her non-TANF case. Ensure that there is a complete and legible *Statement of Payments Received* covering any period for which the case was obligated and not open for IV-D services. Refer to the section in this chapter regarding 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 or she does not want full child support enforcement services. An application is not required.

N. Case Initiation (9/2012)

General Rules

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 LDSS whenever TANF or 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 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 ready for, location, establishment, collection, enforcement, or closing.

3. Staff must document the APECS Case Event History if a party indicates on the *Application for Child Support Enforcement Services* that he or she has 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 he or she 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/Certification of*

Nondisclosure. The at-risk party does not need to provide documents or evidence in support of an *Affidavit/Certification 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/Certification 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. Black out 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.

a. When a court petition is generated from APECS, the at-risk party's address is not available on the petition. The at-risk party's address is available on the Non-Disclosure Addendum, that generates along with the court petition. The Non-Disclosure Addendum is utilized by the court for service to the at-risk party. If a party involved in a child support hearing indicates to the court or DCSE that he or she is at risk of physical or emotional harm from the other party, and there is no indication of this on record, submit a Request for Confidentiality form with the motion. This form is available from the court. For information regarding the referral of a case to court with an active FVI, See Chapter 8, Section C, item #14.

O. Family Violence Indicator (9/2012)

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 Indicator (FVI). Codes ND (*Affidavit/Certification 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 FVI on the participant record when a party (CP, NCP, or PF) signs and returns the *Affidavit/Certification of Nondisclosure*.

b. If a party's application states that a protective order exists but the party cannot produce the document, ask the party to sign an *Affidavit/Certification of Nondisclosure* and enter the ND code.

c. If an Address Confidentially Program (ACP) case is received, enter the nondisclosure code (ND) in the family violence indicator.

   Please see Clearinghouse # 11-DD-013 regarding ACP

d. If a protective order is later produced, manually enter the protective order code (PO).

e. Only set the FVI on adults. APECS will attach the FVI 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 FVI 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 about that person unless a court determines otherwise. DO NOT DISCLOSE ANY INFORMATION ABOUT A PERSON FOR WHOM THE FVI IS SET.

4. The FVI date

   a. The FVI date corresponds to one of the following:

      1) the date the *Affidavit/Certification 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.

      4) the date the ACP authorization card indicates the CP became an active ACP participant. This can be confirmed by checking the expiration date on the card. The card is good for one calendar year (example: if the card expires June 1, 2012, then the date of activation would be June 1, 2011).

   b. If APECS reveals a removal disposition code, the date represents the date the FVI was removed from the person's record. For a list of the removal disposition codes, refer to the Resource Manual.

   c. The system defaults to the current date if no date is manually entered.

5. As the FVI and date are maintained at the participant level, the indicator follows a participant who has multiple cases or who moves to another case.

6. When reviewing cases for compliance or for court referral, check to see if the FVI is no longer needed. Contact the at-risk party to inform him or her that the case is coded with the FVI, and to ask if this indicator should remain or be removed. If the FVI should be removed, the at-risk party must submit a written request. If the at-risk party does not respond, leave the FVI in place.

7. The FVI and children

   a. If a child with an FVI becomes a CP, NCP, or PF, do not remove the indicator unless requested in writing by the person who had the FVI set.

   b. The children in the new case involving the person who had the FVI set are NOT automatically linked to the FVI.

   c. If an emancipated child wishes to sign an *Affidavit/Certification of Nondisclosure* for himself or herself, enter a new date. The FVI automatically is set for any children in the case.

   d. If an emancipated child does not wish to sign an *Affidavit/Certification of Nondisclosure*, remove the FV code.

8. Case Types

   For a discussion of the various types of cases that may be opened by DCSE, see the Resource Manual.

P. Time Frames for Case Establishment Activities

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.

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.

Q. Steps in Manually Establishing a Case

1. 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 LDSS (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 the section in this chapter regarding Eligibility for Services, and to Chapter 6, Central Registry and Interstate Rules, Section, Central Registry Responsibilities.

   For the procedure to set up a non-TANF case, refer to the DCSE Procedures Manual.

2. TANF Family Cap

   The "TANF Family Cap" provision eliminates 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. Virginia Code § 63.2-604.

   For further information about TANF Family Cap cases and how to establish them on APECS, see the Procedures Manual.

R. Automated Referrals (IV-A/IV-D Interface)

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 information about how these automatic referrals are made, see the Procedures Manual. For instructions on cases which transition from TANF or AFDC/FC, refer to the Procedures Manual.

S. Intergovernmental Requests

Refer to Chapter 6, Central Registry and Interstate Rules.

T. Referrals from Virginia Courts

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 15, Non-IV-D Cases.

U. Order Information (Court or Administrative)

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 the 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 perform the following steps:

   a. Call the court to get the 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 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 a *Statement of Payments Received* and the calculations indicate that arrears exist.

V. Locate-Only Cases

The SPLS will set up and handle properly referred cases as locate-only cases. Refer to the section in this chapter regarding Eligibility for Services, and Chapter 10, Location.

W. Change of Physical Custody

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 that the LDSS refer the obligee (former CP) via the 501 system if the case for the obligee does not come across the IV-A/IV-D interface, and

      3) refer each case to the appropriate processing status.

   b. Non-TANF Cases

      1) set up a case for both the former CP and the existing NCP to pay support to the person who now has physical custody of the child(ren);

      2) add the NCP's existing obligation to his or her new case; and

      3) refer each case to the appropriate process status.

3. Refer to Chapter 4 when the existing order is an ASO, and refer to Chapter 8 when the existing order is court ordered for additional procedures.

X. Maintenance of the Paper File

For information about the contents of the Division's paper case file, see the discussion in Chapter 13.

Y. Supplemental Security Income (SSI) Cases

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 2.V, Case Closure.

3. When a child receives SSI, set up a Non-TANF case, establish the obligation and work the case.

Z. Case Prioritization and Workable or Unworkable Coding (12/2012, 5/2013)

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, but only with supervisory approval. The priority criteria for each processing status are as follows:

   a. Locate Processing Status

      1) Priority one cases have an SSN and a 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. 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 several 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 who is ordered to pay support through an ASO for a child on a TANF case is not liable for support for the time the NCP is a CP on a TANF case of other minor dependent children. Arrearages and interest do not accrue during this period. This is applicable whether the NCP is in the Standard Filing Unit (SFU) or the Assistance Unit (AU). Use APECS Code <UADC>.

   b. Cases involving NCPs who are ordered through an ASO to pay support for a child in Foster Care and the NCP is the recipient of public assistance benefits of other minor dependent child(ren) for the period the NCP is active to public assistance. Arrearages and interest do not accrue during this period. This is applicable whether the NCP is in the Standard Filing Unit (SFU) or the Assistance Unit (AU). Use APECS code <UADC>.

   c. Cases involving NCPs who are ordered through an ASO to pay support for a child on a NTANF case and the NCP is the recipient of TANF for the benefit of other minor dependent child(ren) for the period the NCP is active to public assistance. Arrearages and interest do not accrue during this period. The CP may choose to pursue enforcement on his or her own during this period. Use APECS Code <UADC>.

   d. Cases involving NCPs who are ordered through a court order to pay support for a child and the NCP is the recipient of TANF for the benefit of other minor dependent child(ren) for the period the NCP is active to public assistance. Arrearages and interest continue to accrue and the CP may choose to pursue enforcement on his or her own during this period. Use APECS Code <UADC>.

   e. 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 the 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>.

   f. 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>.

3. 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.

Z.1 Redirecting Support Payments

1. Redirect support to DCSE when IV-D services are to be provided following a CP's application for services or an assignments of rights because a TANF case has opened, and the existing order for support is not currently payable to DCSE. (Attempts are also made to change the payee from DCSE to the CP/obligee when the case closes to IV-D services and non-IV-D services are not requested. Refer to the section in this chapter regarding 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 9, 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. Virginia Code § 20-60.5.

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 10, Location.

   b. If assets or income are located for the NCP, initiate enforcement activity, along with continued effort to serve the *Change in 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 Affidavit 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 16, Receivables, Section N, Receivable Maintenance.

Z.2. Case Transfer

1. Transfer a case file to another office when:

   a. the applicant moves from a locality served by one district office to a locality served by another district office;

   b. the NCP in an intergovernmental case (in which the CP resides outside of Virginia) moves from a locality served by one district office to a locality served by another district office;

   c. the case type changes from Non-IV-D to IV-D or from IV-D to Non-IV-D;

   d. an application for services is received by a district office that does not have responsibility for the case; or

   e. a CP moves out of state and the noncustodial parent resides in Virginia

2. Steps for Initiating Transfers

   For steps to take to transfer a case from one district office to another, see the Procedures Manual.

3. Assistance from another District Office

   A district may request the assistance of another district to help in the processing of the case. 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.

   For steps to request the assistance of another district office, see the Procedures Manual.

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 responding to the request is responsible for responding to status inquiries from the CP or NCP.

   c. the district office responding to the request 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.

5. Exceptions to Case Transfer

Do not transfer a case file to another office when

a. the case type is ARRP (TANF arrears only)

b. the custodial parent is incarcerated, unless a third party has custody of the dependant(s)

c. the noncustodial parent in an incoming intergovernmental case is incarcerated

For procedures used to request the assistance of another district office, see the Procedures Manual.

Z.3. Case Closure (12/2012, 05/2013)

Reasons for Case Closure

Close a case that meets any of the following criteria:

1. There is no longer a current support order 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. Arrears only cases may be closed without waiting 12 months if the arrearage balance falls below the minimum threshold of $25.00 for submission of arrears only cases 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 NCP has multiple cases and is paying, but due to the payment distribution hierarchy no money is applied to the case in question. However, if the NCP has a federal tax fee only case among the multiple cases and no money is applied to this case, the fee should be transferred to one of the other cases with arrears and the federal tax fee only case should close).

   Use APECS case closure code <CNOA>. *Closure Intent Notice* required.

2. DCSE has verified that the NCP or PF is deceased and has determined that DCSE can take no further action, including a levy against the estate.

   Use APECS case closure code: <CDIE>. *Closure Intent Notice* required.

Refer to Clearinghouse 12-DD-008 when paternity has not been established.

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 in which the NCP has been declared eligible to receive SSI benefits only, for at least 6 consecutive months may be closed only if the NCP is determined to have no other income or assets that could be attached or levied to pay child support. The case may close prior to 6 months if the NCP

has no income or assets and provides a letter from a physician indicating a total and permanent disability. The letter must be on the physician's business letterhead. If the NCP receives a combination of SSI and SSDI, the case must remain open. Use the on-line SVES directory as documentation of a SSI status. See Clearinghouse 13-DD-003.

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. See Clearinghouse 03-DD-007.

Use APECS case closure code <CINS>. *Closure Intent Notice* required.

6. The 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 the OCSE website for information about reciprocating foreign countries.

   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 10, Location, for location services.

   Use APECS case closure code <CLOC>.

8. A Non-TANF applicant for or recipient of IV-D services requests closure of his or her case and there is no assignment to the Commonwealth of medical support or arrears that accrued under a support order.

   An exception to closure is when both parents are NCPs (or an NCP and PF), and the applicant requests closure of the case of only one of the legal or potentially legal parents, but wants to continue pursuing the other legal parent or PF. The applicant must close both cases or leave both cases open.

   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) CP's name

      3) applicant/recipient's SSN

      4) applicant/recipient's DOB

5) applicant/recipient's present address

b. 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 not 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.

c. 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 Section J., The Application Process.

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 LDSS finds good cause in TANF, Medicaid-only or AFDC/FC cases why DCSE may not continue efforts to secure support without risk of harm to the CP or child. Refer to the Procedures Manual for a discussion of good cause.

Use APECS case closure code <CGCA>.

10. DCSE is unable to contact the non-TANF applicant/recipient 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, termination 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. Postal Service, 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 SDU procedures.) However, if the CP cannot be located, proceed with case closure as described below.

Refer to Chapter 5, Enforcement by Wage Withholding, Sections J and K, for information on when to modify or release the *Income Withholding Order* (*IWO*) 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.

d. These requirements are the minimum set forth in federal regulations. 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).

e. 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 non-cooperation and an action by the applicant/recipient that is essential for the next step in providing services. Note: Child only, Medicaid only cases (where 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 intergovernmental case staff documents the APECS Case Event History as to any one of the following:

    a. failure by the initiating state to take an action which is essential for the next step in providing services. Refer to Closure of Intergovernmental Cases in this chapter.

    Use APECS case closure code <CINT>. *Closure Intent Notice* required.

    b. an initiating state has notified DCSE that it has closed the case; or

Use APECS case closure code <CDIS>. Send *Transmittal # 2* to advise of closure.

c. an initiating state has notified DCSE that the child support services in its intergovernmental case are no longer needed. Refer to Closure of Intergovernmental Cases in this Chapter.

Use APECS case closure code <CDIS>. Send *Transmittal # 2* to advise of closure.

13. Fee Only Cases

A fee only case for any amount may be closed if it meets any case closure criteria.

(Note that a case may not be closed as uncollectible (CNOA) when the NCP has multiple cases and is paying, but due to the payment distribution hierarchy no money is applied to the case in question. However, if the NCP has a federal tax fee only case among the multiple cases and no money is applied to this case, the fee should be transferred to one of the other cases with arrears and the federal tax fee only case should close).

Z.4. Special Circumstances that May Result in Case Closure Actions (9/2012)

1. Cases Opened in Error

a. 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, or the putative father of the only child in a case is deceased at the time of application for TANF, etc.).

1) When duplicate cases have been found open on APECS for the same participants:

a) Cross reference the closed case to the active case and combine case information.

b) If arrears are due, transfer the subaccount balance to the active case before closing the case.

c) Do not inactivate the participants; continue efforts to work the case.

2) When cases are referred in error and should not have been opened

Use APECS case closure code: <CDUP>

2. The Death of a CP 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. See the Procedures Manual for the steps to take once notified of the death of the Custodial Parent or Payee.

Z.5. Case Closure Steps (See the Procedures Manual).

Z.6. Closure of Intergovernmental Cases

1. DCSE may close an incoming intergovernmental 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 services are no longer needed or that they are closing the case, 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 intergovernmental 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 order 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 #2* to the CP's old state to request redirection of payments.

Z.7. Automated Case Closure by APECS

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.

Z.8. Documentation

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.

CHAPTER 3 –PATERNITY

A. Purpose of Paternity Establishment

Establish that a PF is the legal father before taking action to establish a support order. DCSE may establish paternity at any time before the child's eighteenth birthday. Virginia Code § 63.2-1913 and 22 VAC 40-880-170.

B. When to Take Action to Establish Paternity

1. Take action to establish paternity when

   a. the CP was unmarried at the time of the child's birth and paternity was not established (45 C.F.R. § 302.31(a)(1)); 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. Virginia Code § 20-49.8(B). The OCSE Intergovernmental Reference Guide 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* (AOP) by filing a court petition, refer the case to Legal Counsel.

C. Methods of Establishing Paternity

Establish paternity administratively (22 VAC 40-880-170) 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. Virginia Code § 63.2-1913.

2. scheduling voluntary genetic testing to affirm at least a 98 percent probability of paternity (22 VAC 40-880-170 and Virginia Code § 20-49.1(B)(1)); or

3. preparing a *Genetic Testing Order* ordering all parties to submit to genetic testing and scheduling the genetic test (see the Procedures Manual on *Genetic Testing Order*); or

4. petitioning the appropriate juvenile and domestic relations district court if unable to schedule genetic testing in order to establish paternity. Refer to Chapter 8, Judicial Support Actions, for procedures on establishing paternity through courts.

D. When Is Paternity Established

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 NCP are not in the paper file,

   a. search all available records to locate the acknowledgments, or

   b. search the Virginia Paternity Establishment Program database (PEP) to see if a copy of an AOP is available and if found, print a copy for the paper file, if not found

   c. request an EBQS search in the Office of Vital Records (OVR) and Health Statistics (HS) database through the EBQS web page. Refer to Section J, below.

   d. 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).

   e. If unable to obtain the sworn statements of paternity from the CP and the NCP, refer the case for court action.

E. Time Requirements for Establishing Paternity

1. Within 90 calendar days of locating the PF (45 C.F.R. § 303.4(d)),

   a. obtain a sworn *Acknowledgment of Paternity* and establish an *Administrative Support Order* or

b. arrange for genetic testing, either voluntary or ordered, and establish an *Administrative Support Order* 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 8, Section D, Court Establishment of Paternity.

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.

F. Legal and Putative Father Situations

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 juvenile court. 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 the 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 *Order Determining Parentage* (ODP) signed by the court.

G. Multiple Named PF Situations

Pursue paternity of all named PFs simultaneously. 22 VAC 40-880-170.

H. Incarcerated PF Situations

1. If the PF is incarcerated on a misdemeanor charge, attempt to establish paternity voluntarily by sending the incarcerated PF the *Acknowledgment of Paternity* document to be signed and notarized.

2. If a PF who is incarcerated on a misdemeanor charge does not voluntarily acknowledge paternity or will not voluntarily consent to genetic testing, pursue court action to establish paternity.

3. If the PF is incarcerated on a felony charge, pursue court action to establish paternity, because he will need to have a guardian ad litem appointed.

I. Steps in Establishing Paternity

For detailed steps to take in establishing paternity, see the Procedures Manual.

J. Voluntary Statements of Paternity

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 document signed and notarized. Be sure the signatures on the document are original and not photocopied. Refer to the discussion of notarization procedures in Chapter 9, Service of Process and Notarization.

2. There may be cases where a voluntary acknowledgment 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 an EBQS (electronic birth query system) search in the OVR&HS database for birth record information, use your LDAP I.D. and password to access the 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

5. Refer to Clearinghouse #10-DD-001 for further instructions. You will need the following information to make an EBQS query:

   a. case number

b. child's MPI number

c. biological mother's MPI number

6. A copy of the *Acknowledgment of Paternity* 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 pakage with the other state;

   b. Another state has requested a certified copy of a birth certificate and/or AOP;

   c. Paternity has not been established previously and will be counted as a paternity established during the current federal fiscal year (Oct. 1 of the current year through Sept. 30 of the following year). In this instance, request an AOP and include it in the case file for audit purposes.

   Search the CSF paternity database first if the child was born in or after March 2003 to see if an *Acknowledgment of Paternity* or other paternity document is in the database. If so, print the document (s) and put them in the case file. If the child was born prior to March 2003, request a copy of the birth certificate and the *Acknowledgment of Paternity* through the EBQS database.

7. 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 PEP website at http://www.vapaternity.org. *Acknowledgments of Paternity*, 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

8. 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.

9. The party should provide DCSE with a copy of the *Rescission* form or a copy of the form may be viewed on CSF's PEP web site. Upon confirmation of a valid rescission from OVR&HS, proceed immediately with genetic testing procedures. If the results show that the PF is not the biological father and another PF has been named, file a petition to court to ensure that the birth record at Vital Records is amended to add the legal father.

10. 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. Virginia Code § 20-49.10. A copy of the *Acknowledgment of Paternity* 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.

K. Genetic Testing and Genetic Testing Lab Coordination

For detailed procedures regarding genetic testing, see the Procedures Manual.

L. Administrative Paternity Determinations

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 be set aside only by the court. (Va. Code §§ 63.2-1913 and 20-49.1(B)(2)). 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*.

M. Judicial Paternity Establishment

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 as well as a PF,

d. the PF is a minor (under 18 years of age),

e. the PF is incarcerated on a felony conviction,

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 Testing Order* and either party has not submitted to testing.

2. Refer to Chapter 8, Judicial Support Actions, for procedures to petition the court for paternity establishment.

N. When the PF Is Excluded

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's name 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*, non-cooperation may exist. Refer to the Procedures Manual.

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 the discussion of Case Closure in Chapter 2 for procedures to close a case.

4. Continue pursuit of paternity action on other PFs named by the CP, 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 *Legal Services Case Referral* 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.

O. Establishing Paternity in Intergovernmental Cases

1. Long Arm Jurisdiction (Virginia Code §§ 8.01-328.1 and 20-88.35)
Long arm jurisdiction 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); or

f. The CP engaged in sexual intercourse in Virginia and the child may have been conceived by this act of intercourse.

Long Arm reasons d through f 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.

g. The NCP and CP maintained a matrimonial domicile within Virginia.

h. Determine whether Long Arm jurisdiction is available or appropriate. (45 C.F.R. § 303.7(b)(1))

i. Using Long Arm will prevent the case from becoming an intergovernmental 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 intergovernmental case, the responding 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 Intergovernmental Reference 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*.

b) Obtain the mother's notarized signature on the *Acknowledgment of Paternity*.

c) Generate the *Paternity Affidavit* that is part of the Federal UIFSA forms package.

d) Generate the *Child Support Enforcement Transmittal #1* to request the other state to contact the PF and to attempt to obtain a voluntary *Acknowledgment of Paternity*.

e) Send the *Child Support Enforcement Transmittal #1*, the *Acknowledgment of Paternity* and the *Paternity Affidavit* along with any other documentation that may be relevant, to the other state's IV-D agency. Refer to the *Intergovernmental Referral Guide* for addresses for state IV-D agencies.

f) Contact the responding state for status reports either by calling or by generating the *Child Support Enforcement Transmittal #2.*

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 CSF. 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* and have it notarized.

b) Send the N*on-Jurisdictional Genetic Test Request* form to the genetic testing lab, Labcorp, Genlink.

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 Office of Vital Records, because the birth did not occur in Virginia.

j) As the responding state, Virginia is responsible for payment of the genetic testing costs.

P. Documentation

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 Transmittals*)

   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.

Q. Paternity Establishment Program (PEP) (Virginia Code § 63.2-1914)

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. For the procedures to be followed by these hospitals and other providers, see the Procedures Manual.

CHAPTER 4 –ESTABLISH, REVIEW AND ADJUST ORDERS

A. Purpose of Establishing an Order

A child support order creates a legal obligation for a legally responsible NCP to provide child support and medical support. The support order also may establish the amount of arrears due and the period of time in which the arrears accrued, and may include 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 3, Paternity.

B. General Rules

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 PF, DCSE must:

   a. Establish an order for support; or

   b. Complete the service of process necessary for establishment of the court order and, if necessary, paternity; or

   c. Document unsuccessful attempts to serve process. Refer to Chapter 9, Service of Process and Notarization. (45 C.F.R. § 303.4(d) and 22 VAC 40-880-190))

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. (Virginia Code § 63.2-1915 and 22 VAC 40-880-190) Do not establish an administrative child support order if any court order exists that sets an amount of child support. An administrative order may be established if there has been an order, such as a divorce decree, that does not set an amount of child support. If in doubt about the effect of an existing order, refer the matter to Legal Counsel.

4. Enter an administrative support order as a temporary measure whenever a court has assumed jurisdiction over a matter but has, for any reason, delayed a determination of child support.

(22 VAC 40-880-190)

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 his or her respective share of the combined income. The presumptive minimum child support obligation is $65 per month, even if a parent's respective share of the combined income determines a lesser amount. (Virginia Code § 20-108.2(B))

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. (Virginia Code § 63.2-1916 and 22 VAC 40-880-190). Refer to Chapter 12, Appeals, Hearings, and Reviews, for more information.

C. Child Support Orders (9/2012)

1. Both *Administrative Support Orders* (ASO) 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 driver's license number; 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. (Virginia Code § 63.2-1916)

   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, exist 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. (Virginia Code § 63.2-1916)

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. *ASO*s incorporate the *Obligation Worksheet* and court orders incorporate the "Supplement to Support Order" to explain guideline deviations. Refer to Virginia's Child Support Guidelines and Deviation from the Child Support Guideline later in this chapter.

d. A provision for income withholding. Refer to Chapter 5.II, Enforcement by Income Withholding.

e. A provision for health insurance. Refer to Chapter 7, Medical Support Services.

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* for current support 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. Virginia Code § 63.2-1916.

h. An initial *ASO* for debt to the State is assessed from the date that paternity was established, or the date the Department of Juvenile Justice (DJJ) received the dependent.

i. 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. Virginia Code § 63.2-1916

j. An initial judicial child support order is effective on the date specified in the order by the court. The first payment is due on the first of the month following the hearing 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 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. Virginia Code § 20-60.3

k. A modified judicial child support order is effective on the date specified in the order by the court. The first payment is due on the first of the month following the hearing 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 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. Virginia Code § 20-60.3

For further information on order dates see Clearinghouse # 06-DD-024.

D. Virginia's Child Support Guidelines

Federal and state law require that Virginia establish child support guidelines 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. 45 C.F.R. § 302.56 and Virginia Code §§ 63.2-1918 and 20-108.1 and 20-108.2.

1. The Virginia Child Support Guidelines set forth

   a. the state's formula for calculating combined gross income of both parents (refer to Determining Income and Determining the Monthly Child Support 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;

   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 parent's percentage of their combined gross income. The support order directs that each parent pay that percentage of 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 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. DCSE and courts use the guidelines to calculate child support obligations. The obligation amount calculated using the guidelines is presumed to be the correct amount of child support to be awarded, but this presumption is rebuttable when

   a. a judge decides the use of the guidelines amount is unjust or inappropriate in a particular case based on factors defined in state law. (Virginia Code § 20-108.1(B))

   b. imputing income to a parent based on that parent's failure to provide verification of income upon request (for *ASO*s only) or voluntary unemployment or under-employment (for *ASO*s and court orders). Refer to Deviation from the Child Support Guidelines in this chapter. (Virginia Code §§ 63.2-1918 and 20-108.1(B)(3))

c. a written statement of why the order deviates from the guidelines is completed by either the judge (for a court order) or DCSE staff (for an *ASO*) 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. (Virginia Code § 63.2-1918 and 20-108.1(B))

d. DCSE's written statement is contained in the worksheet given to each parent when the obligation is established.

E. When Obligations Are Not Established (05/2013)

In some situations, there is no 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 TANF benefits, whether the NCP is in the Standard Filing Unit (SFU) or the Assistance Unit (AU); TANF-UP benefits; SSI benefits; GR benefits.

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. Do not establish a current child support obligation when the NCP has no identifiable assets and, in addition:

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 in Section G, below. The NCP must also provide verification that he or 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 or the Department of Corrections website. (Virginia Code § 20-108.2(B))

b) Monitor these cases to ensure that 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 appears 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 8, Judicial Support Actions, Establish Paternity – Incarcerated Putative Father.

F. Minimum Orders

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 the discussion in this chapter, Determining the Monthly Child Support Obligation.

2. If both parents are noncustodial and either parent has less than $600 monthly income, but the combined monthly income is greater than $600, refer the case to court so the court can consider deviation from Virginia's Child Support Guideline.

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 the section of this chapter entitled Change of Physical Custody of a Child for Whom Support is Ordered for more information related to this situation.

G. Determining Income

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 14, Confidentiality/Information Release, Section G, 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 CPs who receive TANF. (22 VAC 40-880-200)

   b. A *Financial Statement* is not required, but may be used if deemed appropriate, when an order for health care coverage only 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 F*inancial Statement* might include a pay stub, a W-2, or wage data in APECS.

   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; however, if the caretaker pays day care and/or health insurance expenses for the child, include the monthly amounts of any such expenses on the obligation calculation worksheet to be prorated between the legal parents according to their income shares.

4. Obtain a *Financial Statement* from the applicant at time of application.

5. Obtain financial information for both parents using any of the methods set forth in the Procedures Manual.

6. Monthly gross income includes income from all sources, EXCEPT:

   a. SSI;

   b. child support received;

   c. benefits from public assistance and social services programs as defined in Virginia Code § 63.2-100, which includes 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 must be paying the arrearage pursuant to the order. The secondary employment includes, but is not limited to, an additional job, self employment, or overtime employment. (Virginia Code § 20-108.2(C))

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. (Virginia Code § 20-108.2(C))

   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 NCP's share of the child support obligation. Refer to Determining the Monthly Support Obligation in this chapter.

9. For all military service members, housing and subsistence allowances are included in the calculation of income. The service member's LES must be reviewed to verify the information provided. For further information, refer to Chapter 11, Military Issues.

10. Convert income and expenses to a monthly amount by 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. income 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 reports

f. LES (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.

H. Determining the Monthly Child Support Obligation

1. Review both the APECS file and the paper file to decide if sufficient financial and other 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*. For detailed steps, see the Procedures Manual.

5. Generate the ASO. For the procedure to generate the ASO, refer to the Procedures Manual.

I. Split Custody

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 an NCP to the children they share in the other parent's family unit.

2. It is not necessary for both parents 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. Neither parent is given a deduction for children that are the subject of the present proceeding.

   d. APECS calculates the obligation for each parent.

e. After completing both worksheets, subtract the lesser obligation amount on one worksheet from the greater obligation amount on the other.

f. 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*.

J. Shared Custody

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 of that child 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 guidelines-calculating software);

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 8, Judicial Support Actions.

K. Support Orders for IV-E and Non-IV-E Cases

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)*, an 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 the Procedures Manual, 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 both parent's incomes in calculating their respective shares of the support to which the child(ren) is (are) entitled. If financial information for 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 parent's 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 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.

L. Assessing Obligations for Parents Whose Children Live in Different Homes

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.

M. Deviation from the Child Support Guidelines

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 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 attempt to secure or use financial information from 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; however, if the caretaker pays day care and/or health insurance expenses for the child, include the monthly amounts of any such expenses on the obligation calculation worksheet to be prorated between the legal parents according to their income share.

   c. A *Financial Statement* is not required, but may be used if deemed appropriate, where an order for health care coverage only 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 Statements* might include a pay stub, a W-2, or wage data in APECS.

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 the discussion of Interviewing in the Resource Manual for information on scheduling and conducting an interview.

   b. Obtain information from employers by telephone or generate the *Employer Information Request.*

   c. Use financial information obtained from employers' wage reports to VEC. These can be accessed through APECS.

   d. Obtain financial information from the LDSS when either parent has applied for food stamps, Medicaid, or fuel assistance.

   e. Use information provided by either parent if appropriate documentation is provided.

   f. 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.

g. Do not access financial information from credit reporting agencies for unobligated NCPs.

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). (Virginia Code § 63.2-1918) 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 the discussions of Establishment of Debt to State and Retroactive Liability for Support in this chapter) Use actual income for the period to be assessed, if it can be determined. If not, use the same imputed income calculation that would be used to calculate current support, to establish the 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 income tax returns. If this information is not provided upon request, attempt to verify the financial information as indicated in the discussion of 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 amount 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 for the following classes of individuals:

   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 may be 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 may be 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.

N. Establishment of a Debt for Reimbursement to the State

Payment of TANF and AFDC/FC benefits creates a debt to the Commonwealth of Virginia that is owed by the NCP (s). (Virginia Code § 63.2-1908) Payments in connection with SLFC (non-IV-E) cases also create a debt owed by the NCP (s). (Virginia Code § 63.2-1910) A non-IV-E debt cannot be established for any period prior to July 1, 1995.

A debt is owed to the Department of Juvenile Justice (DJJ) 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. (Virginia Code § 16.1-290)

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 guidelines, without exceeding the amount of public assistance paid. (Virginia Code § 63.2-1908) 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) that 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 parent's 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 guidelines.

   c. If the NCP's obligation pursuant to the child support guidelines 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. (Virginia Code § 63.2-1912)

   f. The debt owed to DJJ is based on the child support guidelines. (Virginia Code § 16.1-290)

3. When Not to Establish a Debt for Reimbursement to the State

Certain circumstances preclude the establishment of a debt. These circumstances are:

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. a Non-IV-E case was referred to DCSE before July 1, 1995.

g. In a TANF case, the period that the NCP is the recipient of TANF benefits for a minor dependent child, whether he or she is in the Standard Filing Unit (SFU) or the Assistance Unit (AU), TANF/UP, SSI, or GR.

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) for the benefit of minor dependent children. This is applicable whether the NCP is in the SFU or the AU.

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. (Virginia Code § 20-108.2(B))

j. the period that good cause existed in AFDC/FC cases.

k. the NCP has not been notified in writing that DCSE will pursue an obligation of support, and the DJJ application does not provide the date the child was received in DJJ.

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)).

N.1. Retroactive Liability For Support

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). (Virginia Code § 63.2-1903) 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.

O. General Rules for Review and Adjustment (9/2012)

1. Either party in a IV-D case (including the TANF CP) or a 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* form 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 screen on APECS upon

      1) receiving a *Request for Review and Adjustment*;

      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.

   d. When both parents are noncustodial, and the caregiver is requesting a review of the child support obligation for one case, conduct a review on both cases, assuming the cases otherwise qualify for 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. (45 C.F.R. § 303.8(b)(1)) 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 the discussion of Termination of a Review and Adjustment later in this chapter for further information.

4. Complete the review process within 180 days of

   a. receiving a *Request for Review and Adjustment*;

   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.

O.1. General Rules for Review and Adjustment – NCP receiving Social Security Benefits (05/2013)

DCSE will initiate a review and adjustment for an NCP that is receiving Social Security Disability Income (SSDI), Supplemental Security Income (SSI) and a combination of SSDI/ SSI. Refer to Chapter 4 of the Procedures Manual.

O.2. General Rules for Review and Adjustment - Incarcerated NCP

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 this Chapter's discussion of Deciding Whether to Conduct the Review, conduct the review. Calculate the obligation by imputing income to the NCP based on voluntary unemployment. Refer to this Chapter's discussion for information on imputing income. If the criteria for a change in the child support obligation are 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 Section P of this Chapter, Deciding Whether to Conduct the Review, for this information. Calculate the obligation by imputing income to the NCP based on voluntary unemployment. Refer to the discussion in this chapter for information on imputing income. If the criteria for a change in the child support obligation are 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 M.6 of this chapter for information on imputing income. If the criteria for a change in the support obligation are 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 the discussion of imputing income earlier in this chapter for further information. If the criteria for a change in the child support obligation are met, consult with Legal Counsel.

P. Deciding Whether to Conduct the Review

1. Make a decision whether to conduct the review within 5 business days of

   a. receiving a worklist noting that 34 months have elapsed since the obligation was last reviewed in a TANF, or AFDC/FC case using the criteria outlined above in the discussion of General Rules for Review and Adjustment.

   b. receiving the written request for a review if 36 months have elapsed since the order was last entered, adjusted, or reviewed.

2. Make a decision whether to conduct a Special Circumstances Review 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 10, Location. When the party is located, conduct the review;

c. the order was entered or a review for adjustment was completed 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 the discussion later in this chapter of Special Circumstances Criteria for Earlier Review;

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 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 by the CP 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.

Q. Special Circumstances Criteria for Earlier Review

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 the 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 party ordered to provide health care coverage is not providing it as ordered and the other party would like to provide coverage.

   e. 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;

   f. the existing child support order does not include the unreimbursed medical/dental provision. No documentation from a requesting party is necessary;

g. 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;

h. 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 VEC approval notice may be used as proof of involuntary unemployment. Refer to the discussion earlier in this chapter of Deviation from the Child Support Guideline.

2) Do not include secondary employment income obtained by the NCP (as defined above in Determining Income) 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.

i. 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, if the requesting party alleges that the other party has received an increase in pay, DCSE should contact the other party's 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.

R. Termination of a Review and Adjustment

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. T*he 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, and update APECS with the non-review code.

      2) If the non-requesting party requests the review continue, proceed to complete the review of the child support order. Notify the requesting party that the review will continue because the other party advised DCSE to proceed with the review.

S. Review Administrative Support Orders

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 9, Service of Process/Notarization, 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 in a timeframe set by management, keeping in mind the entire review process must be completed within 180 days. If the requesting party fails to return the *Financial Statement* proceed to terminate the review. Refer to the earlier discussion of Termination of a Review and Adjustment.

3. Use appropriate financial information obtained from both parties and other sources as necessary, to conduct the review following the procedures outlined in the earlier discussions of Determining Income and 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 Information Request*.

   d. Use the parent's financial information obtained from employers' wage reports to VEC. These are available on APECS.

   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 the earlier discussions of Virginia's Child Support Guidelines, and 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 7, Medical Support Services, for more information on adding a health care obligation to the order.

T. Adjusting Administrative Support Orders

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 nonrequesting 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 12, 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.

a. 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.

6. If the review indicates no change is justified, send the parties the *Notice of the Results of Financial Review of Administrative Support Order.*

U. Modifying Court Support Orders (12/2012, 04/2013)

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 to 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 an order for 30 days after service on both parties is accomplished. (Virginia Code § 63.2-1921(A)).

      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, 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. Serve the *Notice of Proposed Review* 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 9, Service of Process/Notarization, Section B, Methods of Service.

   b. Update the Case Event History for the date the *Notice of Proposed Review* was served.

      1) APECS creates a worklist to check for the return of completed *Financial Statement*s in 10 days from the date the *Notice of Proposed Review* was generated.

      2) Begin the review in a timeframe set by management, keeping in mind the entire review process must be completed within 180 days. If the requesting party fails to return the *Financial Statement*, proceed to terminate the review. Refer to the earlier discussion of Termination of a Review and Adjustment.

   c. If the non-requesting party does not return the *Financial Statement*, utilize other sources to obtain financial information as outlined in the earlier discussion, Review Support Orders.

   d. Immediately prepare a motion to amend if the review indicates modification is appropriate.

   e. 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 Noncustodial Parent* to the NCP.

   f. If the review indicates no change is justified, send the parties the *Notice of the Results of Financial Review of Court Support Order*.

   g. 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. If a review and adjustment request is dismissed or withdrawn in court, this is considered as a complete review of the court order. Update the support order screen on APECS to reflect that the order was reviewed but no modification occurred. Use APECS code MDRR; order due for review (36 Month Review Requirement). This update will reset the last review date on the review and adjustment screen on APECS, which will restart the three year review period.

4. 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 at least 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.

V. Review and Adjust Interstate Support Orders

1. Intergovernmental 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 6, 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 the discussion of Deciding Whether to Conduct a Review, above.

   b. Register the order for modification following the rules found in Chapter 6, 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 discussion of Reviewing Support Order, above.

e. Use Virginia's child support guidelines 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* 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 6, Central Registry and Interstate Rules.

h. Complete the APECS Order Maintenance Module within five days of receiving a copy of the order.

W. Change of Physical Custody of a Child for Whom Support is Ordered

When DCSE receives a referral from an 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 the Procedures Manual, Change of Physical Custody of a Child When Support is Ordered by a Virginia Court.

2. For cases with *ASO*s, mail the *Change of Physical Custody* form to notify the parties of receipt of an application for services from a different caretaker, and to afford parties named on the *ASO* an opportunity 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 the discussion of Case Closure in Chapter 2.

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 or 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 of less than $600 per month, do not include that parent's income in a worksheet computation. Refer to the discussion of 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 it is determined that either parent has less than $600 monthly income, but the combined monthly income is greater than $600, refer the case to court so the court can consider deviation from Virginia's Child Support Guideline

   3) Impute income to either parent whose location is known and who has failed to provide financial information or has 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.

X. Termination of the *ASO*

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 *Termination of ASO* form. The signature of the district manager or his/her designee is required for the *Termination of ASO*.

6. Mail a copy of the *Termination of ASO* 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*.

Y. Extending the ASO Child Support Obligation (12/2012)

1. Until 7/1/95, child support ordered by *ASO* automatically terminated on a child's eighteenth birthday. Since that time, 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 *Notice of Emancipation of Dependent* approximately 60 calendar days before the dependent's emancipation date:

   a. A case with a per-child order produces the *Notice of Emancipation of Dependent* as each child approaches his or her 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 CP 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 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) 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.

   d. If the CP does not return the information requested, support terminates for the child on the eighteenth birthday.

5. In some cases, support may be ordered to continue past the age of 18 (or age 19 and graduation from high school, or whichever comes first) for a child who is disabled. If a CP makes that requests:

   a. Advise the CP to present the Division with evidence that the child is severely and permanently mentally or physically disabled, unable to live independently and support himself or herself, and resides in the home of the CP. This evidence may consist of an IEP (Individualized

Education Program) from the child's school; a finding of disability by the Social Security Administration or another agency; medical records; testimony from the mother that establishes the fact of the severe and permanent disability; or other credible evidence.

b. If the CP cannot produce evidence that meets the standard stated above, advise the CP that the Division will not be able to submit the petition or motion for extended support, but that the CP may wish to consult with private counsel to determine whether to file an appropriate pleading with the court.

c. If the Division is in doubt as to whether the evidence is sufficient, consult with legal counsel.

d. If the evidence of the child's disability is determined to be sufficient, either by the Division or by legal counsel, file the appropriate documents with the court, as stated below.

1) If there is currently an ASO in place or no support order in place, file an Initial Petition for Support, checking the box that requests continuing support for a child who is severely and permanently disabled.

2) If there is currently a court order in place, file a Motion to Amend, use the language in Chapter 8. BB. Modification of Orders Due to Child's Disability.

e. This filing should be initiated at least six months before the child turns 18, and the resulting order should be entered before the child turns 18.

Y.1 Emancipation - Child Support Obligation

1. Current child support for a child in the custody of DJJ will terminate at 18 years of age regardless of high school attendance.

2. When a dependent in a child support order emancipates, 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 specifies each dependent's portion of the total support 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, unless the order is modified by the court or by DCSE (for an *ASO*).

3. 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.

4. 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 Clearinghouse 10-DD-014.

5. If current support is reduced or terminated due to the emancipation of a dependent, review the case to determine if the *Income Withholding Order (IWO)* should be modified or released Refer to Chapter 5.II.D, Enforcement by Income Withholding.

6. Initiate case closure if the emancipation of a child terminates the current support order, and no arrears exist. Refer to Chapter 2, Section Z.3, Case Closure.

Z. Handling Cases with Lost *Administrative Support Orders*

The original *ASO* should always be placed in the case file. The *ASO* is needed for many enforcement actions such as, court referral and filing UIFSA petitions. In the event the *ASO* is lost, do the following:

1. Once it is confirmed that the *ASO* is missing notify a supervisor.

2. Use due diligence to locate the original *ASO* or a copy of the *ASO*, based on the information contained in the case file and on APECS.

a. Determine whether the *ASO* has ever been registered with any court for enforcement purposes.

b. Determine whether the case file had been transferred from another district office.

c. Determine whether a hearings officer has ever reviewed the *ASO*.

d. Determine whether the State Library records should be researched. In the past, District Offices separated legal documents from the case file when closed cases were archived.

3. Contact the parties to determine whether they have copies.

4. The supervisor shall document case event of efforts to locate the missing *ASO* or a Copy thereof.

5. Enter a Substitute *ASO*

a. If a copy of the *ASO* cannot be located, the supervisor shall notify the District Manager of the missing *ASO*.

b. Nothing should preclude the District Manager from conducting his or her own investigation to locate the lost *ASO* or a copy thereof.

c. If, after the review of the circumstances, the District Manager finds due diligence has been used and no copy of the *ASO* could be located, the District Manager shall produce a substitute *ASO*. In doing so, the District Manager should rely on the best information available from official business records, including APECS, the case file, court records and any other sources that constitute official business records. The *Administrative Support Order (Replacement)* form is generated by the District Manager. It is available on SPARK.

d. The *ASO* should be certified on the bottom that due diligence has been utilized in attempting to locate the lost *ASO* and that, based on official business records and as the custodial of the records, the District Manager certifies that the substitute order reflects in substance the terms of the missing *ASO*. The method and date of service of the original *ASO* on the NCP (available from APECS case events) should be included in this certification.

e. The District Manager's certification shall be made under oath and notarized. Upon such certification, the substitute *ASO* becomes the controlling order.

f. The District Manager shall document case events and the Support Order Screen that a substitute *ASO* has been created and is the controlling order in the case.

g. Mail a copy of the substitute *ASO* to the parties.

Z1. Procedure for dealing with errors in *Administrative Support Orders*.

If it is determined that an *Administrative Support Order* (*ASO*) contains an error, follow the procedures below:

1. If the error concerns a matter that can be verified independently of the *ASO*, such as the spelling of a person's name or a person's date of birth, the correct information can be entered into APECS. No action needs to be taken with respect to the *ASO* itself.

2. If the error concerns a matter that depends on the actual terms or substance of the *ASO*, such as the amount of an order or the inclusion of a child on the order, the Division must issue a new *ASO* and serve it on the parties in the same manner as for an original *ASO*. Include language in the modified *ASO* stating that it is being issued in order to correct a clerical error in the original *ASO*. Once the new *ASO* has been served on the obligor, make any necessary adjustments in APECS to reflect the provisions of the modified *ASO*. Those provisions should be considered to have been effective as of the date the original *ASO* became effective.

CHAPTER 5 - ENFORCEMENT

I. ENFORCEMENT RULES

A. Purpose of this section

The Purpose of this section is to provide guidance regarding administrative enforcement and when not to enforce a case administratively.

B. General (12/2012)

1. The Division administratively enforces compliance with child support orders. (22 VAC 40-880-260)

2. Attempt to enforce current support and arrears through administrative actions before petitioning the court for enforcement, unless court action is more appropriate. (22 VAC 40-880-260)

3. Administrative Intensive Case Monitoring Program (AICMP)

   AICMP is an option for establishing programs in locations in which the court-ordered ICMP is not available. The district offices identify NCPs in need of more intense one on one contact with a caseworker who, just as in ICMP, will refer the NCP to community resources to assist in overcoming the barriers preventing compliance with the child support obligation.

   AICMP cases are identified in APECS by a Special Project Code. Refer to APECS Enhancement dated August 22, 2011 for instructions on use of the code.

   A court enforcement action (show cause) is not to be filed when an NCP is successfully participating in and complying with the requirements of AICMP.

   There are no set limitations or restrictions, other than court enforcement, on enforcement actions that can be taken while and NCP is active in ICMP/AICMP. Managerial discretion should be used by each District Office regarding the appropriate enforcement actions to take on a case that is active to ICMP and AICMP.

4. 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.

5. 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 Virginia Registration of Foreign Support Order* and attach the appropriate documents (*e.g.*, *Motion for Show Cause Summons*)

6. Issue an immediate *Income Withholding Order* when a new *Administrative Support Order* (*ASO*) is entered unless the CP and NCP, on a non-TANF case, sign an *Alternative Payment Arrangement Agreement*. (22 VAC 40-880-260)

7. Enforce arrears using the following administrative enforcement remedies: (22 VAC 40-880-260)

   a. Income Withholding

   b. Liens

   c. Orders to Withhold and to Deliver

   d. Seizure and Sale

   e. Federal and State Income Tax Refund 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)

8. Other states may request Virginia to search various databases to uncover information regarding a child support obligor who is in arrears. DCSE will search state databases 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). AEI cases are set up as limited services cases and are processed by the Non IV-D Unit in Central Office. These cases are not referred to the District Offices.

9. Document the APECS Case Event History to show why enforcement action is not taken on a case.

C. Program Standards for Enforcement (04/2013)

1. When the NCP fails to pay in an amount equal to the support order amount for one month, APECS identifies the case as delinquent. (45 C.F.R. § 303.6(b)).

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. Exceptions to this procedure are the federal and state tax refund offset. (45 C.F.R. § 303.6(c)(2)) Cases are certified for federal and state income tax refund offset weekly. (45 C.F.R. § 303.6(c)(3)).

4. When service of process is necessary before taking an enforcement action, make diligent efforts to complete service. (45 C.F.R. § 303.6(c)(2))

   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 5.II, Enforcement by Income Withholding.

6. When an enforcement attempt is unsuccessful,

   a. review the facts to determine the reason for failure and

   b. decide when to take an enforcement action in the future. (45 C.F.R. § 303.6(c)(4))

D. Enforcement and Minor NCPs

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.

E. Enforcement and Incarcerated Felon NCPs

1. A Guardian *ad litem* or committee may need to be appointed when an enforcement action is initiated in court against an NCP who is an incarcerated felon. (Virginia Code § 8.01-9)

   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* to 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.

3. The appointment of a guardian ad litem or committee is not required when an administrative enforcement action is initiated. Should such an action be appealed to court, after the administrative hearing process is completed, then the court may need to determine whether a committee or guardian ad litem is needed.

F. Exceptions to Enforcement Action (12/2012) **(05/13)**

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 recipient of TANF for the benefit of other minor dependent child(ren) for the period the NCP is active to public assistance; no support debt is incurred and no interest is charged while the NCP receives such assistance. This is applicable whether the NCP is a member of the TANF Assistance Unit or the Standard Filing Unit (Virginia code 63.2-1908);

   b. an NCP receives or received TANF-UP benefits.

      1) No support debt is incurred and no interest is charged while an NCP is the recipient of TANF-UP benefits and the order on the case is an ASO.

      2) Arrearages and interest continue to accrue while the NCP is the recipient of TANF-UP benefits and the order on the case is a court order.

      3) Do not establish an order for an NCP for the time TANF-UP is paid.

   c. an NCP receives SSI; arrears continue to accrue while the NCP receives SSI; any arrears that accrue during the period are subject to enforcement actions when the NCP no longer receives SSI. **The Division will enforce a case when an NCP is receiving a combination of SSI and SSDI benefits;**

   d. 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.

   e. 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, or other similar benefits) for

the benefit of minor dependent children; no support debt is incurred and no interest is charged while the NCP receives such assistance**.** (Virginia code § 63.2-1908);

f. an NCP is ordered through an ASO to pay support for a child on a NTANF case and the NCP is the recipient of TANF for the benefit of other minor dependent child(ren) for the period the NCP is active to public assistance. Arrearages and interest do not accrue during this time frame. The CP may choose to pursue enforcement on his or her own during this period. (Virginia code 63.2-1908).

g. an NCP is under an order entered by a court to pay support for a child and the NCP is the recipient of TANF for the benefit of other minor dependent child(ren) for the period the NCP is active to public assistance. Arrearages and interest continue to accrue and the CP may choose to pursue enforcement on his or her own during this period.

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 GR benefits, 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.

G. Spousal Support

1. DCSE enforces spousal support when there is an open case in which there is an order for current child support or there is a child support arrearage due. This includes cases in which the current child support amount is $0 because a Social Security or other disability payment satisfies the child support obligation.

   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.
   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. (42 U.S.C. § 666(e)) 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 orders that are for spousal support only. If previously provided, spousal support enforcement services end when a current child support obligation is terminated either by the appropriate court or based on the youngest child's emancipation and there are no child support arrearages. Generate a *Change in Payee Notice* to the NCP directing that future spousal support payments be made to the payee directly, and release any enforcement action(s) for the collection of spousal support.

3. If DCSE is enforcing a case with spousal support and the current child support charge is $0 due to the child directly receiving a disability entitlement payment, do not close the current child support extension. The charge amount for current child support

should be entered as $0 and the current extension should remain open. This will allow for the case to continue to be referred for tax intercept.

4. If the case meets case closure criteria, refer to Chapter 2.V, Case Closure.

H. Bankruptcy

Bankruptcy information is usually received through the Bankruptcy Court's automated and centralized electronic filing system. Information may also be received directly by a case worker in a district office. If bankruptcy information is received by a district office, it should be immediately forwarded to the Bankruptcy Unit for review, updating and processing. The Division deals with two types of bankruptcies: Chapter 7 and Chapter 13.

For details regarding the procedures that are to be followed by the Bankruptcy Unit, caseworkers and APECS, see Bankruptcy in the Procedures Manual.

1. Chapters 7 and 13

   a. APECS has been programmed to take the appropriate actions based on the NCP's bankruptcy filing. When the bankruptcy case is over, the Bankruptcy Unit's entry of the discharge or dismissal information will reverse all the actions stopped because of the bankruptcy.

   b. For cases in process of bankruptcy as of September 1, 2011, the district office caseworkers and legal staff should continue to handle the case until it is dismissed or discharged. The Bankruptcy Unit can be contacted if assistance is needed on these cases.

   c. Do not close arrearage subaccounts on bankruptcy cases. All cases in which an arrearage subaccount was previously closed solely because of a bankruptcy filing should have the subaccount reopened.

2. Special Instructions Regarding Bankruptcy Cases

   a. Case Closure: Before closing a pending bankruptcy case, please check with the Bankruptcy Unit to advise why we want to process the case for closure.

   b. Undistributed Receipts: Before issuing a refund to an NCP for an overpayment in an open bankruptcy case, check with the Bankruptcy Unit and provide them with the relevant case information regarding this situation.

   c. Recalculations of Arrears: If arrearage amounts are changed because of a court hearing after proof of a claim has been filed, notify the Bankruptcy Unit and advise them so that an amended proof of claim can be submitted if needed.

   d. Enforcement of Current Support: Bankruptcy laws do not stop the enforcement of current support. In any bankruptcy case, the Division can collect current support through income withholding. The Division may also determine that a Show Cause would be appropriate,

particularly on an NCP that is self-employed. The Bankruptcy Unit should be contacted if a caseworker has such a case. The Bankruptcy Unit will provide the caseworker with the appropriate information needed to take court and other actions consistent with the bankruptcy laws.

II. ENFORCEMENT BY INCOME WITHHOLDING

A. General

1. Federal law requires all states to use the standardized *Income Withholding for Support* (*IWO*) when implementing an income withholding. 45 C.F.R. § 303.100(e). Issue an *IWO* against all income except the following, which are exempt from garnishment under federal and state law (please note that this is not an all-inclusive list of exemptions):

   a. SSI (42 U.S.C. § 407(a)). Note, however, that SSA payments, including SSDI, if they result from credit for employment history, are subject to withholding. 42 U.S.C. § 659(a))

   b. Veterans' benefits that are based on credit for disability, and not employment. (38 U.S.C. § 5301; 42 U.S.C. § 659(a))

   c. public assistance payments (Virginia code § 63.2-506)

   d. 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 (Virginia Code § 20-108.1(G)

   e. amounts above the limits for support garnishments set under the Consumer Credit Protection Act (Virginia Code § 34-29(b1))

   f. federal student loans and grants, including work study assistance

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 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 that 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 *IWO*s on other employers as necessary to withhold the total amount.

5. Transfer the *IWO* to the NCP's new employer if the NCP changes employers.

6. The NCP cannot stop the withholding by paying the overdue support. (Virginia Code § 20-79.1(B))

7. *IWO*s can be released only by DCSE.

8. *IWO*s take priority over any other type of lien created by state law against an employee's income, except for prior similar income withholding orders and 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, DCSE can send a copy of the order to the employer.

9. Retain a copy of the Income Withholding Order (IWO) in the hard copy case file as long as an NCP is at an employer. Once the NCP leaves the employer, the IWO may be purged from the case file. Place the IWO on the left side of the case file.

B. Employer Responsibilities and Rights

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 $5.00 for each reply or remittance sent to DCSE. (Virginia Code § 20-79.3(A)(6))

3. The employer is subject to a fine if it discharges, refuses to employ, or takes disciplinary action against the NCP because of an income withholding order. (Virginia Code § 20-79.3(A)(9))

4. The employer is liable for the support amount if it fails to deduct and remit the support as ordered. (Virginia Code § 20-79.3(A)(18)) An employer can be subjected to a civil penalty of up to $1,000.00 for failure to comply with an *IWO* without good cause for that failure. (Virginia Code § 16.1-278.16 and 20-79.3(A)(9)). 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 reject an *IWO* within five business days from the date the order is served on the employer if the *IWO*

a. does not contain the NCP's correct social security number or other information necessary for the employer to comply with the withholding;

b. does not specify a dollar amount to be withheld per pay period;

c. does not contain the maximum percentage that can be withheld by law;

d. is altered or contains information in conflict with the employer's records (*e.g.*, incorrect social security number);

e. orders payment other than to the Division's State Disbursement Unit (SDU); or

f. orders payment to DCSE other than by combined single payment without the employer's express written consent. This provision (f) applies where the employer employs 10,000 or more employees. (Virginia Code § 20-79.3(B))

g. is not the current OMB-approved withholding document.

6. The employer prorates among orders when there is more than one order for withholding support for an obligor for different families. (Virginia Code § 20-79.3(A)(8))

   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. (Virginia Code § 20-79.3(A)(12)) Refer to Chapter 16, Payment Processing, for electronic funds transfer (EFT Payments) information.

C. Consumer Credit Protection Act Limitations

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), Virginia Code § 34-29. 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 has a spouse or child(ren) residing in his or her home and any such children are the biological or adopted children of the NCP, 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 has a spouse or child(ren) residing in his or her home and any such children are the biological or adopted children of the NCP 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.

4. For the purpose of determining the appropriate CCPA percentage to use based on the NCP having another or other dependent(s)

a. the dependents must be residing in the NCP's home and

b. a child(ren) must be the NCP's biological or adopted child(ren)

D. The Monthly Amount to be Paid on Arrears

1. When Current Support is Still Payable

a. When a 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 a 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.

FOR EXAMPLE: 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 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.

E. Exemption to Implementing Withholding

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 for such an arrangement.

   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 the APECS Update/Create Support Order screen when another written document is used. If there is no *Alternative Payment Arrangement Agreement* between the parties, enter an "N" in the *Alternative Payment Arrangement Agreement* indicator field on the APECS Update/Create Support Order screen.

   d. Document the Case Event History 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 the APECS Update/Create Support Order screen when another written document is used. If there is no *Alternative Payment Arrangement Agreement* between the parties, enter an "N" in the *Alternative Payment Arrangement Agreement* indicator field on the 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 it are met.

F. Issuing the *IWO*

Detailed procedures for issuing the *IWO* are discussed in the Procedures Manual.

G. Issuance of the *IWO* as a Health Insurance Order

The *IWO* is no longer used to enforce the health insurance order. The *National Medical Support Notice* 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 7, Medical Support.

H. Transferring the *IWO*

1. DCSE can transfer its own income withholding or a court's income withholding to a new employer.

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 methods of service, refer to Chapter 9, 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*.

I. Modifying the *IWO*

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 IWO" block on the *IWO*. Complete the "Mod Increase" field using either a Y or N.

2. Serve the NCP's employer by first class mail, certified mail, by electronic means, or using any of the methods of service (as described in Chapter 9, Section B., Methods of Service).

3. Document the Case Event History to show that the withholding was modified.

J. When to Modify the *IWO*

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 or CP arrears, but will collect arrears owed to the state.

K. When to Release the *IWO*

1. Release the withholding order when one of the following occurs

a. Current support terminates and all arrears have been paid, or

b. DCSE is not collecting current support owed by the NCP and arrears are not owed to the Commonwealth, or

c. Legal Counsel informs the DCSE worker to release the *IWO* because of bankruptcy, or

d. The whereabouts of the child or caretaker are unknown and there is no TANF debt or fees due to the Commonwealth.

2. 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.

L. Unemployment Compensation Benefits

1. Unemployment compensation benefits are intercepted for the payment of child support. APECS runs a batch program each evening that is submitted to the 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 VEC for interception of unemployment benefits who

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. do not have a "Y" indicator in the *Alternative Payment Arrangement Agreement* field on the Support Order screen.

3. APECS automatically updates NCPs who have been submitted to VEC for interception 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 who have been submitted to VEC for interception of unemployment benefits when

   a. all cases for the NCP are closed

   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 NCP's only case is set to "Y".

Detailed Procedures for Releasing and Including VEC Withholding, Excluding an NCP from VEC Submission and Exluding and Including a case from VEC Withholding are discussed in the Procedures Manual.

M. Garnishing Federal Employees

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 OCSE at http://www.acf.hhs.gov/programs/cse/newhire/contacts/iw_fedcontacts.htm.

2. The designated agent should respond within 30 calendar days of the date of service to provide a status regarding receipt of funds relevant to the IWO.

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.

N. Mandatory Military Allotment

See discussion of this topic in Chapter 11, Military Issues.

O. Public Health Commissioned Officers

1. An involuntary allotment can be used to collect support from public health commissioned officers on active duty for a period of six months or more. (22 VAC 40-880-410)

2. It can be used to collect child or child and spousal support.

3. The allotment can be used only if the NCP has arrears equal to the support due for two months.

4. The allotment can be used only if 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 Procedures Manual for information about issuing the *IWO*.

P. Interstate Income Withholding

1. UIFSA allows an *IWO* to be issued and sent to the NCP's employer in another state. (Virginia Code § 20-88.64)

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 *Child Support Enforcement Transmittal #1* to the central registry in the NCP's state.

8) Follow instructions on how to complete federal forms for enforcement, on the instructions pages following the *Child Support Enforcement Transmittal #1* on the OCSE web site.

b. Employer located in Virginia

1) An *IWO* issued by any state can be mailed directly to an employer in Virginia without going through the central registry. (Virginia Code § 20-88.64:1(A))

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 *IWO*.

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 requests Virginia to conduct a hearing when it cannot resolve the contest informally, request the other state to send a *Child Support Enforcement Transmittal #1* to the central registry in Virginia requesting enforcement.

III. ENFORCEMENT BY INTERCEPT PROCESSES

A. Federal Income Tax Refund Intercept

DCSE intercepts federal income tax refunds to pay child support and spousal support arrears owed to the Commonwealth and to CPs. DCSE also intercepts state income tax refunds, lottery winnings, and vendor payments to pay current support and arrears owed to the Commonwealth and to CPs.

1. DCSE certifies every case which meets the criteria for offset in an automated process

2. APECS and the Tax Intercept Unit

   a. initiate files, reports, and automated updates to APECS and monitor actions initiated;

   b. coordinate with 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.

3. 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 NCPs for subaccounts that were certified in error or paid after certified.

B. Security Safeguards for Tax Information

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. (26 U.S.C. § 6103)

   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 up to $5,000, five years in prison, or both, plus the cost of prosecution. (26 U.S.C. § 7213 and 18 U.S.C. § 3571)

   b. The Internal Revenue Code also permits a taxpayer to bring suit against the United States, or against a person who is not a federal employee, 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. (26 U.S.C. § 7431)

2. Any staff having access to the Virginia Department of Taxation's IRMS system is required by state and federal law to protect the confidentiality of any and all information contained within the IRMS 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. Virginia Code § 58.1-3. In addition, as discussed above, it may be a felony under the Internal Revenue Code, and, in addition, the employee could incur a personal liability to the injured party under federal law.

5. In order to ensure that security is maintained for 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.

   c. Alternate Work Sites

      In order to ensure the security of IRS data at alternate work sites, the following rules must be followed:

      1) Since Federal Tax Information (FTI) is interspersed throughout APECS we have to secure the whole APECS and Ctrl-D database the same as we secure hardcopy FTI.

      2) An employee cannot use his or her personal equipment to log into APECS or Ctrl-D. A disc with FTI or APECS information saved on it shall not be loaded onto personal equipment.

      3) If employees are co-located with staff from other agencies, their work areas must have sufficient privacy to prevent others from viewing or accessing the Division's information.

      4) Employees must be provided with a way to communicate with managers or other agency members in the event of a security issue therefore, while in the alternate work space area, employees must have access to a phone, BlackBerry, etc., to communicate with DCSE.

      5) If staff are to have case files, screen prints, or other hard copy data at the alternate work site, DCSE needs to provide a means to keep these secure or to certify that the employee's personal storage is secure. No hard copy data is to be kept permanently at an alternate work site.

6) If the DCSE employee has an agency desktop it must be secured to a piece of furniture or something else heavy with locking hardware, and if the employee has a laptop it must be locked in a drawer or cabinet when not being used. FTI has to be secured within two barriers. For example: If you have your laptop in your vehicle it can be in a locked case in your locked car or you can have the car locked and the car in a locked garage. As for your home; you can place the laptop in a locked case in your locked home.

7) FTI may not be stored on thumb drives or other removable media.

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.

C. Federal Intercept (04/2013)

1. All cases in which the NCPs meet the criteria for submission for Federal Tax Offset are automatically processed weekly and the data passed to OCSE electronically via CONNECT:Direct.

2. In addition to submitting new cases weekly throughout the year, DCSE also has the ability to increase the arrearage amount 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 from Tax Offset, Passport denial and/or FIDM.

6. The exclusion/removal indicator process is part of the Maintain Intercept Data screen. DCSE staff also have the ability to review NCP exclusion/removal indicators via the AP Inquire Intercept Data screen.

7. Criteria for Automated Certification of Arrears to the IRS

   a. 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 NCP's arrears, social security number and name have been verified.

5) The arrears are enforceable. For types of cases that DCSE does not enforce, refer to Enforcement Rules, in this chapter.

   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 cannot 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 non assistance application for IV-D services has been filed) must certify the case for tax offset.

8. Refer to Chapter 16, II Allocation and Distribution, Section F for information on APECS automatic holds regarding receipt of possible erroneous federal tax refund offsets based on fraudulent returns. (See Dear Colleague Letter [DCL-11-17]) on the OCSE website.

9. Refer to the discussion of Enforcement Rules earlier in this chapter for types of cases and subaccounts that do not qualify for certification to the IRS

For procedures to be used in connection with federal tax intercepts, see the Procedures Manual.

D. State Tax, Lottery, and Vendor Intercept

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 the discussion of 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 does not enforce, refer to the discussion above of 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.

Detailed procedures regarding inquiry functions, staff actions, on-line deletions, agency referrals and intercept tapes can be found in Chapter 5 of the Procedures Manual.

3. 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.

4. 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.

5. 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.

6. 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 13, Document Requirements 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 13, Documentation Requirements and Record Retention.

2) The NCP has 30 calendar days to file a written objection to the intercept.

Detailed procedures regarding intercept contacts, returned notices and collection tapes can be found in Chapter 5 of the Procedures Manual.

7. 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.

Detailed procedures regarding District office staff actions after the Tax Intercept Letter Regarding Excess Money notice has been generated can be found in Chapter 5, Section C of the Procedures Manual.

E. The Department of Taxation processes claims for the State Lottery Department.

F. Department of Accounts Processing

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 contacts the State Disbursement Unit (SDU) when the intercept of an educational loan or grant is challenged.

b. SDU 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. SDU 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 CCPA. When an NCP challenges the intercept, calculate the amount that may be retained before a hearing. Refer to the discussion earlier in the chapter on CCPA Limitations.

4. The Department of Accounts issues a check to the NCP if any money remains after the certified amount is paid to DCSE.

Appendix A, IRS Process

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 then forwards all of them to the Division of Finance (DOF) at one time.

The IRS does not process the deletions and modifications received from OCSE until the third or fourth 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 DOF. The results are forwarded to OCSE and DCSE the following week.

IV. ENFORCEMENT BY CONSUMER REPORTING

A. Consumer Reporting Agencies

1. 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 Information Services (formerly known as TRW)

2. Information is reported only to entities that

   a. can use the information systematically and timely and

b. furnish evidence that the entity is a consumer reporting agency.

B. DCSE Liaison

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.

C. Staff Responsibilities

For procedures regarding staff responsibilities about consumer reporting see Chapter 5 of the Procedures Manual

D. Notification and Referral Process

For a detailed discussion of the procedures by which NCPs are notified and referred to consumer reporting agencies, see Chapter 5, Section D of the Procedures Manual.

E. Customer Contacts

For procedures to be followed when contacted by an NCP regarding referral of his or her arrears to a consumer reporting agency, or by such an agency, see the discussion in Chapter 5 of the Procedures Manual.

F. Notices Returned by the Postal Service

For procedures to be followed when a notice is returned by the Postal Service, see the discussion in Chapter 5 of the Procedures Manual.

G. Case Closure

For non-TANF cases, adjust the receivable subaccount balance to zero. Refer to the discussion of Case Closure in Chapter 2. APECS reports the case to consumer reporting agencies one more time. This updates the consumer reporting agencies' files to zero.

V. LICENSE SUSPENSION

A. Suspension of Occupational or Other Licenses

1. Criteria for petitioning the court to order the 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 listed in APECS.

f. The NCP is not a 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) 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.

2) 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: See discussion in Chapter 5 of the Procedures Manual.

c. Consumer Reporting Agencies. Refer to the Procedures Manual:

1) Chapter 5, Section D, Process for Notification and Referral of NCPs to the Credit Reporting Agencies to access the screens and entries APECS generates regarding reporting to consumer reporting agencies.

2) Chapter 5, Section D, Process for Notification and Referral of NCPs to the Credit Reporting Agencies for information on when not to refer arrears to consumer reporting agencies.

d. Federal Intercept

Refer to the discussion of Enforcement by Intercept Processes, Section C, Federal Intercept and the Procedures Manual for procedures to access the screens and review the certification information on APECS.

e. State Tax Intercept

Refer to the discussion of Enforcement by Intercept Processes, Section D, State Tax, Lottery,

and Vendor Intercept, in this chapter 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.
For procedures to check on asset attachments prior to license suspension, see Chapter 5 of the Procedures Manual.

3. If any of the noted 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.

4. Motion for Show Cause Summons

   a. Review 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 13, Documentation Requirements and Record Retention, Section F, Case Event History Entries, for specific data entered.

   b. 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.

   c. If a *Motion for Show Cause Summons* has not been filed, file it with the *Petition for Suspension of Professional or Other License*, form DC-670. This form must be obtained from the juvenile court clerk's office.

5. For procedures to follow for suspension of an occupational or professional license, see Chapter 5 of the Procedures Manual.

B. Suspension of Drivers' Licenses (09/12) (05/13)

1. The Division has entered into an agreement with the Department of Motor Vehicles (DMV) to suspend the driver's license of delinquent NCPs. An NCP is eligible for suspension if he or she owes at least $5,000 or the arrears for all of the NCP's cases with the Division total at least 90 days of the support obligation. The Division notifies DMV to cease suspension or reinstate the driver's license when the NCP has:

   a. Paid the past-due amount of support in full or;

   b. Entered into an agreement with the Division to satisfy the delinquency within a specified time period and made at least one lump sum payment in accordance with a three-level system of payments, as set forth below.

      1) For an initial Payment Agreement, the minimum lump sum payment is at least $600 or 5% of the total past-due support, whichever is greater, and the specified time period is 10 years,

      2) If the NCP previously failed to comply with one Payment Agreement, the minimum lump

sum payment is $1200 or 5% of the total past-due support, whichever is greater, and the specified time period is 7 years.

3) If the NCP previously failed to comply with two or more Payment Agreements, the minimum lump sum payment is $1800 or 5% of the total past-due support, whichever is greater, and the specified time period is 7 years or;

c. Completed an intensive case monitoring program for child support. A district office should not stop the suspension process or reinstate a license on this ground unless the office's management, in consultation with legal counsel, determines that it is appropriate to do so based on all the circumstances of the case. District office legal counsel may determine that a consultation with the appropriate judge is needed to determine whether it is suitable to reinstate the NCP's driver's license.

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 13, Documentation Requirements, I, Participant Event History Entries,

1) Section I, Participant Event History Entries and

2) Section K, Inquire AP Supplemental Screen.

l. **are not coded as active in the review and modification process due to the receipt or approval of Social Security benefits. Case managers must ensure that the AP Supplemental Data – Part 1 Screen: Benefits Indicator is updated correctly in order to prevent the NISD from being generated**

m. The NCP has a blank Action field on the APECS License Suspension screen.

3. 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

1) the sheriff or process server. This may be accomplished by delivering a written copy of the NISD in person, by posting, or service on a member of the household/family that is at least 16 years of age or older (Virginia Code § 46.2-320.1 and § 8.01-296);

2) using certified mail, return receipt requested. Service by certified mail, return receipt requested, is considered to be successful when the mailing is sent. It is not necessary to receive proof that the Notice of Intent to Suspend Driver's License has been received by the NCP for the service via this method to be considered successful.

3) The NCP may waive formal service requirements in writing by signing a Waiver of Formal Service of Process.

a) 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.

c) 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.

d) 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.

4. The NCP must contact DCSE within 30 calendar days from the date on the Notice of Intent to Suspend Driver's License to either pay his or her support in full or negotiate a payment agreement.

   Detailed Procedures for Actions to take when an NCP Contacts DCSE Regarding the Notice of Intent to Suspend Drivers License are discussed in the Procedures Manual.

5. APECS automatically checks for payments on arrears posted 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.

   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 monthly payment that is less than the amount specified for the monthly payment in the Payment Agreement. 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. Case Review

   a. If the review reveals that the arrears do not qualify for driver's license suspension, the specialist

      1) notifies the NCP that DCSE will not suspend his or her license now.

      2) corrects the APECS data that caused the notice to be issued in error.

   b. If after review of the case it is not clear that the Division has suspended the NCP's driver's license, the case manager should request that the district office's authorized personnel check the DMV system for suspension and restricted driver's license information.

      1) Do not send a second suspension request to DMV if the Division has a driver's license suspension already in place.

2) Do not send a suspension request to DMV if the NCP has a restricted driver's license. Submitting a suspension request to DMV when the NCP has a restricted driver's license will result in DMV suspending the restricted license. See item number 23 below in this section

7. *Payment Agreement*

a. If the NCP agrees to sign a *Payment Agreement*, complete the *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

a) If the NCP has not yet been suspended by DMV for driver's license suspension for this incident, select option 23 – DL Payment Agreement – Pre DMV on the Support Obligation Documents submenu.

b) If the NCP's drivers license has been suspended by DMV for this incident, select option 24 – DL Payment Agreement – Post DMV on the Support Obligation Documents submenu.

3) Calculate the amount due each month using the procedure set forth in Chapter 5 of the Procedures Manual. Use the calculation that results in the largest arrears payment plus current support when completing the *Payment Agreement*, except when using the fourth method for calculating the monthly payment.

4) By review of the case file and the case history on APECS, determine the number of previous Standard Payment Agreements the NCP entered into and signed prior to July 2, 2011, and did not comply with. Enter this number in the designated field on the License Suspension screen (No. of Pay Agreements before 7/1/2011). Payment Agreements entered into on or after July 1, 2011, will automatically be counted by APECS based on the number of such agreements that have been generated. Staff will have the ability to delete a Payment Agreement on the same day that it is generated, in order to prevent APECS from counting an agreement that was generated in error or was not signed. APECS will not allow deletion of an agreement other than on the day it is generated.

a) Generate the Payment Agreement. When APECS generates the document, it also generates a Participant Event History entry and Event Notes.

b) Refer to the Procedures Manual, Chapter 13, Section B, Participant Event History Entries for Participant Event History information

c) The signed copy is a legal document. File it in the paper file on the left side.

8. NCP Request for Court Hearing

The NCP is entitled to a judicial hearing if he or she sends a written request for a hearing to the

Division within 10 days after the service of the *Notice of Intent to Suspend Driver's License* (Virginia Code § 46.2-320.1(A)) . 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.

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.

3) If the CP resides out of state, the NCP resides in Virginia and there is a Virginia court order, file the *Petition and Order to Suspend Drivers' License – Failure to Pay Child Support* with the court that entered or is enforcing the order.

4) If the CP resides out of state, the NCP resides in Virginia and there is an out-of state court order, register the order in the jurisdiction in which the NCP resides. File the *Petition and Order to Suspend Drivers' License – Failure to Pay Child Support* with the same court.

9. 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.*

10. 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.

11. After the hearing the court specialist, enters the code for the disposition of the hearing on the APECS scheduling module.

12. The disposition generates a Participant Event History entry. The Event Type is <CTSL>.

13. 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.

14. If the judge orders DCSE not to suspend the driver's license, wait three (3) months before starting the process again.

15. 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>

16. A *Notice of Action Taken* should be generated and forwarded to the CP. This update should provide the CP with the outcome of the court hearing and any other information relevant to the case at the time.

17. 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.

18. 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 the DCSE address for the NCP with the address on the DMV system. If they are different, type the 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.

19. The DMV automatically issues the suspension notice when staff types the suspend code on the DMV system.

a. When an address is entered by a 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.

20. 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>.

21. 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 *Payment Agreement- Pre-DMV Suspension*, *Payment Agreement – Post-DMV Suspension*, 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.

22. 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.

23. Restricted Drivers License

a. The NCP may be unable or unwilling to comply with the requirements of the Division to reinstate his/her driver's license. In this instance, the NCP may decide to file a *Petition for Restricted Driver's License-Failure to Pay Child Support* with the Juvenile and Domestic Relations district court in the jurisdiction where he or she resides after the *Notice of Intent to Suspend Driver's License* is received.

b. The NCP may petition the court at any time after receiving service of the *Notice of Intent to Suspend Drivers' License* document. (Virginia Code § 46.2-320.1(B))

c. If the NCP is in non-compliance with the order and he or she has a restricted driver's license, complete a legal referral and forward it to the district office's legal counsel asking for guidance regarding court action to address suspension of the restricted license. Proceed according to legal counsel's advice regarding this matter.

VI. ENFORCEMENT BY OTHER METHODS

A. This section provides information about the following enforcement methods:

1. employer reporting
2. liens
3 order to withhold and order to deliver
4. seizure and sale
5. Long Arm (administrative)
6 IRS full collection
7. criminal prosecution of NCPs
8. court enforcement
9. passport denial
10. interstate lien
11. administrative subpoena
12. financial institution data match
13. demand letter

14. booting vehicles

15. Project Save Our Children (PSOC)

16. Child Support Lien Network (CSLN)

B. Employer Reporting

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 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 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 *Income Withholding for Support* (*IWO*) when appropriate. Please refer to the discussion earlier in this chapter of 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 *IWO* automatically generated. If an *IWO* is not generated in batch, staff will receive the New Hire Reporting Match (NHRM) worklist. An *IWO* 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 the employer's address, NCP's address information, and the NCP's social security number on APECS to ensure that they are correct. If the information is not on APECS, enter the information. If the information on APECS is different, update APECS with the correct information. Do not send an *Employer Information Request*, *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 an *Administrative 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 VEC.

   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 in 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 *IWO* for the amount of the most recent withholding order.

      2) sends the court a copy of the *IWO* 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 *IWO* 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.

   e. To modify the amount of the most recent withholding order, follow the steps in this chapter's earlier discussion of Enforcement by Income Withholding.

C. Liens

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 certain other prior liens. (Va. Code § 63.2-1927)

   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 courts 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 of 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 *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 it served by the 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 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.

D. Order to Withhold and Order to Deliver (04/13) **(05/13)**

1. This remedy is used to obtain funds from a bank account or other assets of an NCP who owes an arrearage balance; it also may be used as a method to collect current support only. Any money collected from an Order to Withhold and Deliver is distributed according to the standard hierarchy of current support before arrears.

   a. An *Order to Withhold* can be issued based on a legally established support order.

   b. **Do not initiate an Order to Withhold on any accounts when an NCP is receiving SSI only or a combination of SSI and SSDIB. See Clearinghouse 13-DD-003.**

   c. It is not necessary to file a lien before issuing an *Order to Withhold*.

   d. 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 M, Financial Institution Data Match, in this chapter for Financial Institution Data Match (FIDM)

information.

e. Each holder of assets is served with an *Order to Withhold*.

f. The *Order to Deliver* is generated after all administrative and judicial appeal rights have been exhausted.

g. The holder of assets can be held liable for 100% of the debt due if he or she fails to comply.

h. The holder of assets has 10 days, excluding the day of service, to answer the *Order to Withhold* in writing and under oath.

i. 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.

j. 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. 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 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's 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 6, Central Registry and Interstate Rules.

b. If the holder of assets indicates that the account is a joint account, go to step 5 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. Implementing the *Order to Withhold* and *Order to Deliver* to the Thrift Savings Plan

DCSE receives Thrift Savings Plan (TSP) match information quarterly via MSFIDM. TSP is a federal savings and retirement plan into which military members and federal civilian employees may contribute toward their retirement.

a. The TSP has provided a form, *Thrift Savings Plan Income Withholding Order for State Agencies* (Form TSP-CS-1 (9/2011), for the Division to use when sending them an *Order to Withhold and Deliver* (OWD). This form can be found on SPARK under DCSEP-856. Form TSP-CS-1 assists TSP in their manual processing of the OWD documents. Orders to Withhold and Deliver should be manually created and forwarded to the TSP by the case worker. Form TSP-CS-1 should only be submitted with the *Order to Deliver* document.

b. If the Division sends an OWD to the TSP without the Form TSP-CS-1, the TSP may decline to honor the OWD because of insufficient information. The form provided by TSP allows the Division to provide all of the information required under the applicable federal regulations.

c. DCSE must identify which account funds are to be taken from. If there is a need to request funds from multiple accounts, a separate TSP-CS-1 form must be completed for each account type (only one OWD is needed). If funds are requested from multiple accounts, only request an amount equal to the total arrears owed by the NCP on all cases. Overpaid funds received from the TSP cannot be returned.

d. TSP response times could take up to 180 days for receipt of funds from an *Order to Withhold and Deliver*. Refer to Clearinghouse 11-DD-014 and Clearinghouse 12-DD-002.

5. 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. Service on the Joint Account Holder can be completed by certified mail, return receipt requested, or by hand delivery in person using either the Sheriff or a Private Process server. 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. A copy of the notice to the Joint Account Holder(s) shall be served on the holder of assets by certified mail, return receipt requested.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.

6. 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.

j. Serve the *Order to Deliver* on the holder of assets by using certified mail, return receipt requested.

c. Obtain any required approvals.

d. Document the Case Event History to show service of the *Order to Deliver*.

7. 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* are 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 by certified mail or hand delivery (sheriff's service) if needed.

c. Document the Case Event History to show the release.

E. Seizure and Sale

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. (Va. Code § 63.2-1933: 22 VAC 40-880-350)

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.

For procedures to carry out seizure and sale, see the Procedures Manual.

F. Booting Vehicles

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.

For procedures to use in booting vehicles, see Chapter 5 of the Procedures Manual.

4. Determine the payment arrangement for boot release.

   a. Payment arrangements 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.

   k. Advise the NCP that the booting process may be repeated if the NCP defaults. If the NCP defaults on the payment arrangement, refer to the Procedures Manual link above for the procedures to use to initiate a subsequent booting enforcement remedy.

5. The District Manager or the Boot Project Coordinator must authorize release of the boot. Forward the appropriate release request to the Sheriff.

6. Release the lien only when arrears are satisfied in full and the NCP has made current support payments as agreed.

G. Long Arm (Administrative)

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 9, for specific information.

3. Document APECS to show successful or unsuccessful service.

H. Criminal Prosecution of NCPs

The Child Support Recovery Act of 1992 (CSRA) made the willful failure to pay a past due support obligation with respect to a child living in another state a federal crime. The CSRA is intended to supplement programs already in existence, particularly the Child Support Enforcement (CSE) Program. Generally, cases that are accepted for federal prosecution are those in which the IV-D office

can show that all reasonably available civil and state criminal remedies have been exhausted and enforcement has still been unsuccessful.

1. Penalties under the statute are:

    a. for the first offense, a fine of up to $5000 or imprisonment for not more than 6 months or both;

    b. for the second or subsequent conviction, a defendant may be fined up to $250,000 and imprisoned for not more than 2 years.

2. Restitution by the NCP in an amount equal to the past due 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 are $5000.00 in arrears; and

    c. have willfully taken steps to avoid payments, such as;

        1) not reporting 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.

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.

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.

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. Procedure for referral of cases to the U.S. Attorney's Office

See Chapter 5 of the Procedures Manual for procedures for referring a case to one of the U.S. Attorney's Offices in Virginia for criminal prosecution.

8. 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, local sheriffs' 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 *State Referral: Federal Criminal Prosecution for Non-Support (18 U.S.C. §228) Project Save Our Children* form and refer the case to Legal Counsel for approval prior to sending the referral. This form is included with OCSE Action Transmittal (AT) 11-01.

I. Court Enforcement (12/12)

1. Judgment

   If the NCP is in arrears on any court order, the arrearage 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. Bonds

   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.

c. The court may, at its discretion, enter an NCP into the Intensive Case Monitoring Program (ICMP) as an alternative to incarceration. For more information on the ICMP, see Chapter 8.

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-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 with details of property subject to foreclosure, equity in property and balance owed against property, and the date and results of the 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.

For further information about court enforcement, see Chapter 8, Sections R and S.

J. Passport Denial (04/2013)

The passport denial program is administered by OCSE as part of the Federal Offset Program. The passport denial program is mandated by federal law, 42 U.S.C. § 652(k) and 42 U.S.C. § 654(31). An NCP who owes child support arrearages 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/her an opportunity to contest the determination of the arrearage.

1. DCSE submits the names of NCPs with arrearage to the OCSE for Federal Tax Refund Offset 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 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 whose 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 district office. If a removal must be expedited, contact the Tax Intercept Unit and provide the necessary information 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.

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 Withdrawal of Passport Denial* 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

7. For the procedure to follow when an NCP contacts DCSE to object because his or her passport was denied, see Chapter 5 of the Procedures Manual.

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.

K. Administrative Subpoena

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 the addressee and the information requested. APECS creates a worklist for 20 days from the date of printing of the document.

L. Demand Letter for Payment of Child Support (05/13)

1. A demand letter, *Demand for Payment of Child Support*, is sent to the NCP notifying him or her 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, FC, SLFC, NADC, ARRP, ARRN, MAOF, OSTA or

2) MAOP cases with an AFDCA/I, TTNFA/I, CTNFA/I or FCARA/I subaccount. Other MAOP cases are excluded.

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. For the procedures to follow to issue the *Demand for Payment of Child Support*, see the Procedures Manual.

3. **The demand letter will not be generated by APECS on cases in which a review and adjustment is in process based on the approval or receipt of disability benefits. The AP Supplemental Data – Part 1 Screen must be updated with the appropriate code in order to prohibit the generation of the demand letter (See Clearinghouse 13-DD-003).**

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 the disposition code 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).

M. Financial Institution Data Match

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 disclosed 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, social security number and address on record of the obligor

2) Other taxpayer identification number

3) 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 than $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 toWithhold 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*.

N. Child Support Lien Network (CSLN)

Virginia has joined CSLN, which was 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 Claim Search, 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 CSLN, the 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 CSLN.

   e. A file updating the arrearage balance and other NCP information will be submitted to 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 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 reflects 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

   Based on circumstances, workers may find that an NCP or a specific case should be excluded from submission (*e.g.*, bankruptcy, per court order). In these instances, workers should exclude either the participant or a particular case by updating APECS with an exclusion code. For

procedures used to exclude either a participant or a case from submission to CSLN, see the Procedures Manual.

3. Matches with Insurance Companies

   a. 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".

   b. Automated data matches are processed on a daily basis by CSLN. 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.

   c. Those that are questionable will be coded as a match that requires further "Investigating". The "Investigating" status will be displayed on the APECS 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.

   l. 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 the CSLN website within 30 days of the match date using the closure reason, not the right person.

4. 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 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 CSLN worklist, the worker must review all of his or her cases received for that day (Option 11, Sort by Worker-option 24) to determine appropriate enforcement actions.

5. Interstate Cases

a. Interstate cases where the NCP resides out of state and VA has requested enforcement assistance through another state's IV-D agency, Interstate – URESA Status of Case is "I" and (VA=Initiating), were not excluded from submission to the CSLN. Therefore, upon receipt of a match from CSLN, the district worker should determine if the responding state is participating in CSLN. If the state is participating in 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 CSLN, proceed with enforcement according to type of match received. Refer to Enforcing Claims in this section, immediately below.

6. Enforcing CSLN Claims

CSLN will forward matches to DCSE for personal injury and worker's compensation claims. For procedures to follow to enforce claims arising from those matches, see the Procedures Manual.

O. IRS Full Collection

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.

For Procedures to use for IRS Full Collection, see the Procedures Manual.

4. IRS maintains the referrals in an active status for ten years. Generally, the 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 referral 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.

5. The outstanding arrears may be recertified prior to or following the expiration of the ten year period if the arrears remain enforceable.

CHAPTER 6 – CENTRAL REGISTRY AND INTERSTATE RULES

A. Overview

1. The Uniform Interstate Family Support Act (UIFSA) is a set of "uniform" state laws that has been enacted in similar form in every state to govern intergovernmental child support issues, including situations involving multiple support orders issued in various states. The Virginia version of UIFSA is found in Virginia Code §§ 20-88.32 - 20-88.82.

2. UIFSA contains a number of provisions that affect the processing of cases that involve two or more jurisdictions. For example, UIFSA contains:

   a. an expanded long-arm statute,

   b. provisions that implement direct income withholding across state lines,

   c. special evidentiary rules in intergovernmental 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 jurisdictions to obtain information about laws of other states or orders of other tribunals; and

      6) assistance in discovery.

   d. One of the major features of UIFSA is the adoption of the one order, one time principle. Before UIFSA was enacted, several conflicting child support orders governing the same noncustodial parent (NCP), custodial parent (CP) and child could 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 two states are both validly asserting jurisdiction, UIFSA establishes rules for determining which assertion has priority to establish a support order.

B. General Provisions for Handling Intergovernmental Cases Under UIFSA

1. UIFSA and the federal regulations promulgated by OCSE impose requirements for the handling of requests for services from any other state, Tribe, foreign reciprocating country, or country with which Virginia has entered into a reciprocal agreement relating to child support pursuant to federal law. In this chapter, the term "agency" means a child support agency of any such state, Tribe or country. The term "jurisdiction" means any such state, Tribe, or country. The term "intergovernmental IV-D case" means a IV-D case in which the noncustodial parent lives and/or works in a different jurisdiction than the custodial parent and child(ren) that has been referred by an initiating agency to a responding agency for services.

2. DCSE is required to provide the full range of support enforcement services to an intergovernmental case referred to it by another agency. (45 C.F.R. § 302.36(a)(1)) This interaction ensures that support enforcement services are provided for all cases, regardless of where the NCP lives. These services that DCSE must provide include, but are not limited to, the following:

   a. the establishment of child support in accordance with Virginia's child support guidelines;

   b. enforcement of a support order and income withholding order of another state without registration;

   c. registration of another jurisdiction's child support order for enforcement;

   d. modification of a Virginia child support order or;

   e. registration of another jurisdiction's child support order for modification;

   f. establishment of paternity, and, upon request from the initiating agency, attempting to obtain a judgment for costs if paternity is established;

   g. assertion of jurisdiction over the NCP;

   h. establishment and enforcement of health care coverage, and

   i. collecting, monitoring, and forwarding payments to the location specified by the initiating agency 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

C. Responsibilities of DCSE

1. General Responsibilities (45 C.F.R. § 303.7(c)(7))

   a. Use federally approved forms unless a country has provided alternative forms as part of its chapter in the OCSE publication *A Caseworker's Guide to Processing Cases with Foreign Reciprocating Countries*. When using a paper version, this requirement is met by providing the number of complete sets of required documents needed by the responding agency, if one set is not sufficient under the responding agency's law.

   b. Transmit requests for information and provide requested information electronically to the greatest extent possible.

   c. Within 30 working days of receiving a request, provide any order and payment record information requested by a State IV-D agency for a controlling order determination and reconciliation of arrearages, or notify the agency when the information will be provided.

   d. Notify the other agency handling an intergovernmental case within 10 working days of receipt of new information on the case; and

   e. Cooperate with requests for the following limited services: quick locate, service of process, assistance with discovery, assistance with genetic testing, teleconferenced hearings, administrative reviews, high-volume automated administrative enforcement; providing copies of court orders and payment records; attaching unemployment compensation benefits; and any other appropriate services.

2. When acting as the initiating state, process intergovernmental cases according to the following program standards:

   a. Access all appropriate sources, including 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. (45 C.F.R. § 303.3(b)(3))

   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 intergovernmental request to the other state's IV-D agency, or

      3) File a UIFSA petition.

c. Determine whether or not there is a support order or orders in effect in a case using the Federal and State Case Registries, State records, information provided by the recipient of services, and other available information.

d. Determine in which State a determination of the controlling order and reconciliation of arrearages may be made where multiple orders exist.

e. Determine whether the NCP is in another jurisdiction and whether it is appropriate to use long-arm jurisdiction to establish paternity and to establish, modify, and enforce a support order, including medical support and income withholding.

f. Within 20 calendar days of completing the actions required in paragraphs b through d above, and if appropriate, receipt of any information needed to process the case: (45 C.F.R. § 303.7(c)(4)

   1) If a determination of the controlling order and reconciliation of arrears are needed, file a request for that determination and reconciliation within the appropriate Virginia court or refer the case to the appropriate agency in the responding jurisdiction to have that determination and reconciliation made; and

   2) If the use of long-arm jurisdiction is not appropriate, refer the case to the appropriate jurisdiction for action.

g. Provide the responding agency with sufficient and accurate information to act on the case by submitting with the case any necessary documentation and intergovernmental forms. (45 C.F.R. § 303.7(b)(3))

h. Within 30 calendar days of receipt of a request for information, provide the responding agency with requested additional information or notify the responding agency when that information will be provided. (45 C.F.R. § 303.7(b)(4))

i. Notify the responding agency at least annually, and upon request in an individual case, of interest charges, if any, owed on overdue support under a Virginia order being enforced in the responding jurisdiction.

j. In a case in which the support order was issued in a foreign currency, reconcile the arrears every 12 months with the appropriate foreign country because the exchange rate is constantly changing. Provide the parties to the case a statement of the recalculated arrears in U.S. dollars. Refer to Chapter 16, Financial Operations, Receivable Maintenance for this procedure.

k. Submit all past-due support owed in IV-D cases that meet the certification requirements for Federal tax refund offset.

l. Send a request for review of a child support order to another State within 20 calendar days of determining that the request should be sent to the other State and of receipt from the requestor of information necessary to conduct the review.

m. Distribute and disburse any support collections received in accordance with applicable state and federal law.

n. Notify the responding agency within 10 business days of receipt of new information, and of case closure that DCSE has closed its case, and the basis for closure. (45 C.F.R. § 303.7(c)(11)

o. Before sending an income withholding order to an employer with respect to an intergovernmental case, instruct the responding agency to stop any income withholding order it has sent to an employer on the same case, unless the two States reach an alternative agreement on how to proceed.

p. If DCSE has closed its case but has not notified the responding agency to close its case, make a diligent effort to locate the obligee, including use of the FPLS and the SPLS, and accept, distribute and disburse any payment received from the responding agency.

q. Forward three copies of the petition and its accompanying documents to the responding state's central registry.

r. When requesting IV-D services from another state, district offices should send the request to the central registry in that state.

3. When Virginia is the responding state, DCSE should process requests initiated by another state according to the following program standards:

a. Accept and process an intergovernmental request for services, regardless of whether the initiating agency elected not to use long-arm jurisdiction or other remedies that may be available under the law of that jurisdiction.

b. Within 75 calendar days of receipt of a request of an intergovernmental form and documentation from Virginia's Central Registry:

1) provide location services if necessary (45 C.F.R. § 303.7(d)(2)(i));

2) notify the initiating state of additional documents or information needed or corrections to the request (45 C.F.R. § 303.7(d)(2)(ii));

3) If the documentation received is incomplete and cannot be remedied without assistance from the initiating agency, process the case to the extent possible pending receipt of additional information requested from the initiating agency. DCSE cannot reject a request from another state or return it to that state. The case may be closed when the intergovernmental case closure criteria are met, as specified in Chapter 2.

(45 C.F.R. § 303.7(d)(2)(iii))

c. Cases received by a district office directly should be forwarded to the Central Registry within one business day.

d. 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. (Virginia Code § 20-88.49)

e. Within 10 working days of locating the NCP in a different State, DCSE must return the forms and documentation, including the new location, to the initiating agency, or if directed by the initiating agency, forward the forms and documentation to the Central Registry in the State where the NCP has been located and notify the DCSE Central Registry of that action.

f. If the request is for a determination of the controlling order:

1) File the request with the appropriate Virginia court within 30 calendar days of receipt of the request or location of the NCP, whichever is later; and

2) Notify the initiating State agency, the controlling order State, and any State where a support order in the case was issued or registered, of the controlling order determination and any reconciled arrearages within 30 calendar days of receipt of the determination from the tribunal.

g. Provide any necessary services as would be provided in an intrastate IV-D case, including:

1) Establishing paternity and, if the initiating agency requests it, attempting to obtain a judgment for child birth costs if paternity is established.

2) Establishing a child support obligation.

3) Reporting overdue support to consumer reporting agencies.

4) Processing and enforcing orders referred by an initiating agency, either pursuant to UIFSA or using other legal processes, and submitting the case for such other Federal enforcement techniques as DCSE determines to be appropriate, including administrative offset and passport denial.

5) Collecting and monitoring any support payments from the NCP and forwarding payments to the location specified by the initiating agency within 10 business days after receipt of the payment, except certain tax refund intercepts. When forwarding payments, include sufficient information to identify the case; date of collection; and DCSE's State case identifier and locator code.

6) Reviewing and adjusting Virginia child support orders upon request.

h. Provide timely notice to the initiating agency of any hearing before a tribunal that may result in establishment or adjustment of an order.

i. Identify any fees or costs deducted from support payments when forwarding payments to the initiating agency.

j. Within 10 working days of receipt of instructions for case closure from an initiating State agency, stop DCSE's income withholding order and close the intergovernmental IV-D case, unless the two States reach an alternative agreement on how to proceed.

k. Notify the initiating agency when a case is closed.

l. Pay the costs incurred in processing intergovernmental IV-D cases, including the costs of genetic testing. If paternity is established, DCSE may seek recovery of the costs of testing from the alleged father who denied paternity.

m. Visitation cannot be made a part of a support petition in Virginia.

n. Send the *Child Support Enforcement Transmittal #2* to the initiating state to inform of the actions taken on the case. If a support order is issued, attach copies of the order and send it by first class mail.

o. Use administrative remedies when possible when responding to a request from an initiating state.

p. An NCP cannot raise paternity as an issue when paternity has already been determined in another state.

q. File the petition with the court only when administrative action cannot be taken or in conjunction with an administrative action.

4. When receiving a petition from another state, one or more of the following may be done by a Virginia tribunal as the responding tribunal:

a. issue or enforce a support order;

b. modify a child support order;

c. establish paternity;

d. order an NCP to comply with a support order, specifying the amount and manner of compliance;

e. order income withholding;

f. determine the amount of any arrearage, and specify a method of payment;

g. enforce orders by civil or criminal contempt, or both;

h. seize and sell property of the NCP;

i. place liens on the NCP's property;

j. order an NCP to keep DCSE informed of his or her current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

k. request 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;

l. order (or ask the court to order) the NCP to seek appropriate employment by specified methods;

m. award reasonable attorney's fees and other fees and costs;

n. suspend professional licenses, and

o. any other available remedy.

5. A Virginia tribunal may not condition the payment of a support order issued pursuant to UIFSA upon compliance by a party with visitation provisions. (Virginia Code § 20-88.48)

6. Send the *Child Support Enforcement Transmittal #2* to the initiating state to inform of the actions taken on the case. If a support order is issued, attach copies of the order and send it by first class mail to the parties and the initiating tribunal. (Virginia Code § 20-88.48(E))

7. Notify the initiating state of the receipt of new information within 10 business days. (45 C.F.R. § 303.7(c)(9)).

8. Notify the central registry when the case closes. Refer to Chapter 2.V.C, Case Closure, for closure of intergovernmental cases. (45 C.F.R. § 303.7(c)(10)).

9. Use administrative remedies when responding to a request from an initiating state.

10. An NCP cannot raise paternity as an issue in a case brought under UIFSA when paternity has already been determined in another state. (Virginia Code § 20-88.58)

11. File the petition with the court only when administrative action cannot be taken or in conjunction with an administrative action.

D. Central Registry Responsibilities

1. DCSE's Central Registry is responsible for receiving, distributing, and acknowledging receipt of all incoming intergovernmental IV-D cases, except when another state sends an income withholding order directly to a NCP's employer. (45 C.F.R. § 303.7(b)(1))

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 (*e.g*., an attorney), where 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, requests for intergovernmental income withholding in IV-D cases, and other services as specified in Section C.1, above.

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. See Section N in this chapter for a list of foreign countries with which Virginia has a reciprocal agreement.

6. Within 10 business days of receiving an intergovernmental 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 SPLS, 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 the 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 the "Acknowledgments" section of the *Child Support Enforcement Transmittal* the name of the state the case was forwarded to.

e. Adds the case to APECS within 2 days or updates the case if the case already exists;

f. Sets the FVI 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 completed Acknowledgment page from the *Child Support Enforcement Transmittal* 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.

k. If the initiating state fails to send documentation necessary for registration, forward the case to the appropriate district office for enforcement anyway, as DCSE is still able to take some enforcement actions without registration.

l. 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.

m. Do not ask the initiating state to complete the *Acknowledgment of Paternity* when it has provided the mother's sworn statement.

n. Respond to inquiries from other states within five business days of receipt of a request for a case status review.

o. If the documentation received from the other jurisdiction is incomplete and cannot be remedied by the Central Registry without assistance from the initiating agency, forward the case for any action that can be taken while waiting for needed action by the initiating agency. DCSE does not have the option of rejecting or returning intergovernmental requests whose documentation is incomplete or inadequate. Such cases may eventually be closed if the closure criteria are met, as specified in

Chapter 2.

7. Work incoming UIFSA requests for 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 *Child Support Enforcement Transmittal #3* request. A few Limited Services request require a *Child Support Enforcement Transmittal #1*. Virginia may also choose to ask another state IV-D agency for assistance with a case by sending a *Child Support Enforcement Transmittal #3* Request.

   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

      9) teleconferencing hearings

      10) administrative reviews

      11) attachment of unemployment compensation benefits

      12) high-volume automated administrative enforcement (interstate FIDM); and

      13) any other limited service that can appropriately be provided.

d. When a *Child Support Enforcement Transmittal #3* Request is received, it will be handled by the central registry as follows:

1) The following *Child Support Enforcement Transmittal #3* Requests will require that a case be set up on APECS. These cases will be closed as soon as the action is completed and the Initiating State notified:

a) genetic testing

b) lien filings

2) The following *Child Support Enforcement 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

e. The following *Transmittal # 1*Request will require that a case be set up on APECS:

1) attachment of unemployment compensation benefits. These requests will require a closure request from the initiating state in order to close the case.

2) seizure of assets. These cases will close as soon as the action is completed and the inititiating state is notified.

f. When we do build a Limited Services case on APECS, it will be identified by:

1) using case type non-IVD

2) using locality code 900 (Home Office/Central Registry)

3) 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.

g. Requirements for Accepting the Limited Services Request

1) Receipt of a *Child Support Enforcement Transmittal #3 or Transmittal # 1*.

2) If the request is for assistance with lien filing or seizure of assets, a certified arrears balance/payment history is necessary.

3) If the request is for attachment of unemployment compensation benefits, a certified arrears balance/pay history and certified court order are necessary. If the initiating state does not provide the certified pay history, continue with case processing and notify the initiating state to provide this information. This will avoid a delay in collecting benefits.

4) If the request is for the seizure of a bank account, the other state must provide the FIDM financial institution and account information. When filing an OWD, Central Registry staff will attach the *Order to Withhold Addendum Non-IV-D Case* (DCSEP 832) to the document. The purpose of the addendum is to provide the NCP with the appropriate contact information in the initating state in the event he or she wishes to file an appeal of the OWD. 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 5.D for the other criteria.

h. All actions resulting from receipt of a *Child Support Enforcement Transmittal #3* request will be taken according to existing procedures for working intrastate and intergovernmental full services cases. Refer to the appropriate section of the Program Manual for procedures on specific actions.

E. Paternity Establishment

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 IRG 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 NCP and CP maintained a matrimonial domicile within Virginia (lived together as husband and wife) 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 an NCP results in a one-state proceeding, notwithstanding 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. Refer a case to Legal Counsel if the PF denies paternity and presents a prior order of nonparentage. 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 3 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.

F. Support Establishment

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 NCP and CP 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 divorced 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) Do not send a *UIFSA* petition to establish child support while the parties have a divorce pending in Virginia. This could result in having two orders entered with different amounts. If the divorce action is not resolved within six months, refer the matter to legal counsel.

3) Refer to intergovernmental forms for instructions on how to request that 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. (Va. Code § 20-88.58)

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 CEJ.

d. If more than one state has issued a child support order and none of the states have 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 *ASO*.

h. If an intergovernmental referral is sent to Virginia and Virginia cannot acquire personal jurisdiction over the NCP, forward the intergovernmental 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 *Obligation Worksheet* to the child support order to show how the obligation amount was calculated, and

3) Mail copies of the child support order by first class mail to the initiating state and to the NCP.

G. Support Enforcement

1. There are four ways to enforce a child support order under UIFSA:

a. Direct Income Withholding,

b. Administrative Enforcement,

c. Intergovernmental 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 CEJ, enforce the order of the CEJ 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 intergovernmental 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 *Notice of 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 *Notice of 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 the 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) 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.

c) If an intergovernmental 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 intergovernmental case be closed.

d) Employers are required to honor income withholdings regardless of whether Virginia has jurisdiction over the employer.

e) 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.

f) If the NCP contests the income withholding, he/she notifies Virginia of the contest.

g) The district office staff responsible for the case tries to resolve the contest informally.

h) If the contest cannot be resolved with the NCP informally, release the *Income Withholding Order* and mail a IV-D intergovernmental petition to the Central Registry in the NCP's state.

i) 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 requests that Virginia conduct a hearing when it cannot resolve the contest informally, request that the other state send an intergovernmental 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, included with the *Child Support Enforcement Transmittal #1*, to request that another state enforce an order.

b) Send the intergovernmental forms package to the central registry in the other state.

c) Do not ask the responding state to enforce current support under its own order if another state has modified the order.

d) You may ask the other state to enforce current support under its order if the order has not been modified by another 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 (*e.g.*, *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 Home 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 sends

(1) the *Registration Statement*, 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 state's 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 (Va. Code § 20-88.67):

   a) The *Child Support Enforcement Transmittal* requesting registration;

   b) Two copies, including one certified copy, of all orders to be registered including any modification of an order;

   c) The petitioner's sworn statement or certified statement by staff showing the amount of any arrears;

   d) Name, social security number, and address of the NCP;

   e) Name and address of NCP's employer and any source of income;

   f) Description and location of property subject to seizure and sale; and

   g) Name and address of the CP and entity to which 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. The instructions are included with the forms; see above links.

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 *Registration Statement*.

b) Send two 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 9, Section B, Methods 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 (including 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.

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.

H. Jurisdiction Principles

1. Continuing, Exclusive Jurisdiction (CEJ)

a. CEJ exists in the state where there is a party (NCP, CP, or child) plus a child support order for those parties issued by that state (CEJ = Party + Order in issuing state).

b. Under UIFSA, if Virginia issued a support order first, Virginia retains CEJ 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 CEJ.

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 the 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 in APECS 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 CEJ 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 CEJ, a state continues to have authority to enforce arrearages 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 obtains CEJ over the support order. That state retains CEJ 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 CEJ.

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 CEJ for the life of the spousal support obligation and is the only state that can modify the order.

I. Registration for Modification

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 CEJ 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 two 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 intergovernmental forms accompanying the *Uniform Support Petition*.

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 nor the CP lives in the state which issued the order, and the 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 the *Child Support Enforcement Acknowledgment* form (on page 3 of the *Child Support Enforcement Transmittal*) 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) Two copies (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 state can modify the order only when it can meet requirements which are consistent with UIFSA principles.

9) When Virginia registers another state’s order for modification, Virginia can only modify the amount and not the duration (or ages of the children) for which the order is to be enforced.

10) The original issuing state is required to recognize the modification.

11) When another 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.

J. Simultaneous Multistate Jurisdiction

1. When asserting personal jurisdiction over a NCP, it is possible that one or more other states may also assert personal jurisdiction over the same NCP.

2. For example, suppose 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 months 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.

K. Tribunal Communication and Cooperation

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 *Child Support Enforcement Transmittal #2* 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.

L. Resolving Intergovernmental Case Communication Problems as an Initiating State

1. Always ensure that the proper FIPS code is entered in the appropriate fields so that any correspondence is directed to the proper locality. Refer to the Intergovernmental Referral Guide (IRG) for this information.

2. The *Child Support Enforcement Transmittal #2* should be sent once it has been determined a status is needed. The case worker should allow 30 days for a response from the responding state. Utilizing this document will automatically generate an electronic CSENet referral to the responding state and create a case event of this referral.

3. If no response has been received within 30 days of the *Child Support Enforcement Transmittal #2*, the case worker should attempt to call the responding state case worker and/or send an e-mail to the case worker, if that information is available. Allow 10 days for a response. All telephone calls, numbers, and the e-mail address should be documented in case events. Prior to contacting the responding state worker ensure that case events or incoming CSENet transactions are reviewed for an electronic status from the responding state.

4. If no response is received from the responding state, the case worker's supervisor should attempt to contact a supervisor or manager in the responding state by phone or e-mail. The attempts should be documented in case events.

5. If the district office has not received a response within 10 days, the matter should be referred to DCSE's Central Registry. An *Intergovernmetal Case Problem* form should be generated and sent to the Central Registry Supervisor with all appropriate documentation.

6. The Central Registry Supervisor will contact the responding state's Central Registry explaining what action or information is needed and will provide a brief description of the contacts already made.

7. If status information still has not been received, the Central Registry Supervisor will draft a letter from Virginia's DCSE Director to the Director of the responding state's agency asking for intervention and assistance.

M. Review and Adjustment under UIFSA

1. Under UIFSA, for purposes of review and adjustment, the 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 CEJ principles when looking at where you can request a review.

6. If a state requests a review in Virginia and Virginia does not have CEJ, do not conduct the review.

N. Reciprocal Enforcement

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 also has 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 PF 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. OCSE has also established federal level reciprocity agreements on child support with certain countries. For the latest list of "foreign reciprocating countries" for child support purposes pursuant to 42 U.S.C. § 659a, see the OCSE web site.

See the Resource Manual for a table showing Notice Requirements under UIFSA.

CHAPTER 7 - MEDICAL SUPPORT SERVICES

A. Description of Medical Support Services

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 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) 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 (Va. Code § 38.2-3407.2):

   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. Virginia Code § 38.2-3407.2

B. Time Requirements

1. Take action to establish a health care coverage order at the time the child support order is established or at any time 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* or adding a court order for health care coverage in 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 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.

C. Requirements for Non-TANF Cases

1. Non-TANF Cases

a. All non-TANF applicants must be provided with the full range of services, including medical support services.

1) All *ASOs* must include a provision for health care coverage.

2) The NCP, the CP, or both can be ordered to provide health care coverage.

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 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)

a. 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 7 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 the discussion of Enforcing Health Care Coverage Orders in Section G of this chapter**.**

d. If the child(ren) are enrolled in FAMIS coverage, DCSE will consider this as satisfactory health insurance.

D. Requirements for Public Assistance Cases

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 the section on Case Closure in Chapter 2 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 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 a reasonable cost.

2) In either case, it is necessary to allocate the unreimbursed medical expenses between the CP and the NCP 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 the discussion of Case Closure in Chapter 2.

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 or MAOP) fails to cooperate in the provision of child support or medical support services.

a. Refer to the Procedures Manual for a definition of noncooperation and the procedures to follow when a Medicaid recipient fails to cooperate with 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 MAOF to 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

3) 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 2, Case Opening, Closing, and Transfer, for Non-Cooperation and Loss of Contact closure procedures.

E. Establishing Health Care Coverage Orders

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 an *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 cases where the employer of the NCP or CP is known have the highest priority.

3. Establish paternity, if necessary. Refer to Chapter 3, Paternity, for procedures.

4. When establishing or reviewing a child support order, establish a health care coverage order at the same time. For details of the proper procedure for establishing the order, see the Procedures Manual.

F. Coverage By the Obligor's or Obligee's Spouse

1. The obligor or 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 or obligee's own employer.

2. If this option is requested by the obligor or obligee**,** obtain verification from the obligor or obligee that the dependent child(ren) is enrolled on the spouse's health care coverage policy. The information to be verified includes

   a. the name and address of obligor's or obligee's spouse's employer, 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 or obligee or his or her spouse. The premium amount is added to the basic obligation amount from the schedule prior to determining each parent's obligation, then subtracted from the obligor's or obligee's obligation. Refer to the Procedures Manual for an explanation of this calculation.

G. Enforcing Health Care Coverage Orders (04/2013)

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.

For the procedures to take to enforce health care coverage administratively, see the Procedures Manual.

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 8, 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 4, Establish, Review, and Adjust Orders, for instructions on reviewing and adjusting a child support obligation when the NCP requests a review.

6. ERISA was amended effective August 22, 1996. Per the amendment, an *ASO* has the same force and effect as a QMCSO.

7. When the CP is ordered to provide the health care coverage, send the *Custodial Parent – Health Care Information* form directly to the CP or 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 about 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.

8. Send the *Custodial Parent – Health Care Information* form (APECS – 422) to the CP when proof of health care coverage enrollment and policy information is needed or if you are unable to obtain the health care coverage information from the CP's employer. This form gives the CP 10 days to provide the necessary health/dental or other insurance information so that the Division's health records can be updated. **A worklist (HICP) will appear 10 days after generation of the docment. The worklist will prompt the case manager to verify that the completed form has been returned to the district office.**

   The *Custodial Parent – Health Care Information* form can be used

   a. when the employer has not responded to the EIR,

   b. concurrently with the EIR if the case manager determines this would be advantageous,

c. when initially requesting the health care coverage information from the CP.

H. Enforcing Health Care Coverage through the Military

For a discussion of issues concerning health care coverage involving military service members, see Chapter 11, Military Issues.

I. Enforcing Medical/Dental Payments

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 the Procedures Manual for Chapter 16, Financial Operations – Procedures, Section G – Adding Orders to APECS using the "ORDER MODULE" for instructions.

J. Consumer Credit Protection Act Requirements (CCPA)

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 NMSN.

2. If the amount of the child support plus the health insurance premium is less than the 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.

K. Monitor Provision of Medical Support Services

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 Information Request* to determine if health care is now available.

L. Review and Adjust Health Care Coverage Orders

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.

M. Terminating Medical Support (12/12)

1. Medical support on a case may not necessarily terminate at the same time as the monetary child support award. An order may terminate the monetary portion of an order at the age of 18/19 however; the medical support may be ordered for a child to the age of 21. In this situation, a case would remain open for medical support enforcement even though there is no longer a financial obligation.

2. If a case does meet the requirements to terminate the medical support based on the youngest child's emancipation or the language of the order,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 an 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 Chapter 5.

3. For all open cases, where the youngest active child emancipates, the latest Display Support Order screen will automatically be updated by APECS to :

   a. change the "Y" or "C" in the "HCC Ordered" field to "N" ,

   b. change the "Uninsured MEDL/DENTL EXP" field to 0%,

   c. and the "Reason for Mod" field will be changed to "MCOR" if the "MCOR" is not already present.

   Due to the automation of this process, it is imperative that staff ensure that the emancipation date for each child is accurate.

4. 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.

N. Department of Medical Assistance Services (DMAS)

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.

O. Interstate Cases

Take all appropriate actions you would take on an in-state case within the applicable mandated time frames. Refer to Chapter 6, Central Registry and Interstate Rules.

CHAPTER 8 – JUDICIAL SUPPORT ACTIONS

I. INTERACTION WITH THE JUDICIAL SYSTEM

A. Interaction with Courts

DCSE staff deal primarily with the following courts:

1. Juvenile and Domestic Relations District Courts (usually referred to here as juvenile courts) – With respect to child support, the juvenile court may

   a. establish paternity,

   b. establish, modify, and enforce child support obligations,

   c. establish, modify, and enforce medical support obligations,

   d. transfer jurisdiction to another juvenile 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 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.

B. Juvenile Courts

Proceedings held in juvenile courts adhere to specific court rules.

1. File requests for witness subpoenas at least ten days before the hearing. (Va. Sup. Ct Rule 8:13(a))

2. File requests for *subpoenas duces tecum* at least 15 days before the hearing. (Va. Sup. Ct Rule 8:13(b))

3. All parties in a civil support proceeding may be required to file a statement of gross income and provide documentation in support of the statement. (Va. Sup. Ct. Rule 8:15(d))

4. A copy, if any, of the most recent support court order is attached to petitions.

5. 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

C. Unauthorized Practice of Law

Designated non-attorney DCSE staff may complete, sign and file certain petitions and motions. (Va. Code § 63.2-1901; Va. Code § 16.1-260(A)) 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. (Va. Code § 54.1-3904)

1. Examination or Cross-examination of Witnesses

   Staff who are not an attorney may testify on behalf of DCSE but cannot direct questions to others who might appear as witnesses or other parties. (Va. Sup. Ct. Rule 6:1-1-2)

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 constitute the practice of law and can be performed only by DCSE's Legal Counsel.

3. Staff can perform the following activities:

   a. appear before a Clerk of Court or juvenile court 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. set a case for trial;

d. present statements of accounts; and

4. 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 must not include legal arguments or legal conclusions.

D. Court Decorum

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.

E. Legal Counsel

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, the NCP, or the children.

2. DCSE also contracts for appointments for special counsel with private attorneys.

F. Signatures on Court Documents

"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.

G. Legal Fees (04/2013)

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 represented by DCSE's Legal Counsel in court. The Attorney fee is charged one time per show cause filing. No additional fee is charged for continued hearings even if the cse is continued multiple times.

1. Generate a *Contact Letter to NCP* 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 APECS. Refer to the Procedures Manual for Chapter 16, Financial Operations – Procedures, Section G – Adding Orders to APECS Using the 'ORDER MODULE" for instructions.

H. Referring Cases to Legal Counsel

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 (*e.g.*, chain of custody, lack of identifying information);

   c. paternity cases in which there were 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, on the part of either 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 a 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 involving incarcerated NCPs;

s. when DCSE becomes aware of a situation in which an NCP has transferred income or property to avoid paying child support. Legal Counsel may seek to void such transfers.

2. To refer a case to Legal Counsel, generate a *Legal Services Case Referral* form

I. Bankruptcy Cases (04/2013)

1. The Bankruptcy Unit will monitor bankruptcy cases on behalf of the Division and will handle all matters pertaining to bankruptcy court. The Bankruptcy Unit will also:

a. Update APECS with bankruptcy case information on all bankruptcy cases in which the Division is listed as the creditor and where the NCP owes arrearages;

b. Maintain and monitor electronic files for all Chapter 13 bankruptcy cases

c. file all proofs of claim and other documents and pleadings with the appropriate Bankruptcy Courts;

d. Appear in Bankruptcy Court as needed;

e. Provide responses to documents which require a reply;

f. Provide assistance and additional information to caseworkers where appropriate;

g. Update APECS when a bankruptcy is dismissed or discharged

2. The e-mail address for the Bankruptcy Unit is bankruptcy@dss.virginia.gov. The mailing address is 2127 Lakeside Drive Lynchburg, Va 24501 and the fax number is (434) 385-0804. Urgent matters can be addressed by contacting:

a. Jack Maxwell at (434) 386-2044

b. Suzanne Wade at (804) 367-8270

c. Charlotte McAdams at (804) 367-8488 or by e-mail at charlotte.mcadams@dss.virginia.gov.

II. JUDICIAL ACTIONS

A. Definition of Judicial Action

Judicial action is the taking of court action in connection with a child support case. Judicial action is distinguished from administrative action, which is action that can be taken by DCSE without the involvement of a court.

B. Reasons for Judicial Action

Initiate judicial action when

1. administrative remedies have been unsuccessful in establishing paternity, a support obligation, a medical support order, or in enforcing an obligation, or

2. there is an existing court order that needs to be modified or enforced, or

3. court action is required because of a particular legal consideration, such as the fact that the PF is a minor or is incarcerated for a felony conviction.

C. General Rules for Taking Judicial Action (09/12)

1. To initiate judicial action on a case, designated non attorney 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. (Va. Code §§ 16.1-260 and 63.2-1901)

2. Juvenile and Domestic Relations District Courts (also referred to less formally as juvenile courts) have primary jurisdiction for support orders.

3. Designated non attorney DCSE staff or Legal Counsel may file initial support petitions in the locality where the CP, child, or NCP lives. (Va. Code § 16.1-243(2))

4. Circuit courts can retain jurisdiction of their divorce decrees that order child support, or they can transfer the support provisions to the appropriate juvenile court for further proceedings. (Va. Code § 20-79(c)). Circuit court orders have precedence over juvenile court orders. If a circuit court has not previously transferred a case to the juvenile court, it is necessary to refer the matter to Legal Counsel to have the transfer accomplished.

   a. Generate a *Legal Services Case Referral* to Legal Counsel.

   b. Produce appropriate case file documents for the attorney to review. These documents must

include all existing support orders for these parties.

5. Both Division workers and Legal Counsel file petitions or motions with the juvenile courts.

6. Only Legal Counsel may present petitions, motions, or pleadings in circuit courts.

7. Designated non attorney DCSE staff or Legal Counsel sign petitions or motions as representatives of DCSE in the juvenile courts unless the judge requests that the CP in Non-TANF cases sign the petition or motion.

8. 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. (Va. Code § 8.01-271.1) Include the position and title of staff signing the document on all petitions, motions, and pleadings.

9. Complete the *Case Referral Checklist for Court Pleadings* for every case referred to court. Every item on the checklist should be completed. If an item on the checklist does not apply to the case being referred to court, enter an N/A in the appropriate box. This form is to be retained on the left side of the case file.

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. (Va. Code § 16.1-244(A))

    a. If the circuit court does not have a hearing within the 21 calendar days and a petition has already been filed with the juvenile court, proceed with the hearing in that court.

    b. If no petition has been filed with the juvenile court, refer the case to Legal Counsel for filing in the appropriate court.

11. Refer all issues regarding minor PFs, (from ages 14 to 17), to a court. The court appoints a guardian *ad litem* to represent the interests of the minor PF during the paternity hearing. (Va. Code § 20-49.6)

12. The court may enter an order establishing paternity of the child based upon an admission of paternity by the PF made under 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. (Va. Code § 20-49.4)

13. 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.

14. An applicant may advise the Division that he or she has an active Protective Order in place against the other party on a case or the applicant may complete an *Affidavit/Certification of*

Nondisclosure. When this happens, the case is set up with an active FV (Family Violence) indicator and the at- risk party is identified by certain information pertaining to that party showing up in red on APECS. For information regarding the referral of a case to court with an active FV indicator, refer to Chapter 2, Case Opening, Transfer, and Closing, Section N,5.

D. Court Preparation Worksheet (Pink Sheet)

1. The *Court Preparation Worksheet* (Pink Sheet) is one document with practically all information that will be needed for a court hearing. The document should be copied on pink paper and it should be maintained on the left side of the case file.

2. The Summary Case Account Statement will print after the *Court Preparation Sheet* for each case. This statement will provide arrearage information and it can be removed from the packet and given to the court.

3. A PowerPoint presentation on Court Preparation Worksheet Training will provide step by step directions on how to complete and interpret the Pink Sheet.

For directions regarding How to Testify in Court to Arrears see Section V of this chapter.

E. Case Referral Checklist for Court Pleadings (04/2013)

1. The *Case Referral Checklist for Court Pleadings* has been developed for use in preparing pleadings in all DCSE offices throughout the state.

2. Case workers must complete the *Case Referral Checklist for Court Pleadings* for each pleading completed on a case for court referral. The checklist should be used to ensure that all necessary information has been researched and confirmed as accurate.

3. All areas of the checklist should be completed. Thorough completion of the form will indicate to the designated non-attorney Division workers (who may be reviewing the case prior to court referral) and Division attorneys (who will be reviewing the case prior to the hearing) that an item was not over-looked. If a case worker has additional information to provide to the Division attorney on a case that is being referred to court, the worker should attach a second sheet to the *Case Referral Checklist for Court Pleadings.* The checklist should remain in the case file so that the Division's attorney can review it. The checklist should be retained and placed on the left side of the file.

4. When it is determined that a case requires court action, the case manager should review APECS to ascertain whether or not the NCP has other cases.

    a. When an NCP has multiple cases in one district office, all cases in that office should be evaluated to determine which of the cases should go to court. It may not be appropriate for every case to be referred to court at that time; however a review should take place to make that determination. All cases that are considered appropriate for court referral should have the proper pleading prepared and the cases should be referred to the court unit at the same time.

b. When an NCP has multiple cases in more than one district office the case workers in the other offices should be notified to review their cases for court referral also. This will result in all suitable cases associated with an NCP being referred to court for appropriate legal action in the same time period.

F. Court Establishment of Paternity

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 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 PF'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 CP is a minor, one or both of her parents must also be served with notice of the hearing. (Va. Code § 16.1-263)

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 both a legal father and a PF. See the discussion of this issue in the chapter on paternity.

6. the PF is incarcerated on a misdemeanor charge 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 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 interests of the PF in court without the PF necessarily having to appear.

G. Paternity Establishment for Local Cases

Local cases are cases in which both the PF and CP or children reside in the Commonwealth of Virginia. For the steps to take in establishing paternity in court in local cases, see the Procedures Manual.

H. Establish Paternity -- Incarcerated Putative Father

When a PF, incarcerated for a misdemeanor, does not voluntarily acknowledge paternity or refuses to voluntarily consent to genetic testing, the case must be sent to court. The case also must go to court if the PF is incarcerated for a felony conviction, regardless of whether he is willing to acknowledge paternity. For the steps to be taken for either category of case, see the Procedures Manual.

I. Establish Paternity Judicially -- Long Arm

1. The courts of Virginia may exercise jurisdiction over a person who lives in another state, but who committed certain acts while in Virginia. This provision of the law is known as Long Arm jurisdiction. Use Long Arm to establish paternity when one or more of the following factors are present:

   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 but Long Arm is not used.

3. For the steps to use in establishing paternity judicially using Long Arm jurisdiction, see the Procedures Manual.

J. Paternity Establishment -- Incoming UIFSA Requests from Other States

UIFSA petitions requesting paternity establishment in Virginia are received by DCSE from other states when the PF lives in Virginia. Attempt first to establish paternity administratively. When this procedure is unsuccessful, petition the court to establish paternity. (Va. Code § 20-88.48)

1. Receive the *Child Support Enforcement Transmittal #1* and the UIFSA package from DCSE's Interstate Unit, Central Office. Attempt to establish paternity administratively.

2. File the UIFSA petition with the appropriate juvenile 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 *Child Support Enforcement Transmittal # 2*.

5. Notify the initiating state within 10 business days of receipt of any new information by generating a *Child Support Enforcement Transmittal #2*.

6. Notify the initiating state of the court date and time prior to the hearing.

7. Update the Case Event History on actions taken.

8. In a UIFSA case 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 it must permit a party or witness who lives in the other state to testify by deposition, telephone, videoconference, or other similar means from a tribunal in that state. (Va. Code § 20-88.59(F)) If this occurs, generate the *Child Support Enforcement Transmittal #2* to advise the initiating state.

K. Establishing Paternity -- *Consent Orders*

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 court.

1. *Consent Orders* are to be used only 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 court along with a Virginia civil *Petition for Support*.

3. Have the *Consent Order* signed by the PF and notarized.

4. Forward the petition, the *Case Referral Checklist for Court* Pleadings, the *Consent Order* and the *Acknowledgment of Paternity* to Legal Counsel for review prior to filing with the appropriate

juvenile 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 the Case Event History with an account of actions taken.

L. Court Establishment of an Obligation

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 both a legal father and a PF. See discussion of this issue in Chapter 3, Paternity.

3. the NCP shows signs of mental deficiencies that impair his or 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 CP is a minor, one or both of her parents must also be served with notice of the hearing. (Va. Code § 16.1-263)

5. a new obligation needs to be established for an additional child of the same parties listed on the original court order. Refer to the Procedures Manual for a discussion of the steps to be taken in such a situation.

6. the NCP is incarcerated for a felony conviction and has identifiable assets. Pursuing an obligation in this situation requires appointment of 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.

M. Change of Physical Custody of a Child When Support Is Ordered By A Virginia Court

See the Procedures Manual for a discussion of the steps to take in this situation.

N. Establishing Child Support Obligations -- Local Cases

Local cases are cases in which both the NCP and the CP or children reside in the Commonwealth of Virginia.

1. Complete the *Case Referral Checklist for Court Pleadings*.

2. 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

3. Generate a court *Summons* to the NCP and the CP if an agreement has been made with the local court to perform this function. The Summons can be generated through

4. Forward the petition and any pertinent attachments to the clerk of the juvenile court 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. Upon receipt of the court date and time information from the court, update APECS.

7. Generate and send a *Notification of Action Taken* to the CP giving court date and time of hearing.

8. Review the case before the court hearing

9. Verify that the NCP was served. Update APECS with the date of service of process and the method of service.

10. If the NCP fails to appear for the court hearing after being properly served, the court may

    a. continue the case to a later date and have the NCP summonsed, or

    b. issue a ruling for the NCP.

11. If the NCP does not appear for the court hearing after being served with the Notice to Appear, the court may issue a default support obligation.

12. If the NCP cannot be served, the court may dismiss the petition or continue the case until the NCP can be served.

13. If a 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 the Procedures Manual for details.

14. Attend the hearing and present the facts of the case as needed if the court proceeds with the hearing.

15. Document the court disposition on APECS and update the Event History File with the results of the court hearing. Refer to the Procedures Manual for Chapter 16- Financial Operations – Procedures, Section G – Adding Orders to APECS Using the 'ORDER MODULE' for instructions on entering obligation information into APECS.

16. Document in the Event History that medical support was addressed and ordered, or, if not, why it was not ordered.

17. Send a *Notification of Action Taken* by DCSE to the CP if the CP was not present at the hearing. Document APECS if the CP was present at the hearing.

O. Establishing a Child Support Obligation -- Long Arm

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. DCSE practice is to use Long Arm whenever possible to establish an obligation.

1. Complete the *Case Referral Checklist for Court Pleadings*

2. Generate a Virginia civil *Petition for Support* requesting the entry of a support order.

3. Obtain a photograph of the NCP from the CP or elsewhere if possible. This assists in serving the NCP with notice.

4. Send a Service of Process Cover Letter. The cover letter should be addressed to the Sheriff's office or a Private Process Service company that will be serving the documents on the NCP. The cover letter should include the names of any enclosed documents and what action is needed by the Division. Request personal service of the documents on the NCP. The cover letter should be on DCSE letterhead.

5. Request money from the district office's petty cash fund to pay for any fees required by the other state, Sheriff's office or Private Process company

6. File the petition with the clerk of the juvenile court in the Virginia city or county in which the CP or child lives.

7. 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 court clerk's office in Virginia.

8. Schedule the case in the local juvenile 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

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 court so that the copy noting proof of service can be mailed back to the court.

10. Advise the local Virginia juvenile 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 the court date and time of the hearing.

13. Generate and send a *Notification of Action Taken* to the CP giving the court date and time of the hearing.

14. Review the case before the court hearing.

15. Verify that the NCP was served with the notice to appear. Update APECS with the 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 summonsed, or

    c. dismiss the case with directions to file a petition under 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 a 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 the Procedures Manual for details.

19. Attend the hearing and present the facts of the case as needed if the court proceeds with the case.

20. Document the court disposition on APECS and update event history of the results of the court hearing. Refer to the Procedures Manual for Chapter 16 – Financial Operations - Procedures, Section G – Adding Orders to APECS Using the "ORDER MODULE" for instructions on updating APECS.

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21. Document whether medical support was addressed and ordered, or, if not, why it was not ordered.

22. 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.

P. Intergovernmental Establishment – Incoming UIFSA Petition from another State or Country

UIFSA petitions requesting the establishment of an obligation are received from other states or countries when the NCP lives in Virginia. Attempt first to establish an obligation administratively. If this attempt is unsuccessful, petition the court to establish an obligation.

1. Receive the *Child Support Enforcement Transmittal #1* and the *UIFSA* package from DCSE's Interstate Unit, Central Office.

2. Complete the *Case Referral Checklist for Court Pleadings.*

3. File the *UIFSA* petition with the appropriate juvenile court

4. The district's Legal Counsel will be advised of the court date prior to the hearing to allow for case review.

5. Generate the *Child Support Enforcement Transmittal #2* to provide status reports to the initiating state or as requested by the Interstate Unit, Central Office.

6. Notify the initiating state within 10 business days of receipt of any new information by generating an updated *Child Support Enforcement Transmittal #2*.

7. Notify the initiating state before the court date and time of hearing

8. Document the court disposition on APECS and update the Event History File with the results of the court hearing. Refer to the Chapter 16 – Financial Operations – Procedures, Section G – Adding Orders to APECS Using the "ORDER MODULE" for directions on how to update APECS.

9. Document whether medical support was addressed and ordered, or, if not, why it was not ordered.

Q. Court Enforcement (12/12**) (05/13)**

1. Take court enforcement action when

   a. the administrative process to enforce a support obligation has been unsuccessful.

   b. the administrative process to enforce a medical support order has been unsuccessful.

   c. the NCP fails to comply with an order to take a genetic test.

   d. a performance bond is being requested to enforce the collection of arrearage on a court order.

2. Do not take court enforcement action (file a show cause petition) when an NCP is successfully participating in and/or complying with the requirements of the Intensive Case Monitoring Program ICMP.

   ICMP is a collaborative program supported by the Juvenile and Domestic Relations Court Judges and staff, DCSE, the Office of the Attorney General, LDSS, Workforce Development and Employment Services agencies and other community service organizations. It is intended to enable NCPs who complete the program to better fulfill their responsibility to support their children and decrease the number of NCPs incarcerated for failure to pay child support (civil contempt).

   Parents facing incarceration for failure to pay are entered into ICMP by the court to be closely monitored by a DCSE case manager, who assists in securing employment, housing, education and other services as needed to overcome barriers preventing payment of the support order.

   ICMP cases are identified in APECS by a special project code. This code should be entered on all

of the NCP's open cases since court action is not to be filed against an NCP when he/she is successfully participating in and complying with the requirements of ICMP. Refer to the APECS Enhancement dated July 16, 2009 for instructions regarding how to update and remove cases from the special project codes.

If a show cause petition has already been filed with the court on an NCP who is in the ICMP program in another jurisdiction, the Division should request a continuance to review for compliance in 90 days. If the court determines that a finding of contempt will be entered, a delay in sentencing should be requested.

When an NCP graduates from or the court removes an NCP from the ICMP program, review a case as you normally would for court referral.

3. **Do not take support enforcement action (file a show cause) on a case when a review and modification is in process based on the approval or receipt of disability benefits by the NCP. (See Clearinghouse 13-DD-003).**

R. Enforcement of ASOs – Instate

Instate cases are cases in which both the NCP and the CP reside in Virginia.

1. Complete the *Case Referral Checklist for Court Pleadings.*

2. Generate a *Motion for Show Cause Summons* when administrative enforcement actions have been unsuccessful and

   a. current support is ordered, the arrears are past due in an amount at least equal to 90 days of 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 form DC-635, *Motion for Show Cause Summons*.

3. APECS generates a worklist item for court action follow-up.

4. Generate a court *Summons* to the NCP and the CP if the office has an agreement with the local court to perform this function.

5. Attach a copy of the ASO to the petition and forward the petition and attachments to the clerk of the juvenile court in the county or city where the CP or children live.

6. Generate and send the *Notification of Action Taken* to the CP.

7. Update APECS with the court date and the time of the hearing.

8. Review the case before the court hearing.

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 summons the NCP,

   b. issue a rule to show cause 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 a public assistance CP does not appear at the hearing and her cooperation is necessary, generate notice of her noncooperation to the LDSS. Refer to the Procedures Manual for details.

12. Attend the hearing and present the facts as needed if the court proceeds with the case.

13. Document the court disposition on APECS and update the Event History with the results of the court hearing. Refer to the Chapter 16 – Financial Operations – Procedures, Section G – Adding Orders to APECS Using the "ORDER MODULE" for instructions on entering obligation information into APECS.

14. Send a *Notification of Action Taken* to the CP if the CP was not present at the hearing. Document APECS when the CP is present at the hearing.

15. When an NCP is ordered to serve jail time, a DCSE attorney may, depending on the circumstances, suggest that the court consider committing the NCP to a work release program or to a public service work assignment. (Va. Code § 20-115)

S. Enforcing Virginia Court Orders - Instate Cases

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 over which 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 take action to request the circuit court to transfer the case to the juvenile court where the CP lives.

d. Court action to have the jurisdiction of the case changed is initiated by Legal Counsel.

2. Juvenile Court Orders

a. Generate a *Motion for Show Cause Summons* 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 for Show Cause Summons*.

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. Complete the *Case Referral Checklist for Court Pleadings.*

d. APECS generates a worklist item for court action follow-up.

e. Forward the petition and any pertinent attachments to the clerk of the juvenile court that has jurisdiction. If necessary, obtain approval from Legal Counsel prior to forwarding to court.

f. Upon receipt of the court date and time from the court, update APECS.

g. Generate and send the *Notification of Action Taken* to the CP giving court date and time of hearing.

h. Review case before court hearing.

i. Verify whether the NCP was served and the method of service of process. Update APECS with this information

j. If the NCP fails to appear for the court hearing after being properly served, the court may

1) continue the case to a later date and have the NCP summonsed,

2) issue a show cause for the NCP, or

3) issue a capias for the NCP.

k. If the NCP cannot be served, the court may dismiss the petition or continue the case until the

NCP can be served

l. 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 the Procedures Manual for details.

m. Attend the hearing and present the case facts as required if the court proceeds with the motion.

n. Document the court disposition on APECS and update the Event History File with the results of the court hearing. Refer to Chapter 16 – Financial Operations – Procedures, Section G – Adding Orders to APECS Using the "ORDER MODULE" for instructions on entering obligation information into APECS.

o. Document in the Event History that medical support was addressed and ordered, or, if not, why it was not ordered.

p. Send the *Notification of Action Taken* to the CP if the CP was not present at the hearing. Document APECS when the CP is present at the hearing.

q. When an NCP has been ordered to serve jail time, a DCSE attorney may, depending on the circumstances, suggest that the court consider public service works assignment.

T. Enforcement of Virginia Court Orders (Long Arm)

It may not be practical to use long-arm jurisdiction to file a show cause against an NCP who resides in another state. If, for some reason, it is not possible to seek enforcement by the other state through UIFSA, consult with legal counsel about the available courses of action, including extradition.

U. Intergovernmental Enforcement of Support Orders

UIFSA petitions requesting the enforcement of an obligation are received from other states and countries when the NCP lives in Virginia. Attempt to enforce an obligation administratively. If this procedure is unsuccessful, petition the court to enforce the obligation.

1. Receive the *Child Support Enforcement Transmittal #1* and the UIFSA package from DCSE's Interstate Unit, Home Office.

2. Complete the *Case Referral Checklist for Court Pleadings* and the *Request for Virginia Registration of Foreign Support Order*.

3. File the UIFSA petition with the appropriate juvenile court.

4. Generate the Child Support Enforcement Transmittal #2 to provide status reports to the initiating state or as requested by the Interstate Unit, Home Office.

5. Notify the initiating state within 10 business days of receipt of any new information by generating an updated *Child Support Enforcement Transmittal #2*.

6. Notify the initiating state before the court date and time of hearing.

7. Document the court disposition on APECS and update the Event History File with the results of the court hearing. Refer to Chapter 16 – Financial Operations – Procedures, Section G – Adding Orders to APECS Using the "ORDER MODULE" for instructions on how to update APECS.

8. Document whether medical support was addressed and ordered, or, if not, why it was not ordered.

V. Testifying in Court to Arrears

Maintaining consistency across the state in Division workers testifying to support arrears in court is extremely important. The current order information and accounting should be reviewed on a case prior to court referral to ensure the accuracy of the arrears.

1. The figure that should be given as an arrears balance when providing testimony in court should be:

   a. The total of the principal + interest = arrears balance. This information will be found on page 4, in the upper left had corner of the *Court Preparation (Pink) Sheet.*

   b. Do not add fees to the arrears balance for the purpose of testifying in court as the Division collects these separately. Fees appear under the Arrears Balance and are added to reflect a grand total.

2. The court should be informed of payments that have been received by the Division since the last charge date. The figure given should be the "as of" date which is the date before the most recent charge date.

   a. For cases that charge on the 1st of the month, the charge date will always be the last day of the previous month.

   b. For cases that do not charge on the 1st day of the month, the "as of" date is the day before the most recent charge date.

   c. If a charge date falls on a weekend or holiday, APECS will not charge for the new cycle until the next business day.

3. Suggested language to use in court when testifying to arrears:

   "The principal is $_____, interest is $_____, the total is $_____ as of _____. The non custodial parent has paid $_____ since that date" This format emulates the

language used on the Supreme Court form.

W. Modification of Court Orders (12/12) **(05/13)**

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 4, Establish, Review and Adjust Orders.

   b. An order for medical support needs to be entered and it cannot be handled administratively. Refer to Chapter 7, Medical Support.

   c. The court order has not been reviewed within the last three years. Refer to Chapter 4, 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 4, 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.

   h. A child is expected to be disabled past the age of 18 and the CP requests that support continue due to those circumstances. The filing should be initiated at least 6 months before the child turns 18, and the resulting order should be entered before the child turns 18. See Section BB of this Chapter for additional information and language to use when filing the petition.

   i. It has been determined that an NCP is receiving or has been approved for Social Security benefits. This includes SSI, SSDI or a combination of the two (See Clearinghouse 13-DD-003).

X. Modification Virginia Court Orders - Local Cases

1. Generate a *Motion to Amend*. Before filing a motion to amend, please refer to Chapter 4, Section J, Shared Custody and Section U, Modifying Court Support Orders, for required policy and

procedures.

2. Complete the *Case Referral Checklist for Court Pleadings.*

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. a child support obligation calculation worksheet.

   c. copies of court orders or modifications.

4. Generate the court *Summons* to the NCP and the CP if an agreement has been made with the local court for DCSE to perform this function.

5. Forward the petition and attachments to the clerk of the juvenile court where the order resides.

6. APECS generates a worklist item for court action follow-up.

7. Follow steps #6 - #12 and #14 - #19 under Steps to Take When Establishing an Obligation Judicially - Local Cases

Y. Modifying a Virginia Court Order -- Long Arm

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 to Amend*.

   a. Complete the *Case Referral Checklist for Court Pleadings*

   b. Prepare a *Service of Process Cover Letter*.

2. Follow steps #4 - #22 under Steps to Take When Establishing an Obligation Judicially - Long Arm.

Z. Modification of Court Orders - UIFSA

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 *UIFSA petition*.

1. Generate the federal *Uniform Support Petition* and *Child Support Enforcement Transmittal # l*.

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 and NCP.

   b. sworn *Acknowledgments of Paternity*.

   c. *Notice and Findings of Responsibility*/*ASO*s.

4. Follow the instructions that accompany the *Uniform Support Petition* and the *Child Support Enforcement Transmittal #1*.

AA. 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 if the existing obligation is an ASO. If the existing obligation is a court order, petition the court to modify the obligation.

1. Receive the *Child Support Enforcement Transmittal # 1* and the accompanying UIFSA package from DCSE's Interstate Unit, Central Office.

2. Follow steps #2 - #9 under Steps to Take When Establishing an Obligation Judicially UIFSA Petitions - Incoming.

BB. Modification of Orders Due to Child's Disability (12/12)

When a CP requests a continuation of support for a child due to the child's disability, the case manager should:

1. advise the CP to present the Division with evidence that the child is severely and permanently mentally or physically disabled, unable to live independently and support himself or herself, and resides in the home of the CP. This evidence may consist of an IEP (Individualized Education Program) form the child's school; a finding of disability by the Social Security Administration or another agency; medical records; testimony from the mother that establishes the fact of the severe and permanent disability; or other credible evidence.

2. If the CP cannot produce evidence that meets the standard stated above, advise the CP that the Division will not be able to submit the petition or motion for extended support, but that the CP may wish to consult with private counsel to determine whether to file the appropriate pleading with the court.

3. If the Division has questions regarding the sufficiency of the evidence submitted, consult with legal counsel.

4. If the evidence of the child's disability is determined to be sufficient, either by the Division or legal counsel, file the appropriate documents with the court, as stated below.

   a. If there is currently an ASO in place or no support order in place, file an Initial Petition for Support, checking the box that requests continuing support for a child who is severely and permanently disabled.

   b. If there is currently a court order in place, file a Motion to Amend, using the following language:

      "The undersigned moves that the above order be changed, amended, and/or modified as follows:

      THAT THE COURT ORDER SUPPORT TO CONTINUE PAST THE AGE OF 18 FOR A CHILD WHO IS DISABLED,

      For the following reason(s):

      THE CUSTODIAL PARENT HAS ALLEGED THAT THE CHILD IS SEVERELY AND PERMANENTLY MENTALLY OR PHYSICALLY DISABLED; UNABLE TO LIVE INDEPENDENTLY AND SUPPORT HIMSELF [OR HERSELF]; AND RESIDES IN THE HOME OF THE CUSTODIAL PARENT."

CC. Other Court Enforcement Actions

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 juvenile court can enter a judgment for arrears pursuant to Va. Code § 16.1-278.18.

2. Bond: A method of insuring that the NCP makes support payments by having the NCP 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. (Va. Code § 20-114)

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 5, Enforcement by Other Methods, for procedures on foreclosure.

DD. Appeals De Novo

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. If contacted by the court to provide a copy of the *Administrative Hearing Decision*, provide the court with a copy and any other relevant documents requested.

2. Upon notification of the hearing date, review the case file and ensure the following is in the file:

    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 and send a *Notification of Action Taken* form to the CP advising him/her of the court date and time.

4. update APECS and Event History File on actions taken.

5. attend hearing with Legal Counsel.

6. document the court disposition on APECS and update the Event History File with the results of the court hearing. Refer to the Procedures Manual for Chapter 16, Financial Operations for direction on how to enter the order information into APECS.

7. generate and send a *Notification of Action Taken* form to the CP if the CP was not present at the hearing. Document APECS appropriately if the CP was present at the hearing.

CHAPTER 9 – SERVICE OF PROCESS AND NOTARIZATION

A. When Service of Process is Needed

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. (22 VAC 40-880-110)

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 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 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 requires certified only 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.

   d. 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, except in some unusual circumstances. (Va. Code § 8.01-289)

B. Methods of Service for Administrative Support Orders and other DCSE Documents

NOTE: Service of process for court actions is similar to service for administrative matters, but also differs in important respects. (For example, service for juvenile court must be made through a sheriff or other process server for in-state residents, but can be accomplished by certified mail for out-of-state subjects.) It is important to realize that the following discussion pertains only to service of ASOs and other administrative papers.

Successful service of process can be accomplished in several ways. None of these methods is 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 of Virginia

   a. Hand delivery to the subject in person constitutes one method of service, usually known as "personal 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 (Va. Code § 8.01-296(2)(a)); 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. (Va. Code § 8.01-296(2)(b)). The date of mailing must be added to APECS.

      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. (Va. Code § 8.01-293) 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 DCSE 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 in some circumstances, but not for service of documents for court proceedings to residents of Virginia.

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 the following sections.

2. Nonresident of Virginia

a. For a subject who is not residing in Virginia, 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 the Virginia court or DCSE has jurisdiction over them because of their contacts with Virginia. Refer to the discussion of Long Arm Jurisdiction in Chapter 8.

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 affect service, service by a sheriff or process server directly on the incarcerated subject is also valid. If the subject is incarcerated for a felony conviction, a GAL must be appointed, and the service is governed by Va. Code § 8.01-297.

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 or certified 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. (Va. Code §§ 63.2-1923, 63.2-1924, 20-79.1)

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.

C. How to Accomplish Service

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 it manually, if necessary. When the required method of service is not successful, utilize the next appropriate method, and document APECS, including new information that may be noted on the document or on the return receipt by the sheriff, process server or U.S. Postal 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 APECS 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. For non-APECS documents, refer to the "Instructions for Use" section of each document to be served. For documents generated from APECS, consult a supervisor if in doubt about service requirements.

2. Service by Waiver

   a. The subject has the right to waive the formal service of any document to be served on him or 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 *Waiver of Formal Service of Process* document 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 a 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 true copy of the child support document must be mailed using either 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 subject and no signature is required.

2) Certified mail, returned receipt requested is delivered to the subject 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 Proposed Review;*

- *Notice of Intent to Petition Court to Suspend Professional or Occupational License*.

b. Registered mail is sent to the post office branch serving the subject's residence address with a notice sent to the subject to pick up mail at the post office.

c. If the law requires actual receipt of a certified mailing and the returned receipt is signed by a person other than the subject, or the letter 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 or her employer's name and address with DCSE or courts upon entry of an order establishing paternity or a child support obligation. Va. Code §§ 63.2-1916; 20-60.3. 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. Va. Code § 63.2-1917.

c. This method of service may be used only as a last 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 ground that he or she did not receive the notice and enforcement of the order would constitute manifest injustice. Va. Code § 63.2-1917.

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 #3* 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.

D. Notarization

1. Certain documents used by DCSE require that a notary public witness the signature and verify the identity of the NCP or CP.

2. In performing notary duties, a notary must not be a party or have a direct beneficial interest in the matter.

3. Notary 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.

5. 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 notary act they are performing. If it is determined that a notary has an interest in a case or has been actively involved in working on 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 for Genetic Testing*

   d. *Acknowledgment of Paternity and Paternity Rights and Responsibilities Statement*

   e. *Waiver of Formal Service of Process*

7. Virginia's Notary Public law requires that a registration number be used as part of all notary 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 notary 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 required for applying to become a notary, and for renewing a notary commission.

CHAPTER 10 – LOCATION

A. Definition of Locate Activity

Locate activity means obtaining information about a party's whereabouts and related 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 NCP;
2. the name and address of the employer; and
3. other sources of income or assets of the NCP.

B. Reasons for Initiating Locate Activity

Initiate locate activity for the following purposes:

1. To 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. To locate the PF
   a. to establish paternity.
   b. for voluntary acknowledgment or genetic testing.
   c. to complete service of process to establish paternity.
3. To locate the CP
   a. when the Postal Service returns support payments as undeliverable, or
   b. when the CP owes monies to the Commonwealth of Virginia.
4. To locate a parent for child custody determinations and parental kidnapping situations. The SPLS provides locate activity for these situations.

C. Restrictions on the Use of Locate Sources

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 IRS to locate CPs.

3. Do not use the FPLS for interstate cases when Virginia is the responding state. The initiating state is responsible for referring these cases to the FPLS.

D. General Rules for Locate Activity

1. 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

   i. 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 date of receipt of the application for services or the date of the receipt of the case through 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 FPLS

      1) to obtain additional information that is available only through the FPLS, 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.

   If a match is found, APECS generates

   a. a worklist to staff stating there was a match, and

   b. a report listing all matches and the source of the match.

   In addition, the match records are available on APECS for online inquiry.

E. Locate Resources

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. VEC

      1) wage and employer file

      2) unemployment compensation benefits file

3) new hire file

b. DHP, licensed health care professionals' file;

c. DHRM, state employee file;

d. DMV,

1) driver's license files

2) vehicle registration files

e. DGIF, boat registration and ownership file and hunting and fishing license information;

f. Dominion Power Company, active customer utility accounts;

g. Virginia State Police,

1) protective order file

2) concealed weapons permit file

3) computerized criminal history file

h. 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. CSLN

l. Cellular Telephone Companies

m. DOC, 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. DMV

1) driver's license file

2) vehicle registration file

3) lien holder information file

b. VEC

1) wage and employer file

2) unemployment compensation file

c. Department of Taxation, Integrated Revenue Management System (IRMS), tax rolls

d. Accurint (authorized staff)

e. ADAPT

Information on applicants and recipients of TANF and Food Stamps benefits

f. VACIS

Information on applicants and recipients of Foster Care services

g. SPIDeR Do not use SPIDeR to access SSA data.

h. DMAS

1) Information on applicants and recipients of Medicaid

2) Third party liability insurance information

i. IDEC

IDEC provides information from department of motor vehicles files, employment commission files, and 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), in-state FIDM components, or both. APECS staff distributes a monthly IDEC spreadsheet that includes updated information regarding all participating states.

j. LIDS

k. CSLN

l. QUICK

3. SPLS Resources

The following locate resources are available:

a. IDEC

b. Out-of-State IV-D Agencies

c. DMV

d. VEC

4. Federal Parent Locator Service

APECS annually submits NCPs assigned to the locate unit or locate processing status to the 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. SSA

1) SSN

2) employee's SSA Corporation Division

3) home address and benefit amount if receiving retirement or disability benefits from the SSA

c. DOD/OPM

1) NCP's address

2) NCP's pay grade or rank

3) NCP's branch or agency

4) NCP's salary

d. DVA

1) NCP's address

2) NCP's benefit type and amount

3) NCP's date of death

e. 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. NDNH

1) Employment information

a) Employer name and address

b) NCP's 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. SSA, SVES

1) Prisoner information

2) Title II information

3) Title XVI information

h. NSA

1) NCP's annual salary

2) NCP's employment status

3) NCP's employment type

4) NCP's health insurance type

5) NCP's date of hire

6) NCP's employment termination date

7) 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

F. Functions of the District Office

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. Online Inquiries

a. Access and review files available on the following online sources:

1) DMV;

2) VEC;

3) Department of Taxation**,** Integrated Revenue Management System (IRMS);

4) ADAPT;

5) DMAS files; and

6) The Work Number, an automated service of the TALX corporation.

7) Accurint

b. Access the Customer Information screen of the DMV database to obtain an SSN when a CP or NCP provides a control number rather than an SSN. Enter the control number at the customer number field.

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 Information Request*.

4. Locate information is considered accurate until it is shown to be inaccurate. Verification of locate information is done when

a. service of process is necessary to file a petition in court,

b. service of process has been unsuccessful, or

c. the Postal Service returns mail as undeliverable.

5. Generate a worklist to the appropriate Home Office unit when locate information may be available through OVR&HS, or access the paternity database. See also Chapter 3.J.

6. Information needed to refer a case to the FPLS

a. Refer cases to the FPLS when

1) state locate efforts are not successful;

2) information is required from

a) IRS

b) SSA, SVES

c) DOD/OPM

d) NDNH

e) FBI

f) DVA

g) NSA

3) FPLS has not been used within the last 12 months and all other locate efforts have been unsuccessful.

b. To refer a case to the FPLS 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 SSA 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.

G. Home Office SPLS

1. SPLS 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 2.I, 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 SPLS provides service not related to the Child Support Enforcement programs by receiving and processing applications for parental kidnapping 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.

H. Address/Telephone Number/Name Changes

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 Home 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.

I. Documentation

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.

CHAPTER 11 – MILITARY ISSUES

A. Introduction

When the NCP is a member of one of the military services, he or she is subject to the same requirements to have paternity established and to pay child support as any other parent. However, because of the nature of military service, several special considerations may apply to cases involving service members. For example, the NCP may be stationed on a ship or at an overseas military base, and therefore may be difficult to locate or to contact. In addition, he or she is likely to receive forms of pay and benefits that go beyond what most civilians receive, including housing allowances, overseas pay, combat pay, flight pay, and others. Also, all members of the military services are afforded certain legal protections by a federal law called the Servicemembers Civil Relief Act, which enables them to obtain postponements of legal proceedings under certain circumstances and offers some protections against default judgments.

This chapter of the Program Manual will address those considerations in general terms. However, there is a great deal of detailed information available from other sources about how to deal with child support cases involving military service members. For general resource material, see the latest version of Working with the Military as an Employer: A Quick Guide, a publication of OCSE.

B. Locating Military Members

1. To the extent that normal locate activities apply, such as when the NCP resides on or near a military base in the United States, carry out those locate activities to the extent possible. (For example, many active duty military members maintain both a civilian address and a military address. Normal locate resources can be used to determine the civilian address.) Refer to Chapter 10, Location, for a discussion of those procedures.

2. Determine the NCP's military affiliation, as follows:

   a. Active Duty Military (including Reservist on Active Duty)

   b. Reserve Status (National Guard or Reserves, not on Active Duty)

   c. Civilian Employee of DOD

   d. Retired Military

   e. Discharged Service member receiving VA benefits

3. In order to determine the NCP's military affiliation, take the following steps:

   a. Ask the CP for any information she or he may have.

   b. Check the NCP's active duty status through the following link maintained by the DOD: https://www.dmdc.osd.mil/appj/scra/scraHome.do.

c. Check the FEIN that is listed on the APECS report of the NCP's quarterly financial information. That FEIN will show which service the NCP is affiliated with. To determine which service is represented by a given FEIN, see the Key to Military FEINs in the Resource Manual.

d. Search for information using the following official military websites:

(1) Military Installations Worldwide:
http://benefits.military.com/misc/installations/Landing_Page.jsp

(2) U.S. Navy Website Links (for ships and submarines):
http://www.navy.mil/links/cat.asp

4. If the NCP is determined to be on active duty in the military, use the worldwide locator services to obtain the military address of the NCP.

5. Only after exhausting all of the above resources and not finding the NCP, update the case appropriately so that automated locate inquiries will make a request through the FPLS. This in turn will enable contact to the DOD or the VA as appropriate.

C. Service of Process

a. The more information that is available regarding the service member's identity, location, and exact address, the more likely it is that he or she can be served successfully. Therefore, it is advisable to discuss the situation with the CP and to use the above-described locate resources before attempting service. Examples of the information that should be obtained, if possible, are set forth below:

a. For military members assigned to a ship or submarine which is stationed at a naval base, provide the NCP's name, full social security number, rank, and the name of the ship. If the ship is on deployment, service of process can be obtained by certified mail.

b. For all others assigned to a military installation, provide name, full social security number, and unit address.

c. If you are able to obtain only the NCP's name, social security number and military installation, you will need to contact the military police at the military installation to determine if service of process can be obtained without further information. See Military Installations Worldwide to obtain the military installation's telephone number.

2. Once you have obtained as much information as possible about the NCP, service can be accomplished by the following methods, depending on where the NCP is located.

a. If the NCP is located at a military installation in Virginia, service can be accomplished through the local Sheriff whose office covers that jurisdiction. For a table showing which Sheriff's Office covers which in-state military bases, see the Resource Manual.

b. If the NCP is stationed on a ship or submarine at sea or at a military installation outside the United States, service can be accomplished by Certified Mail. You need to include the Fleet Post Office (FPO) or Army/Air Force Post Office (APO) address, including the nine-digit ZIP code. Examples of how this address should appear are as follows:

Structure of the address	**Address at Military Installation outside U.S.**	**Address at Military Installation inside U.S.**	**Address on board ship**
Name and Rank Unit Address FPO/APO ZIP code	SSGT Kevin Taylor Unit 2050 Box 4190 APO AP 96278-2050	LCDR Jane Galloway Naval Legal Service Office, Mid-Atlantic 9620 Maryland Ave, Suite 100 Norfolk, VA 23511	Seaman Joseph Doe USCGC Hamilton FPO AP 96667-3931

D. Pay Issues

1. General Treatment of Military Pay

a. The basic rule for the treatment of military pay in child support cases is the same as for civilian pay: all benefits received are income, with the exception of certain items that are specifically excluded from income by law. (The exceptions include TANF and other welfare payments, SSI benefits, and child support received, among others. See discussion of these exceptions in Chapter 4.)

b. Military pay is reported in detail on the Leave and Earnings Statement (LES) provided to every service member. For guidance in dealing with issues concerning military pay, see the discussion in the OCSE publication, Working with the Military as an Employer: A Quick Guide. For a general guide to dealing with income withholding from military pay, see the Department of Defense web site on military garnishment.

c. Be sure to include all payments in income, including payments for military housing, combat pay, and other benefits. Unless a category of pay is specifically excluded from income by law, it is to be included as part of the recipient's gross income for the purpose of determining a child support obligation.

2. Mandatory Military Allotment – 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 CCPA apply to military allotments.

3. Implementing the Military Allotment

   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.

4. Transferring the Military Allotment

   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.

5. 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.

6. Releasing

a. Generate the Release of Income Withholding Order document.

b. Document the Case Event history to show that the withholding was released.

7. 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 CCPA, 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.

E. Enforcing Health Care Coverage Through the Military

1. It is not appropriate to send the NMSN to the DOD 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 DOD 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/FCR match.

   c. The DOD 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.

   a. DOD has verified that all branches of the military must comply with allowing the CP to initiate this process if the NCP refuses to cooperate. The service regulation citations are:

      Air Force: Instruction 36 - 3026(IP)

      Army: Regulation 600-8-14

      Marine Corps: Order P5512.11D
      Commandant Instruction M5512.1A
      NOAA CORPS Directives, CHAPTER 1, PART 5
      Commissioned Corps Personnel Manual 29.2,
      Instructions 1 and 2

      Navy: BUPERS Instructions 1750.10C

   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/. If internet access is not available the CP may contact the DMDC Support Office telephone center help line Monday through Friday between 9:00 and 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) in DEERS. In order to enroll a child in DEERS, the military requires that the CP present one or more documents establishing that the NCP is the father (or mother) of the child. Acceptable documents can include any of the following items, depending on the circumstances of the case:

   a. Birth Certificate with the NCP's name as the father (or mother)
   c. Adoption Decree
   c. Court order establishing paternity to the military member
   d. Voluntary Acknowledgement of Paternity recognizing the child's parents
   e. A child support order, but only when it includes an adjudication of paternity

   Child support orders for the receipt of financial assistance are not recognized for authorizing medical care benefits; they are acceptable only for authorizing the garnishment of a service member's pay for child support payments.

6. For civilian employees of DOD, 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 Human Resources offices are included as part of the information provided to states with the FPLS match.

F. Servicemembers Civil Relief Act (12/12)

1. Court Proceedings

The Servicemembers Civil Relief Act, or SCRA, is a federal law that provides military service members with certain procedural protections while they are on active duty. For example, it provides certain protections involving residential leases, automobile leases, and interest rates. Of more concern to the Division, the law provides protections in connection with civil court proceedings **as well as in administrative proceedings**. Specifically, it requires **both tribunals** to grant a 90-day stay of proceedings on request by the service member in certain circumstances, and it provides protections against the entry of default judgments. Any correspondence from or on behalf of a military service member that seeks to invoke rights under the SCRA with respect to a court proceeding should be immediately referred to the Division's Legal Counsel.

a. Initial Petitions for Support and Motions to Amend Support

When the Division (or the CP) has filed an initial petition seeking paternity and child support, or an initial petition or motion to amend involving child support, it is critically important to determine as definitely as possible whether the PF or NCP is a member of the military on active duty. Under the SCRA, if the court enters a default judgment against a party, the party may have a right to have the judgment vacated or set aside if it was entered while the defendant was on active duty, unless the court appointed an attorney to represent the Service member's interests. (50 U.S.C. App. § 521)

Therefore, in any case in which it appears that the court is likely to enter a paternity order, initial support order, or amended support order against a party without that party's appearance, the Division must determine whether the party is on active duty with the military. In order to do so, as discussed in Section B, earlier in this chapter, use all available resources, including talking to the CP, and also check the NCP's military status using the DOD's internet link at: https://www.dmdc.osd.mil/appj/scra/scraHome.do

If it is determined that the NCP is on active duty, the Division's Legal Counsel will take appropriate steps, including, if appropriate, asking the court to appoint an attorney to represent the NCP's interests. If it is determined that the NCP is not on active duty with the military, the case can proceed according to normal procedures for default judgments.

b. Registration of Foreign Support Orders

When the Division files a request to register a foreign support order in a Virginia court, and it appears that either party is on active duty with the military, the Division should also file Form DC-418, the *Affidavit – Default Judgment Service members Civil Relief Act*. This affidavit is required under the SCRA before a default judgment can be entered against a party. In many cases, Virginia courts confirm the registration of foreign support orders without appearances by the parties. This procedure could be considered to be a default judgment against the party who did not request the registration. Therefore, it is important for the Division to file the affidavit in such cases.

c. Review and Modification Procedure

When the Division uses the review and modification procedure set out in Virginia Code § 63.2-1921(A), by which a proposed modified order is submitted to the court and entered as proposed without a hearing unless one of the parties requests a hearing, it is important that the Division file Form DC-418, the *Affidavit – Default Judgment Service members Civil Relief Act* with respect to either party, if that party is a member of the military on active duty. As discussed above in connection with requests for registration of foreign orders, this procedure must be followed because of the possibility that the court will enter a default order – that is, an order entered without an appearance by the party.

2. Administrative Proceedings

Although, in the context of child support matters, the SCRA is perhaps most often thought of as a law that applies to court proceedings, it also is applicable to administrative proceedings, such as the establishment of paternity and child support without going to court. Therefore, Division workers need to be aware of the law's existence and to be prepared to take the appropriate steps when working on a case involving a PF or NCP who may be on active duty in one of the military services. In such situations, take the following steps:

a. Determine whether the NCP is on active duty with the military by accessing the DOD Employment Verification Website. Document the NCP's active duty military status on APECS.

b. If the NCP is on active duty, **attempt to** obtain from the NCP a completed *Waiver of Service members Civil Relief Act* form or a *Participation in Administrative Proceeding Acknowledgment* form.

c. When the completed form is returned, it should be placed in the parties' permanent file and maintained in the same manner as a return of service for an administrative order.

d. It is not necessary to obtain either of these completed forms for administrative enforcement actions.

e. If an active duty service member completes one of the above forms and then requests a continuance of the proceeding due to military duties, first make an effort to resolve the matter with the service member. If that effort does not succeed, refer the matter to court.

f. Either the service member or his military command will provide a time period when he is available for court action. When referring the matter to court, request that the court set the matter on the docket for a date within the service member's requested time frame. Once the court date has been docketed, communicate the court date and time to the NCP and document the communication on APECS. If the NCP's command has forwarded a letter to DCSE, the command will provide contact information. Use that contact information to advise the NCP of the court date.

g. If the NCP does not return the waiver form or the participation form within 14 days from the date the form was mailed, determine whether the NCP has participated in the administrative proceeding. For this purpose, participation means that the NCP has taken at least one of the following actions:

1) submitted to DNA testing in connection with the proceeding;

2) submitted a financial statement in connection with the proceeding;

3) submitted a written response to the Division regarding the proceeding;

4) appeared in person at the district office in connection with the proceeding; or

5) submitted a written request to reschedule an appointment in connection with the proceeding and then failed to appear.

h. If there is doubt as to whether the NCP has participated in the proceeding, consult with legal counsel.

i. If the NCP has submitted either the completed waiver form or the completed participation form, or has participated in the proceeding, continue the proceeding to its completion.

j. If the NCP has not submitted either the completed waiver form or the complete participation form, and has not participated in the proceeding, do not continue with the administrative proceeding; the matter must be referred to court.

CHAPTER 12 – APPEALS, HEARINGS, AND REVIEWS

A. Reviews, Appeals, and Hearings

State and federal law require that the NCP be given the right to contest and appeal certain administrative actions taken by DCSE to establish and enforce a support obligation. CPs have the right to appeal any action to establish or adjust a child support obligation. Either party can request that his or her case be reviewed at any time. He or she also may be entitled to an informal administrative review, the right to appeal, and a formal hearing with a hearing officer.

B. Case Reviews

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. The purpose of the review is to ensure that the information provided or action taken on the case was correct. (45 C.F.R. § 303.35)

1. Either party may request a review of his or her case at any time.

2. The request may be made orally 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 the Case Event History and update APECS with any new information.

C. Administrative Reviews

An administrative review is an informal conference held when the NCP contests any Federal Offset Program notice, a report made because of a consumer reporting agency referral, passport denial, or Comptroller Vendor Debt Setoff. 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 the interception of federal tax refunds,

b. the amount of arrearage reported on the advance notice of the proposed release to a 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 Setoff, and

d. whether the arrears met the threshold for passport denial when DCSE certified those arrears to OCSE for that office to certify them to the State Department,

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 OCSE .

2. The district office should attempt to resolve the complaint before scheduling an administrative review conference if possible.

3. The NCP and/or his or 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.

D. Federal Tax Intercept (04/2013)

1. Intrastate Case Requests

   Intrastate cases are those cases in which the order was established in-state 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, the 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 of 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 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 **the *Administrative Review Decision* form (APECS 702)** to the NCP and his or 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 16, Allocation and Distribution and Disbursements.

2. Intergovernmental Cases

Intergovernmental cases are those cases in which the order was established out-of-state and Virginia is the certifying state, or the order was established in-state 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 #1* 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 dates of issuance 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 the discussion of Case Initiation in Chapter 2.

   2) Notify OCSE when the *Child Support Enforcement Transmittal #1* is sent to the other state's IV-D agency requesting that that agency 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 OCSE 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. OCSE 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 16, Allocation and Distribution, and Disbursements.

h. If the order is in Virginia, and another state certifies the NCP, advise the NCP to mail his or her request for an administrative review to the certifying state.

D.1. Passport Denial (04/2013)

1. The NCP has 30 days from the date of the *Pre-Offset Notice* to request an administrative review. If the NCP contests the amount of debt certified by DCSE to OCSE 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 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.

5. Issue **the *Administrative Review Decision* form (APECS 702)** 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.

E. Reporting NCP to Consumer Reporting Agencies (04/2013)

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 **the *Administrative Review Decision* form (APECS 702)** 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.

F. Comptroller Vendor Debt Setoff (04/2013)

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 **the *Administrative Review Decision* form (APECS 702)** to the NCP and his or 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 or she has 10 work days after the decision of the administrative review conference to request, in writing, an administrative appeal hearing.

G. Administrative Appeals

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 *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 agency referral, or the Comptroller Vendor Debt Setoff, 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 Order*

      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 E. Main Street, Richmond, VA 23219.

6. Requests for administrative appeals are not to be denied just 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 rescission 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 or 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 16, 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 16, Recovery and Recoupment, for steps to take to recoup from the CP, if necessary.

H. Administrative Hearings

Administrative hearings are conducted by hearing officers from the Department of Social Services, Appeals and Fair Hearings Unit.

1. Administrative hearings are conducted either by telephone or face-to-face. 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 member or the staff member's supervisor attends 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, returned receipt requested, 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 intergovernmental 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 the Appeals and Fair Hearings Unit at headquarters.

   c. The manager of the Appeals and Fair Hearings Unit 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*

      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.

I. Administrative Support Order (ASO)

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 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 appropriate choice under the above criteria, the NCP elects the location of the appeal from those choices.

J. *Withholding of Income (Notice of Proposed Action)*

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 *Withholding of Income (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 court within 10 calendar days of the date he or she received the hearing officer's decision.

K. Advance Notice of Lien - Virginia Court Orders

1. The NCP may appeal the *Advance Notice of Lien* that is based on an arrearage that accrued under a Virginia court order. The NCP cannot appeal liens filed on *ASO*s or on out-of-state orders.

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 *Advance 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 or her receipt of the hearing officer's decision.

L. Information to Consumer Reporting Agencies

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 court within 10 calendar days of the date he or she received the hearing officer's decision.

M. Vendor Payment Intercept Notification

1. Under this procedure, the Division may intercept a payment that is due to be made to vendor of products or services to a state agency when that vendor is an NCP who owes child support arrears. 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 headquarters is located.

N. Appeal of Federal Offset Program Notices

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.

O. State Tax Intercept

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 can appeal based on whether the claim is valid or whether the debt is correct.

3. The NCP has 30 calendar days from the date of the *State Income Tax Intercept/Lottery Winnings Notification Letter* to object to the certification.

4. 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.

5. 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.

P. Order to Withhold

1. The NCP has the right to appeal the *Order to Withhold* 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 *Order to Withhold* to file a written objection to the *Order to Withhold*. If the *Order to Withhold* is filed as a limited services request from another state, please refer to the section in Chapter 6, regarding Central Registry Responsibility.

4. The NCP can file a *de novo* appeal of the decision of the hearing officer to the juvenile court within 10 calendar days of the date of receipt of the hearing officer's decision.

Q. Responsibilities of the District Office

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, Withholding of Income (Notice of Proposed Action)*, *Obligation Worksheet*, court order, affidavit of arrears, and other 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 *Order 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 16, Allocation and Distribution, and 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 its action prior to the hearing date if case review reveals that the action taken was incorrect. Provide written notification to the NCP, copying other parties as necessary. For *ASO*s, 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 member notifying him or 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 if it was sustained by the hearing officer's decision. Otherwise, proceed with the 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 intergovernmental case. The juvenile court notifies both parties that the order has been registered.

R. Responsibilities of the Hearing Officer

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 for Appeal* 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, if granted.

6. Acknowledge a written request from an appellant to withdraw the appeal. The acknowledgment is sent by certified mail, return receipt requested, to both parties. A copy is also sent to the staff and to Legal Counsel, if applicable.

7. Update the Case Event History.

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 or 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 or 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 support ordered under an *ASO* based on new evidence presented at the hearing, the hearing officer

    a. asks the appellant to sign a *Waiver of Formal Service of Process* or serves 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* stating, "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 it 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, return receipt requested, 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 to the appellant 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 of the *Administrative Appeal Ruling* letter to the staff for the paper file immediately.

21. Update the APECS Case Event History.

22. Send a copy of the served decision to the district office.

23. If either party in an intergovernmental case does not agree with the decision of the hearing officer, he or she sends written notice to the manager of the Appeals and Fair Hearings Unit at the home office.

24. The manager of the Appeals and Fair Hearings Unit faxes the request for an appeal of the hearing officer's decision to the district office staff responsible for the case.

S. Rules of Evidence

1. The hearing officer, at his or 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.

CHAPTER 13 – DOCUMENTATION REQUIREMENTS AND RECORD RETENTION

I. DOCUMENTATION REQUIREMENTS

A. General Information

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 (*e.g.*, deciding on additional action needed or for appeals).

3. APECS automatically documents some events based on disposition codes entered or on documents generated. DCSE staff members document other events manually through entries to the Case Event History.

4. The APECS Case 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 at any time and easily understand the reason for all actions 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 or opinions to interfere.

6. Enter case information chronologically.

7. Do not use slang, derogatory terms, or vulgar 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 an NCP has more than one case, the staff member updating participant and demographic data contacts the staff member responsible for each case before updating the data. This includes data such as the NCP's name, address, employment, SSN, etc.

B. Paper File Establishment and Organization

1. Establish and maintain a paper file for each case referred to DCSE or for which DCSE receives a completed and signed 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 PF's surname, first name, and middle initial,

   b. on the second line of the label
      the CP's surname, first name, and middle initial, and

   c. on the third line of the label
      the APECS case number.

C. Maintenance of Paper File

1. At a minimum, the paper file should contain the following documents, if they exist for a particular case:

   a. Administrative Documents

      1) *ASO*

      2) *Advance Notice of Lien*

      3) *Consumer Reporting Agency Notice* if returned by the Postal Service as undeliverable

      4) *Withholding of Income (Notice of Proposed Action)*

      5) *Income Withholding Order*

      6) *Affidavit/Certification of Nondisclosure*

   b. Financial Documents

      1) *Financial Statement*

      2) *Payment Agreement*

      3) *Statement of Payments Received*

   c. *Application for Child Support Enforcement Services* unless the case is a former TANF case or a Medicaid-only case that continues to receive child support

services

d. Paternity Documents

1) *Acknowledgment of Paternity*

2) *Order Determining Parentage*

3) Certified copy of genetic test results

4) Birth certificate for each child in the case

e. Copies of Legal Documents

1) All court orders for support and all records of court proceedings

2) Divorce decrees

3) Motions

4) Petitions

5) Separation agreements and any other written agreements addressing support

6) URESA or UIFSA orders

f. IV-D to IV-D Interstate Documents

Child Support Enforcement Transmittals

g. Correspondence from attorneys

h. Correspondence that cannot be fully documented in the APECS Case or Participant Event History

1) letters
2) paternity evidence

D. Paper File Contents and Order

1. Organize case information orderly and efficiently for easy use.

2. Group documents by the following categories to eliminate file searching:

a. legal documents, including copies of all orders, writs, motions, petitions, 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

3. 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 (Show Cause motions, *Motions to Amend*, *URESA or UIFSA transmittals*, divorce decrees, separation agreements, court abstracts, if applicable)

2) legal documents that support the establishment of paternity, such as *Acknowledgment of Paternity* documents, paternity orders, birth certificates, and certified copies of genetic test results

b. Administrative Documents

1) *Advance Notice of Lien*

2) *ASO*

3) *Consumer Reporting Agency Notice* if returned by the Postal Service as undeliverable

4) *Withholding of Income (Notice of Proposed Action)*

4. 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) *Application for Child Support Enforcement Services*

c. Financial Information

1) fiscal records

2) most recent financial statements

3) payment history

4) *Payment Agreement*

d. Correspondence

1) correspondence that cannot be fully documented in the APECS Case Event History (letters, paternity evidence, etc.)

2) correspondence from attorneys

5. Destroy Locate forms after documenting the information in APECS, with the exception of any and all documents evidencing address verification.

6. 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.

E. APECS Case and Participant Event History

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.

F. APECS-Generated Event History Entries

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

G. Self-Generated Event History Entries

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, *e.g.*, updating paternity disposition automatically writes to case events;

   b. every incoming or outgoing contact or attempted contact (*e.g.*, attempts to contact 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,

b. 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.

H. Event Notes

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.

II. RECORD RETENTION

A. General Information

DO NOT REVISE OR CREATE DOCUMENTS without the approval of the Program Guidance Team (PGT). PGT reviews and approves the documents listed in this chapter. The review and approval process reduces potential liability and audit errors by district and Home Office staff. All forms are on the DCSE (SPARK) website: www.localagency.dss.state.va.us/divisions/dcse/forms/.

B. Request to Create or Revise a Document

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 staff

a. review the request,

b. forward the request to PGT,

3. Home Office staff forward requests to develop or revise documents to their supervisor with an explanation of need for the document.

   a. review the request,

   b. forward the request to PGT,

4. PGT staff

   a. decides if an APECS document needs to be developed or revised, and submits changes to the APECS User Support Unit.

   b. decides if changes need to be made to a manual document, issues the revised document, and adds the revised document to the DCSE Documents chart in the Resource Manual.

   c. issues the revised or new document in a Clearinghouse directive.

   d. provides a response to the submitting staff within 10 working days from the date PGT receives the request.

5. 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.

6. APECS automatically generates documents using the batch generation process.

7. APECS automatically enters data elements, such as a noncustodial parent's (NCP's) name, social security number, and address on documents.

8. 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.

9. 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.

10. APECS on-line documents print on designated printers in district offices. APECS batch documents print at the Home Office in Richmond or produce tapes that a vendor uses to generate the documents.

11. 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 Home Office.

12. APECS document generation (on-line or batch) creates an entry in the Event History.

13. 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.

14. When APECS is down, a document can be generated from SPARK. Create a self-generated Event History entry. Include the name of the document generated.

C. Worklists

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.

D. Documents that Generate a Worklist

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. 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.

9. 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>.

10. 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.

11. Coast Guard Allotment Request
15 days - Check for service.

12. Compliance Letter
15 days - check for response.

13. Consent Order of Support (Modification)
30 days - Check for return from court.

14. Consent Order of Support (Paternity)
30 days - Check for return from court.

15. Contact Letter to NCP
15 days - if 1st or 2nd options are selected - check for return of the financial statement.

16. Contact Letter to Non-TANF (Temporary Assistance to Needy Families) CP (custodial parent)
15 days - if 1st or 3rd options are checked, worklist on day before appointment.
<APPOINTMENT WITH CP TOMORROW>

17. Contact Letter to TANF 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>.

18. 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>.

19. Demand for Payment of Child Support-need specifics

a. The Due Date is 30 days after the date APECS generates the document.

b. The Priority is <2>.
c. The Type is <DPCS>.

d. The Worklist Description is <CHECK FOR PAYMENTS>.

20. 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>.

21. Final Notice of Payment in Error

a. The Due Date is 20 days after the date APECS generates the document.

b. The Priority is <2>.

c. The Type is <NOPE>.

22. Final Notice (Past Due Child Support)

a. The Due Date is 30 days after the date APECS generates the document.

b. The Priority is <2>.

c. The Type is <DPFN>.

d. The Worklist Description is <CHECK FOR PAYMENTS>.

23. 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.

24. Genetic Test Appointment Letter

a. The Due Date is one day after the appointment date.

b. The Worklist Description is <VERIFY BLOOD DRAWN>.

25. Health Insurance Order Release
15 days - Verify service.

26. Income Withholding for Support (IWO) - formerly ONWI

    1) The Due Date is 35 calendar days after the date APECS generates the document.

    2) The Priority is <2>.

    d. The worklist description is <CHECK FOR COMPLIANCE

27. Interstate Case Problem Letter (Central Registry)
    15 days - worklist to Central Registry staff - check for response.

28. Lien for Support Debt
    15 days - check for service.

29. Lien for Support Debt Release
    15 days - check for service.

30. 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.

31. Locate Request Letter to U.S. Citizenship and Immigration 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.

32. Military Allotment Request
    15 days - check for service.

33. Motion and Order to Amend Order
    21 days - check for court date.

34. Motion for Show Cause Summons
    21 days - check for court date.

35. Notice of DCSE Appeal Hearing
    1 day before hearing, to responsible staff and hearing officer- <Administrative Appeal hearing tomorrow>.

36. Notice of Intent to Suspend Driver's License

    Worklist

    a. The Due Date is 31 calendar days after the date APECS generates the tape to print the document.

    b. The Priority is <1>.

    c. The Type is <RDMV>.

    d. The Worklist Description is <REVIEW CASE FOR DR LIC SUS>.

    e. District office specialists delete the worklist by entering one of the following codes on the APECS Worklist screen:

        1) <SLIC> for Driver's License Suspended.

        2) <NSDL> for Driver's License Not Suspended

37. Order to Deliver
    15 days - check for service. Check for receipt of assets 10 days after service.

    a. The Priority is <2>.

    b. The Type is AORD.

    c. The worklist Description is <ORDER TO DELIVER>.

38. Order to Deliver-Insurance Assets (CSLN)

    a. The Priority is <2>.

    b. The Type is IORD.

    c. The Worklist Description is <ORDER TO DELIVER>.

39. Order to Withhold

5 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.

a. The Priority is <2>.

b. The Type is AORW.

c. The Worklist Description is <ORDER TO WITHHOLD SERVE FINANCIAL INSTITUTION.

40. Order to Withhold-Insurance Assets (CSLN)

a. The Due Date is 10 days after the date APECS generates the document.

b. The Priority is <2>.

c. The TYPE is IORW

d. The Worklist Description is <ORDER TO WITHHOLD INSURANCE CO.>.

41. Order to Withhold (Joint Account Holder Notice)
6 days - check for service on a joint account holder, and on financial institution.

42. Payment Agreement-Pre DMV Suspension

a. The Due Date is 10 calendar days after the date APECS generates the document.

b. The Priority is <2>.

c. The Type is <DMVI>.

e. The Worklist Description is <PAYMENT AGREEMENT>.

43. Payment Agreement-Post DMV Suspension

a. The Due Date is 10 calendar days after the date APECS generates the document.

b. The Priority is <2>.

c. The Type is <DMV2>.

d. The Worklist Description is <PAYMENT AGREEMENT>.

44. Petition for Support (Civil)
21 days - check for court date.

45. 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>.

46. Request for Subpoena Duces Tecum
21 days - verify service. 30 days after service - verify receipt of information requested.

47. Tax Intercept Letter Regarding Excess Money
15 days - check for response from NCP.

48. Withholding of Income (Notice of Proposed Action)
21 days - check for service.

49. Withholding Release

15 days - check for service.

E. Case Event History Entries - for information about creating entries, see the Procedures Manual.

F. Participant Event History Entries - for information about creating entries, see the Procedures Manual.

G. Batch Document Process

1. APECS Batch Documents

a. APECS automatically generates batch documents or identifies batch documents to be generated when some actions occur.

b. 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.

c. Batch documents that APECS generates or identifies

1) do not require an original signature or attachments.

2) do not require supplemental information. APECS supplies all data and automatically enters the data on the documents.

3) are automatically documented in the APECS Event History.

4) print at the Home Office or at the location of the vendor who generates and mails certified mail for DCSE. When the documents are printed at Home Office, the Division of Information Systems forwards the documents to the Office of General Services for mailing.

5) 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.

2. Batch Documents

   a. Consumer Agency Reporting Letter

   b. Repayment Options

   c. Transition Letter

   d. Notice of Intent to Suspend Driver's License

   e. Notification to CP of Intent to Intercept

   f. State Income Tax/Lottery Intercept letter to NCP

   g. Support Collections Notice to CP

   h. Tax Intercept Letter Regarding Excess Money

   i. Transition from TANF to Non-TANF Letter

   j. Vendor Payment Intercept Notification

H. On-line Documents

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.

I. The Important Notice About Child Support

The Important Notice about Child Support is an informational letter. It is generated monthly, using batch processing. The Important Notice about Child Support can also be generated using the on-line Document Generation menu.

1. The Important Notice is batch generated to 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 previously

2. The Important Notice about Child Support advises NCPs that

    a. DCSE charges interest on arrears

    b. DCSE may charge fees

    c. The customer may request a review of the amount of their current support order

    d. The types of enforcement actions DCSE takes, such as

        1) Garnishment of wages and unemployment benefits

        2) Seizure of bank and other financial institution accounts

        3) Liens filed against personal property

        4) Interception of federal and state taxes

        5) Credit bureau reporting

        6) Denial or revocation of a passport

        7) Suspension of drivers', occupational or professional license

3. The NCP receives this document before DCSE

    a. Charges a fee other than for genetic testing to the NCP'

    b. Suspends an occupational, professional or drivers' license

The Important Notice about Child Support also addresses payment information and the requirement to keep DCSE updated with current contact information.

4. When APECS generates the document, it also

   a) generates a Participant Event History entry at the NCP MPI # and

   b) updates the AP Supplemental screen.

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. 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) WV54. 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

J. Manual Documents

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 submit a requisition for these forms from Clemons through the internet by contacting: **Becca Wash, at (804) 672-7336 #209, or emailing her at** BWash@go-to-orbit.com**.**

Give your FIPS/Cost Code and your "ship to" address. Once this information is received, you will be assigned a user ID and password. You will then receive the website for placing orders.

Application for Child Support Enforcement Services (032-11-200)

Health Insurance Information (032-11-722)

Medicaid Only Information Transmittal (032-11-520)

Mother's Affidavit of Paternity (032-11-727)

Child Support Receipt Book (032-11-031)

Obligation Calculation Worksheet-Shared Custody (032-11-0733-00)

Obligation Calculation Worksheet-Sole Custody (032-11-0734-00)

Obligation Calculation Worksheet-Split Custody (032-11-0735-00)

2. "DCSEP" forms are manual forms. They are located on the DCSE Website at: http://spark.dss.virginia.gov/divisions/dgs/warehouse.cgi. 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.

K. Record Retention

When preparing records for warehousing, refer to the Library of Virginia's General Records Retention and Disposition Schedules for State Agencies, for the retention periods for any given records. See the Resource Manual for the schedules.

See the Resource Manual for detailed information about DCSE documents.

CHAPTER 14 – CONFIDENTIALITY AND INFORMATION RELEASE

A. Confidentiality

Federal and state laws require DCSE to safeguard personal information it collects about CPs and NCPs. Release information only when the release is authorized under applicable federal and state laws, as discussed below.

B. Release of Information (12/12)

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. DMAS

      Refer to Chapter 7, Medical Support, Section N, Department of Medical Assistance Services, for more information.

   e. Consumer Reporting Agencies

      Refer to the Procedures Manual for information about the process of referring NCPs to Consumer Reporting Agencies.

   f. CPs

   g. NCPs

   h. Members of the public

   i. 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. **Guardian Ad Litem when an *Order For Appointment Of Guardian Ad Litem*, that has been signed by a Judge, is presented to the Division.**

   l. Authorized persons pursuant to federal law, 42 U.S.C. § 663, in cases of unlawful taking or

restraint of a child.

m. SSA if accompanied by a written request from the CP or NCP.

3. Generally, release information (22 VAC 40-880-520)

a. to establish paternity and support orders;

b. to obtain information from the SPLS and FPLS;

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 the Procedures Manual, Interaction Between DCSE and LDSS, Section I, Reporting Suspected Child Abuse, for more information.

f. in compliance with the Virginia FOIA or the DCA, sometimes referred to as the Data Subject Act).

g. in compliance with the DCA when requested by a data subject. CPs, NCPs, emancipated children, and minor children represented by guardians are considered data subjects.

h. to provide current NCP account payoff balances when a valid lien is in place with a court. Signed consent from the NCP is not required to release a payoff balance.

C. Release of Information to Customers

1. DCSE must release information under the DCA pertaining to a data subject when requested by a data subject or his or her authorized agent or representative with proper identification. The data subject may authorize DCSE to release the information to his or her 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. (Va. Code § 2.2-3806(A)(3)) 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 sources of the information is to be released. (Va. Code § 2.2-3806(A)(3))

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.

(Va. Code § 2.2-3806(A)(3))

d. Disclosures should be made during routine working hours within 5 work days. (Va. Code § 2.2-3806(A)(4))

e. Disclosures will be made either in person, with proper identification, or by mail, if a written request is made with proper identification. (Va. Code § 2.2-3806(A)(4))

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

2. A data subject may give notice that he/she wishes to correct, challenge, or explain the personal information in the file. When that occurs, DCSE must do the following pursuant to Va. Code § 2.2-3806(A)(5):

   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, return receipt requested, will be sent informing the data subject what information has been corrected or purged, and the receipt will be placed in the subject's case file.

   c. If the dispute is not resolved, the data subject may file a statement setting forth his position of not more than 200 words. If such a statement is 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 orders or *ASO*s, 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 *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. The other party also has 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) telephone numbers

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's name, telephone number, and address

7) names of creditors

8) name of child care provider

9) location of real estate

10) driver's license number

11) names of lien holders

12) names of bank or credit union

13) location of bank or credit union and 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 require that the information be provided to the CP and NCP.

D. Release of IRS Information

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 by a state employee of information the employee obtained 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 Virginia DCSE employees paid with IV-D funds (this includes contract offices and staff) who have a need for this information, and the data subject.

   Exception: The amount, date of posting and release date of any payments may be provided 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 as long as the IRS is not identified as the source of the payment. The payment must be referred to as "a payment from an involuntary enforcement action," "an involuntary payment," or a "special collection." A third party authorization does not give us disclosure rights for IRS payments and 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 NCPs 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.

6. Refer to Chapter 5, Section B,5,c,1-7 for guidelines on securing tax information when working at an alternate work site.

E. Release of Information to the Public

1. Answer requests for information from members of the public within five working days after receiving the request. The response should be made using the *Freedom of Information Response* form. (See also section F.4.f., below)

2. Provide information about CPs or NCPs to other entities only with the written permission of the parties involved, unless disclosure is otherwise permitted by a law or regulation. 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 Va. Code § 2.2-3705.1.

4. Requests received under the Virginia Freedom of Information Act (FOIA) 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 be released only 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/she 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 working days of receiving a request. Document APECS, worklisting if appropriate, to ensure a response is provided.

1) Respond in writing on the *Freedom of Information Response* form with one of the following statements:

a) The requested records are attached.

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

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

d) The requested records cannot be provided within 5 work days as it is not practically possible to do so, but they will be provided within an additional 7 work days of the original request. Specify the conditions that make the response impossible within 5 work 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 that 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 may petition the court for injunctive relief. A hearing must be held within 7 days of filing. (Va. Code § 2.2-3713)

2) If the court finds an employee in violation of FOIA, that employee is personally responsible, and faces a penalty of not less than $250 and not more than $1000. The penalty for a second violation is not less than $1,000 and not more than $2500. (Va. Code §§ 2.2-3714)

3) Similar provisions exist for the DCA, although the provision setting specific damages for violations did not take effect until July 1, 2010. (See Va. Code § 2.2-3809)

F. Restrictions on Release of Information

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 the parent indicates on the Child Support Enforcement Services Application that he or she has a protective order.

4. Do not release a parent's address or any other location information to the other party when a parent indicates a risk of physical or emotional harm from the other party and or signs an *Affidavit of Nondisclosure*, or when a TANF case closes due to Good Cause. Refer to Chapter 2, Case Opening, Closing and Transfer.

5. Do not release TANF or 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 APECS Case Account Statement to provide information to the CP or the NCP. Use a hard-copy Fiscal Record only for financial information concerning the time period before the case was converted to APECS. When it is necessary to release a Fiscal Record or Account Statement, mark out the TANF 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 Program Guidance Team, which will review the request and consult with the Office of the Attorney General if necessary.

G. Security of IRS Information

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 the worker having access to the information.

2. protecting IRS information by maintaining it behind a double barrier, i.e., locking authorized access areas 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.

H. Security of Automated Systems Information

Only authorized staff may access and use information on the Department's automated files.

Use the information obtained only 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. Duplication of software, manuals, videos, or other material in violation of copyright laws and vendor licensing agreements is strictly forbidden. Infractions may result in a Standards of Conduct violation being issued as well as possible 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 Audit Services when automated data processing equipment or software is missing or lost.

I. Conflict of Interest

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 he or she understands 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.

   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 who is a CP or an NCP may make inquiries through the DCSE Call Center.

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. Documenting the results of the quarterly review clearly and fully in the APECS case events record. No documentation 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 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 employee'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.

J. Social Security Numbers

If informed by a CP or NCP of a possible misuse of a social security number, direct the party to the Federal Trade Commission under the heading Consumer Protection, or the Social Security Administration under the heading Social Security Number & Card.

CHAPTER 15 – NON-IV-D CASES

A. Instate Non-IV-D Cases

1. A non-IV-D case is a case

   a. with a court-issued *Income Deduction Order* (Court form DC-645) that orders the employer to mail payments to DCSE, and

   b. for which DCSE has not received an application for services or a referral from an 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 an *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 with Case Events 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 Case Events with 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.

5) 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*.

   a) Enter all available information on APECS;

   b) Set up a paper file;

   c) Mail the *Notice Child Support Payment Processing Procedures letter* (DCSEP form 818) *to the CP and NCP*. Include an application for IV-D services with each letter mailed.

   d) Update APECS when the court or either party supplies new information;

   e) Worklist SDU staff to process financial adjustments when necessary; refer to Chapter 16, Financial Operations, 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 it to the 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 About Child Support* 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 APECS form *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 2, Section, Case Transfer, for instructions on how 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 2, Case Transfer, for instructions on how 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 2. 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 2, Section, 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.

m. Document case events to reflect closing of the case and the reason.

n. DCSE cannot close a Non-IV-D case when asked to do so by the CP or the NCP. Refer the requesting party to the court.

o. Home Office Payment Processing Unit staff post payments to non-IV-D cases.

p. 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 16, Financial Operations and Section B, Allocation.

6. 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-IVD 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, in Chapter 2, Case Closure.

B. Intergovernmental Non-IV-D Cases

1. Types of Interstate Non-IV-D Cases

   a. Spousal Only

   b. 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:

   a. Receive Payments

   b. Post Payments

   c. Distribute Payments

   d. 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 2, Section Z.2, 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.

CHAPTER 16 – FINANCIAL OPERATIONS

This chapter provides guidance with respect to various areas that are concerned with the Division's financial operations. Topics addressed include Payment Processing, Allocation/Distribution, Disbursements, Receivables, Adjustments, Interest, Reconciliation, Recovery/Recoupment, and Fees. The information contained in this Program Manual is primarily concerned with operations by the staff of DCSE district offices. Discussion of Payment Processing operations by SDU Home Office staff is contained in the Procedures Manual.

I. Payment Processing Functions

A. District Office Staff (12/2012)

1. Receiving and Processing Payments

   a. Payments Received by Mail

      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; name or address of the district office, or the address is P.O. Box 570, Richmond, VA 23218-0570.

      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 cash, fees, and checks) in the appropriate standardized form. **The form name has changed. New tab/worksheets were created for fee payments by cash and non-cash. The updated descriptions are:**

         a) *Form 531(c1), Daily Payment Transaction Report* is used for check or money order payments submitted from the District Office.

         b) ***531(c2) Tab/Worksheet* is used only for receipt of non-cash fee payments submitted by the District Office. Fee payments will reimburse DCSE for genetic tests or various other types of fees.**

         c) ***531(c3) Tab/Worksheet* is used only for receipt of cash only payments submitted by the District Office.**

         d) ***531 (c4) Tab/Worksheet* is used only for receipt of cash-fee only payments submitted by the District Office. Fee payments will reimburse DCSE for genetic tests or various other types of fees.**

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) Run a calculator tape on all payments received.

7) Deliver the payments, calculator tape and the log sheet to the SDU.
The log sheet will be verified and initialed by staff responsible for preparing the deposit.

b. Walk-in Payers

Staff should not accept cash in the district offices, 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. However, if there are exceptional circumstances or a specific court order to pay by cash, those procedures are discussed in item 5 below.

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 for NCP payments and not for all payments that may come through the district office such as CP returning a payment that may be in the form of the original Commonwealth of Virginia's check, an out-of-state agency check, or a personal check to return funds. Such payments should be sent directly to SDU 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. Do not write the NCP's SSN on the white copy of the receipt.

c) If someone else is making a payment on behalf of the NCP, write the NCP's name and MPI number 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 if needed.

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 copy stays in the receipt book.

f) Three 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

No cash payments are to be accepted from walk-in payers; however, the following procedures apply under exceptional circumstances or when accepting a cash payment ordered by a court.

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 it is not counterfeit currency, (i.e. using counterfeit detector pens). For details, see the DCSE memorandum on counterfeit currency procedures dated December 16, 2004.

e) A notification letter has been created for all Districts to utilize if and when they suspect counterfeit currency is in their possession. The notification letter advises the payor that the currency in question will be tested, and if the currency is found to be counterfeit, the NCP will not receive credit for that portion of the child support payment. If it is determined that the currency is legitimate, DCSE will credit the child support case in question, and will mail the NCP a receipt. The *Counterfeit Currency Notification Letter* is in SPARK.

f) 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. 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.

4) A sign indicating the information required on checks or money orders (i.e., SSN, NCP's 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 (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.

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 be accepted in the District Office.

2) Fee payments are posted on a separate page of the *531(c2) 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, 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 payment 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, or 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, after payments are received in court:

   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 should initial the back of the court receipt and continue with the daily deposit; or

(2) If there is a discrepancy, immediately notify the Accountant Senior or the District Manager.

g. Payment Deposits at the District Office

1) Complete an entry for that day's payments on the standardized Daily Payment Transaction Report. The *531(c1)* report is used for checks and money orders; *531(c2)* is used for fee payments, and if cash payments are received in the district office, and a separate *531(c3)* report will be prepared for cash payments. Indicate the source of the cash payment, such as court, 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) Use the Remote Deposit Capture (RDC) desktop scanner to 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 the Commonwealth's 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 90 days and then destroyed. For example, on August 1st, destroy checks received for the month of April by shredding (in-house) all checks received for the month of April.

(c) If you have accepted cash payments, prepare an actual deposit ticket for the daily 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 SDU in Home Office, by noon each day to 531Payments@dss.virginia.gov. Print a copy of the *531 report* 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 report 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), 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 is 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 unless it is absolutely necessary.

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 received 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) The electronic safe is secure and automatically retains a listing of the appropriate codes, date, and time of staff approved to access safe. If the electronic safe is not in operation, a manual log should be maintained with the date, time, and name of person(s) who accessed safe and secured at the 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 Program Financial Services (PFS) staff.

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 SDU 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 a c Reporting Loss of Funds and Assets, dated August 3, 2009, 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 (PEM).

4) Copies of any State Police Reports must be provided promptly to appropriate Assistant Director and PEM.

l. Compliance with Procedures

1) 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 need to be coordinated with the Program Guidance Team (PGT) 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.

B. State Disbursement Unit, Payment Processing Operations

The Payment Processing functions of the State Disbursement Unit in Home Office are discussed in the Procedures Manual. The SDU Units and staff names are located on the Division of Finance web

site. At that site, you can use the contact list or the scroll box to locate the appropriate staff person or Unit manager (EPU, PPU, or Reconciliation Unit).

II. Allocation and Distribution

A. Allocation and Distribution functions:

Provides information regarding assignment of support rights for public assistance cases, categories and definitions of child support arrearages; the distribution hierarchy and the distribution of support payments in Never Assistance, Current Assistance, and Former Assistance Cases, as well as the distribution of Non IV-D cases; the procedures for automated and manual holds are also provided.

B. Assignment of Support Rights

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.

C. Categories and Definitions of Arrearages

The Federal Distribution Law defines the following categories of Arrearages:

1. Permanently Assigned Arrearages (AFDCA) are 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 (TTNFA) are 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 (CTNFA) are 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 (NPAAA) are those 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 (UNDFA) are those 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 (UNTFA) are 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.

D. Allocation Function

1. Basis for Allocation

   APECS automatically allocates a support payment received from an NCP among the NCP's cases, IV-D and non-IV-D, based on a distribution 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 (CSUP)

b) Never Assistance (NPAAA)

c) Never Assistance Interest (NPAAAI)

f) Medical Arrears (MEDIA)

g) Medical Arrears Interest (MEDIAI)

h) Fees

(1) Attorney

(2) Parental Kidnapping (never used)

(3) Service Process

(4) Genetic Blood Test

(5) IRS Intercept

(6) Credit Card fee (never used)

(7) Insufficient funds fee (never used)

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 (CSUP)

b) Never Assistance (NPAAA)

c) Never Assistance Interest (NPAAAI)

d) Conditional Arrears (CTNFA)

e) Conditional Arrears Interest (CTNFAI)

f) Unassigned Pre Assistance (UNTFA)

g) Unassigned Pre Assistance Interest (UNTFAI)

h) Permanent Arrears (AFDCA)

i) Permanent Arrears Interest (AFDCAI)

j) Temporary Arrears (TTNFA)

k) Temporary Arrears Interest (TTNFAI)

l) Unassigned During Assistance

m) Unassigned During Assistance Interest

n) AFDC/FC Arrears (FCARA)

o) AFDC/FC Arrears Interest (FCARAI)

p) Medicaid Arrears (MEDIA)

q) Medicaid Arrears Interest (MEDIAI)

r) Fees

(1) Attorney

(2) Parental Kidnapping (never used)

(3) Service Process

(4) Genetic Blood Test

(5) IRS Intercept

(6) Credit Card fee (never used)

(7) Insufficient funds fee (never used)

s) Out-of-State Arrears

t) 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 (CSUP)

   b) Never Assistance Arrears (NPAAA)

   c) Never Assistance 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 (never used)

(3) Service Process

(4) Genetic Blood Test

(5) IRS Intercept

(6) Credit Card fee (never used)

(7) Insufficient funds fee (never used)

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 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.

2) 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

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. For fee accounts, 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. For Out-of-State Arrears use the same formulas used to calculate instate arrears.

e. For Non-IV-D cases, use the same formulas as for instate cases.

f. Voluntary Payments-payments are manually adjusted 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. See item E.3.b. below for the distribution hierarchy of federal income tax refund offset.

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 will cause the payment to allocate incorrectly.

2) APECS does not allocate payments to cases without support order data.

E. Distribution Function

In the Distribution process, APECS moves payments from the NCP level, to the case level, or to the payee level.

1. Current Assistance Case Distribution

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 ADAPT 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. 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 Case Distribution

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 is October 1st through September 30th.

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 Case Distribution

a. Collections (except for federal income tax refund offsets) are disbursed in the following order:

1) The 1st distribution is made to satisfy the current monthly support obligation and paid to the family.

2) The 2nd distribution includes any amount above the current monthly support obligation, and it is distributed to satisfy never-assigned arrearages and paid to the family.

3) The 3rd distribution includes any amount above the amounts distributed previously in the 1st and 2nd disbursements; it is distributed to satisfy conditionally assigned arrearages and paid to the family.

4) The 4th distribution includes, any amount above the amounts distributed previously in the 1st, 2nd, and 3rd disbursements; it is distributed to satisfy unassigned pre-assistance arrearages and paid to the family.

5) The 5th distribution includes, any amount above the amounts distributed previously in the 1st, 2nd, 3rd, and 4th disbursements; it 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) The 6th distribution includes, any amount above the amounts distributed previously in the 1st, 2nd, 3rd, 4th, and 5th disbursements, and it is distributed to satisfy unassigned-during assistance arrearages and paid to the family.

7) The 7th distribution includes, the distributed collections exceeding the cumulative amount of the URPA paid to the family to satisfy unassigned during-assistance arrearages, and 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. The Federal Government mandates the hierarchy for payment distribution.

1) The payment (and interest) is posted and distributed according to the Federal Tax Offset hierarchy below:

a. TANF Arrears and Interest (AFDCA/I)

b. TANF Temporary Arrears and Interest (TTFNA/I)

c. Unassigned During Assistance Arrears/Interest (UNDFA/I)

d. Foster Care Arrears/Interest (FCARA/I)

e. NON-TANF Arrears/Interest (NPAAAA/I)

f. Conditional Assigned Arrears/Interest (CTNFA/I)

g. Unassigned Pre-Assistance Arrears/Interest (UNTFA/I)

2) If the case is NON-TANF: State and Local Foster Care (SLFC); Arrears Only (ARRN); Medicaid Full Services (MAOF); Medicaid Only (MAOP); or Medical Support Only (MSO), it will be certified as such.

3) In Non-IV-D Cases, all collections posted to a Non IV-D case are disbursed to the CP.

F. Holds are allowed in APECS on a specific financial transaction, on a participant, or case account.

1. APECS requires one of the following hold reasons when a worker places a hold on a transaction or an account.

   a. A = Accounting Review

   b. B = Offset Bond

   c. C = Case Worker Review

   d. F = Foreign Currency

   e. H = Appeal Hearing

   f. I = Invalid Address

   g. M = Miscellaneous Hold

   h. N = Dishonored Payment

   i. P = Payee Not Yet Loaded

   j. U = Unclaimed Property

   k. X = Conversion Hold

2. Access APECS Hold/Release Transaction screen to manually enter a hold on a transaction or account.

3. APECS does not require a release date to place a hold.

   a. 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.

b. APECS holds payments with a transaction or an account hold that does not have a specified release date indefinitely.

c. District office and Home Office fiscal staff manually disburse payments that have a transaction or account hold and do not have a specified release date.

4. APECS does not allocate payments to a case when no current support or arrears are due on the case.

5. 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.

6. 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.

7. 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.

   a. If the payment resulted from an enforcement action and:

      1) Is less than one month's support, and

      2) 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.

      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

   b. If the payments are the result of an enforcement action, and 1) above does not apply, refer to Disbursements section.

8. Invalid Payments

   a. APECS distributes invalid payments to the Unidentified Payor Account report, (Account 70), where they are held until released by a manual adjustment.

   b. The Undistributed Receipts Report includes these payments until a fiscal worker releases them.

9. 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", and then " to" the custodial parent's " payee account". Refer to the Adjustments and Receivables sections, for instructions on adjusting receivable accounts.

10. 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 the instructions on refunding payments, in the Disbursements section.

    b. APECS allocates and distributes future payments when obligations accrue in subsequent months.

11. 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. Processing Non-TANF Cases by District Office is discussed in the Procedures Manual.

12. Automated Hold Reasons

    a. Invalid Address Code <I>

1) District and Home 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) (SDU) Exceptions Unit in Home Office, Division of Finance

a) Cancels checks returned by the post office as undeliverable. APECS automatically places a hold reason of <I> on these transactions. Refer to the Adjustments section, 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 Code <M>

SDU staff cancels checks returned for other reasons. APECS automatically places a hold reason of <M> on these transactions. Refer to the Adjustments section for additional information.

c. IRS Payments from Joint Tax Returns Code <J>

1) APECS automatically

a) Places a hold on 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 Code < **T**>)

Due to an increase in fraudulent tax filings, OCSE allows states to place a 30 day hold on single returns for IRS intercepts of deceased or incarcerated NCP's. The 30 day hold will allow the District offices to validate the payment before it is disbursed. A link to the OCSE Dear Colleague Letter is found in Enforcement Chapter 5 Federal Intercepts,Section III, C.8.

1) Federal tax intercepts received from an NCP for single returns only, will post to the NCP level.

2) An automatic hold <CODE>T) will be placed for 30 days on an IRS collection from a single return for an NCP with any of the following criteria:

   a) A case with a workable status of UINC

   b) A date of death

   c) A reported date of death

3) APECS will also generate an NCP event: Possible Fraudulent Offset Hold (PFOH).

4) The Intercept fee (AFII fee) will post to one of the NCP's cases.

5) If the payment is pulled back by OCSE, they will refund the fee to DCSE at the end of the quarter and it will be reversed off of the case.

6) In March, 2004, APECS began automatically distributing the payments upon posting of the single IRS tax intercepts. This code is no longer used.

e. State Tax Returns Code < 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.

13. Manual Holds are discussed in the Procedures Manual

14. Foreign Currency, Code <F>, process is discussed in the Procedures Manual

15. Appeal Hearings Code, <(H>, process is discussed in the Procedures Manual

16. Miscellaneous Code < M>

a. District office and SDU staff place this hold when a transaction or account needs to be held for reasons other than the ones listed above.

b. Use discretion in deciding the duration of the hold.

c. Create a self-generated case event history entry explaining the reason for account holds.

d. Attach a note to a transaction hold explaining the reason for the hold.

17. Dishonored Payments Code < N>. This code is not used at this time.

18. Unclaimed Property Code < U> . This code is used when the payee is not located after research. The payments will be transferred to unclaimed property account.

19. Obsolete Hold Reasons

    a. Payee Not Yet Loaded , Code <P>

       APECS automatically, at conversion, performed the following:

       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, Code is <X>

       1) APECS automatically, at the time of conversion, performed the following:

          (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.

G. Undistributed Receipts Payments

Undistributed receipts payments are payments returned to DCSE and 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, the following steps must be taken.

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. Policy for Returned and/or Cancelled Checks are located in the Procedures Manual.

5. Policy for Withholdings and Other Enforcement Remedies are located in the Procedures Manual.

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

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.

c. Document the case event history in APECS, for example, UNDIST$:FTAX/Joint Return. Add notes.

8. 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.

III. Disbursements

A. Disbursements are automatic functions performed in APECS, and normally occurs immediately after the allocation and distribution process takes place. The APECS Disburment function moves payments from the payee level to the warrant register file.

1. This section provides policy, procedures, and information regarding manual disbursements to a CP and NCP and automated disbursements to a CP and NCP (when case is closed).

2. Other topics of discussion include disbursements to the Commonwealth, to the federal accounts, returned checks, stop payments, reissued checks and the various time frames set for disbursements.

B. Non-TANF Disbursements

1. Non-TANF Disbursements occur 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.

2. APECS disburses support payments to Non-TANF CPs within two business days after the SDU 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 or faxed directly to the EFT Unit in the Home Office State Disbursement Unit (located in the Division of Finance). See the Procedures Manual for details.

b. Upon setting up a direct deposit account, the SDU (EFT staff) 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 bank deposit statement of the CP will show that the deposit is for Child Support

d. A participant may terminate participation in direct deposit at any time by notifying the EFT Coordinator in writing. A participant may choose to opt out of direct deposit and select the debit card program.

e. Contact SDU EFT Coordinator with any requests or questions regarding direct deposits.

4. A CP may have payments disbursed via debit card instead of direct deposit. Refer to Electronic Funds Transfer in the Procedures Manual.

a. A CP may elect/opt into the debit card program. Contact the SDU 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 debit card program for the CP, the SDU 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 writing.

e. Contact SDU EFT coordinator with any request or questions regarding the Debit Card Program.

C. TANF Disbursements

TANF Disbursements related to payments allocated to TANF or AFDC/FC cases are disbursed in the following order:

1. $100 Pass-through Payments to the CP are disbursements that do 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.

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.

3. Payments in Excess of Cumulative Public Assistance Paid

a. APECS disburses, to the CP, support payments that exceed the cumulative public assistance paid.

b. This disbursement occurs within 15 calendar days after the end of the month in which the support is collected.

D. Refunds Disbursed

1. Fiscal workers in district offices and the SDU process refunds for disbursement.

2. Types of Refunds disbursed

   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.

E. Automated Refunds for an Overpayment Refund

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 Item F below; 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 sections on Allocation and Distribution and Holds, for additional information. If a payment needs to be refunded to an NCP on an open case, refer to Manual Refunds, immediately below.

F. Manual (Non-Automated) Refunds

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.

   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 will generate a refund request by completing the *Request for Payment Transfer/Refund*, and the appropriate staff will sign the request. Forward the request to SDU Exceptions Unit, to process the refund, if the money has not been disbursed to the CP.

   d. If the money has already been disbursed to the CP, District Office will forward the signed request with attachments to the appropriate Assistant Director's Office for approval.

   e. If approved by the Assistant Director, forward the request to SDU for processing the refund.

2. Issuing Refund to NCP for Overpayment in an Open Case

   a. Review the NCP address screen prior to making the adjustment to process the refund. This will ensure the validity of the address and reduce the number of checks returned. Review the MPI events for updated information such as IRS or new hire address information, if notices or contacts have not been made with the NCP in the past year. Also check SPIDeR and Accurint, which is available only to certain staff members, for current locate information.

   b. Do not issue a refund to the NCP unless the total to be refunded is $20.00 or greater on an open case, with some exceptions (*e.g.*, case closure or at customer's request).

   c. Monitor the release of wage withholdings to ensure payments are released timely and not posted improperly. Employers should be contacted to confirm the wage release was received and processed to reduce the number of refund checks generated.

   d. Exception Processing Unit, in SDU, changes NCP/CP addresses in APECS to "old" based on information received from the Postal Service. If the Postal Service returns the check for an invalid address, efforts should be made to find an alternative address or have the client correct the mailing address with the Postal Service.

3. SDU, Exceptions Processing Unit, will perform the following:

   a. Document APECS on the date the request is received.

   b. Update case events for all refund requests received.

   c. Process the refund request, and retain the original request with attachments on file.

   d. Change NCP/CP addresses to "old" based on information received from the Postal Service. If the Postal Service returns the check because of an invalid address, efforts should be made to find an alternative address or have the NCP/CP correct the mailing address with the Postal Service.

4. IRS Refunds Disbursement

   a. IRS Advance Refunds

      1) District office staff 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) the IRS has not refunded the payment.

      2) District office staff

         a) Verify that the payment has not posted on APECS and

         b) Send a mail message requesting OCSE verification to the Intercept Unit in SDU, if it has not posted.

      3) SDU Intercept staff 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) SDU Intercept staff

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 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 5, Enforcement, Overpayment of Certified Arrears.

1) District office fiscal staff process refunds of joint tax payments if the following exist:

a) The payment to be refunded is identified as a joint federal tax payment.

b) The amount has not been disbursed.

a) Both names appear on the APECS Inquire Participant Address screen.

2) District office staff

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.

c) Verify that the payment has not disbursed.

3) District office staff forward the refund request to the Exceptions Processing Unit in SDU, if any of the three conditions above are not true.

4) If all three conditions are true, district office staff:

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 Staff 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

SDU staff generate invalid payment refunds within ten work days of identification, if the payer address is available, using a Revenue Refund Voucher.

G. Refunds Generated by the IRS

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 Non-Tanf CP, a recoupment account is established. Refer to the Procedures Manual for details.

H. Stop Payments and Reissue Checks

1. General Rules include initiating stop payment requests for the following:

   a. Checks reported lost, misplaced, mutilated, destroyed, stolen, or never received by payees

   b. Checks issued in error

      1) Payee must be notified in writing or by phone of stop payment

      2) Document APECS Case Event History

   c. Refer to item 3 (below in this section) for stale dated checks.

2. Stop Payments and Reissue Check Requests are initiated as follows:

   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 the 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 the Account Reconcilement system of the appropriate bank, to determine if check has been cashed. If check has not been cashed, have the payee complete the *Stop Payment Request Affidavit*, which 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, Alleged Forgery Claims, for in structions.

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 SDU 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. SDU Exception Processing staff

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 Commonwealth's appropriate bank's 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 Alleged Forgery Claims.

b) If the check is still outstanding, research the check to see if it

(1) was returned as undeliverable and subsequently remailed or canceled,

(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 current Commonwealth's automated banking 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 the bank's 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, EPU staff

      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.

I. Statute of Limitations

1. In the 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 SDU staff 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.

   c. Use the APECS on-line document generation facility to generate the *Affidavit on Check Endorsemen*t 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 both copies notarized.

      3) Photocopy the signed and notarized document.

      4) Send both copies of the notarized documents to the designated SDU staff.

3. When APECS generates the *Affidavit on Check Endorsement*, it also generates a

a. Case Event History entry.

b. Worklist item.

4. SDU EPU Staff

a. Make a photocopy of the *Affidavit on Check Endorsement*.

b. Forward the two copies received from the district office to the Commonweath's bank, if the date the check was cashed does not exceed the statute of limitation.

c. Document the APECS Case Event History.

d. File a copy of the Affidavit on Check Endorsement and related documents.

5. Response to the *Affidavit on Check Endorsement* document

a. If the Bank determines 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 and staff must 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 SDU. Upon receipt of the bank's response from the Department of the Treasury, EPU staff will perform the following.

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.

J. Cancelled Checks

1. General Rules for canceled checks include the following:

a. Identify checks that the post office and other sources return to the SDU 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

   a. EPU staff 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, and 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 EPU 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.

(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 and forward to appropriate staff in SDU.

IV. Receivables

A. The Receivables Section provides procedures and information regarding establishing and maintaining receivable subaccounts and financial records. References are also made to Chapter 2, (Eligibility for Services and Case Initiation), and Chapter 16, Allocation and Distribution.

B. General Rules of Accounts Receivables

1. Enter the obligation on APECS within two business days

a. After the appeal period expires, when an administrative order is established or modified.

b. After 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.

C. Types of Support Receivables

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.

D. Types of Extensions are referenced in the Resource Manual.

E. Miscellaneous Fees

1. Fees Charged Noncustodial Parents (NCPs) by Other States

2. Fees Charged CPs by Other States

3. Reapplication Fee charged CP for opening case in less than 6 months. These cases are not on APECS; therefore, the fees are not on APECS.

4. Charges for Copying Files

F. Categories of Receivables

Each category has a receivable for current support and a receivable for arrears, if owed.

1. TANF In- State 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

G. Fees

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 to pay the fee.

   b. Charge a CP the genetic test fee when the court orders the CP to pay 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 Fees, Genetic Test, for steps to set up a genetic test fee subaccount on APECS.

2. Attorney Fee

   a. The attorney fee is $120 per contempt action, when DCSE prevails in court.

   b. Refer to Fees, 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 Adjustments for detailed procedures.

4. Fee Charged to 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 Adjustments for detailed procedures.

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 Adjustments, for detailed procedures.

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 Adjustments, for detailed procedures.

H. Recovery and Recoupment Receivables

Recovery and Recoupment receivables for Overpayments, IRS Intercept Adjustments,and Interest are referenced in Allocation and Distribution, Disbursements, Adjustments, and Interest.

I. Interest - Refer to Procedures Manual.

J. Add Orders to APECS –Refer to Procedures Manual.

K. Order Terms Refer to the Resource Manual

L. Charging of Support Orders

1. Charging of support orders for the current month is an automated APECS function.

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) Determine the last charge date.

b) Determine 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 determine the weekly equivalency amount.

c) Multiply the order amount by the number of weeks in the current charge cycle.

3) Semi Monthly 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

1. A Statement of Account is mailed 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 and 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 master participant index (mpi) number (including the 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 is mailed quarterly and includes the following:

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

j. A payment coupon.

N. Receivable Maintenance

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 determine 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 item 6 below (Direct payments made by the NCP during the time a case is closed) 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*.

3) If, in the meantime, a court order was issued addressing the arrearages, use the court ordered amount.

d. For cases with foreign currency orders:

1) DCSE should send the NCP a letter at the outset of the case stating that he/she is responsible for paying the amount ordered in the foreign currency each month, even if the payment is made in U.S. dollars.

2) DCSE should perform a reconciliation that is similar to the reconciling process for intergovernmental cases (reviewing payments and arrears balance between the U.S. and the other country).

3) A self generated worklist should be created by the district staff, as a reminder of the need to reconcile the accounting in 12 months.

4) Such cases shall be reconciled to determine the correct arrears balance once every 12 months with the appropriate foreign country, because the variable exchange rate is used constantly to convert foreign dollars to U.S. dollars.

5) A statement of the yearly recalculated balance will be sent, in writing, to the corresponding foreign country and to both parties (CP and NCP), stating the updated arrears balance in U.S. dollars.

6) If no response (acceptance or revision of the yearly recalculated balance) is received from the corresponding foreign country within 60 days after the statement of the balance is mailed, the arrears will be set as stated in the letter of reconciliation for the year.

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 appropriate staff 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, the following should take place:

      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:

   a. Do not give the NCP credit for payments paid to anyone other than DCSE, or a court, or IV-D agency in another state and

   b. 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 Payment Received*, completed by the CP at the time of reapplication of 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 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 157 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 2.A, 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.

b. 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 local department of social services (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 2, 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. On 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. On a 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 the section on Adjustments.

O. Discharge of Arrears

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)

   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.

b. Verify that there are no conditionally assigned (CTNFA) arrearages.

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 2, 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.

P. Unreimbursed Public Assistance (URPA)

1. Unreimbursed Public Assistance 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.

V. Adjustments

A. The adjustment process

The adjustment process changes the balance in participant and case subaccounts, or case and system accounts. APECS generates automated adjustments. Staff will create semi-automated and manual adjustments.

B. Types of Adjustments , Posting, Distribution, and Disbursements

1. Automated Adjustments

a. For automated adjustments using system data, APECS performs the following:

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) Moves the remaining TANF arrears to Non-TANF arrears when unreimbursed public assistance reaches zero.

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.

a. Financial information transferred to APECS from SUPE and ACSES generated conversion adjustments.

2. Manual Adjustments

a. Staff enters the information and adjusts the accounts and subaccounts.

b. Home Office 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 electronically 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.

C. Accounts and Subaccounts

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.

D. Manual Adjustments

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 the Recovery and Recoupment section, in the current chapter.

      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. Determine the reason 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 is updated with the 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. Create event notes for the entry with the following information:

1) Payments to redistribute, or a receivable to adjust

2) Name of the staff to approve the request

g. A self-generated worklist is created by SDU for the following reasons:

1) If any of the following 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 (MPI) entered was incorrect and matched another participant number in APECS;

c) SDU staff entered the wrong payment amount;

d) SDU 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) If any of the following created a self-generated worklist if the payment has been disbursed.

a) Customer Services Unit supervisor sends a mail message to

(1) request the district office to review and approve the request, or

(2) request SDU to process the request.

b) SDU Exceptions Unit Manager reviews and approves.

3) District office staff creates a mail message to the staff that is designated to approve the request.

E. Redistribution Request Approval

1. Approval of a redistribution request certifies the following:

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) Notifies the Assistant Director's office to review and approve the request, and

2) Sends a fax of the request to the Assistant Director's office.

b. Assistant Director's Office Staff

1) Reviews and approve the request, and

2) Sends the fax request to the SDU Exception Processing Unit.

c. The Exception Processing Unit supervisor distributes requests to staff and approves requests that require a dual disbursement. The approval certifies that:

1) A dual disbursement is necessary because of an error made by a staff, and

2) A request has been approved by an Assistant Director or the Payment Processing Manager.

F. District Office Process Redistribution Requests

1. District office fiscal staff must perform the following steps:

   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* (TARIC) document and forward it to the SDU.

2. SDU staff review the request to verify the following:

   a. The "Reason for Transfer/Refund Request" section of the *Request for Payment Transfer/Refund* form is completed correctly, using the redistribution request section,

   b. The *Request for Payment Transfer/Refund* form is complete,

   c. The accounts and subaccounts support the requested redistribution,

   d. The case management information supports the requested redistribution.

3. SDU staff forward the request to the Exception Processing Unit when the verification is successfully completed.

4. SDU staff will contact the District manager or supervisor that requested the redistribution based on the following:

   a. The reason is not included in the "Reason for Transfer/Refund Request" section of the *Request for Payment Transfer/Refund* form.

   b. The *Request for Payment Transfer/Refund* form 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.

5. SDU 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. Create a mail message to supervisor to approve the adjustment.

G. Cash Adjustment Approval -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 message is received

3. Approval of the adjustment certifies the following:

a. The request has the required approvals.

b. Appropriate subaccounts and accounts are adjusted.

c. Reason codes necessary for CARS (Commonwealth Accounting and Reporting System) adjustments are correct.

4. When a dual disbursement is necessary, approval also certifies that a message has been sent to the SDU Exceptions Unit to generate the APECS Overpayment Notification.

H. Receivables General

1. Home Office staff establishes the following fee subaccount:

a. Parental kidnaping fee (has never been used except for postings in error).

b. Enter the amount the payer is responsible for paying using the adjustment module.

2. APECS establishes the Internal Revenue Service (IRS) intercept fee subaccount. Refer to Section on Fees.

3. SDU staff establishes the subaccounts for a Recoupment.

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.

   d. 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 5, Enforcement Rules and Enforcement by Other Methods.

7. Process adjustment using the adjustment module or the order module.

8. Use the Reason Codes as described in Resource Manual for Receivables, Refunds, Cancelled Checks, Distribution, Disbursements, Recoupment, Transfers, Debt Discharge, and Miscellaneous.

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 established may or may not include retroactive arrears.

   c. Modification for increase or decrease

   d. Fee

I. Receivables and Cash Adjustments to Issue Manual Refunds

1. Refunds General

   a. District office fiscal staff create a self-generated worklist to the SDU 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 perform the following:

a) Locate payments that need to be refunded,

b) Locate the accounts or subaccounts to which the payments distributed,

c) Complete a *Request for Payment Transfer/Refund* (TARIC) 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 verify 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 account, determine if a *Tax Intercept Letter Regarding Excess Money* was mailed, 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) Document 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 (Manual Disbursement). Use the adjust account balance option on APECS.

e. If the intercept has not been received by the Division of Child Support Enforcement, 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 Section on Disbursements.

J. Cash Adjustments (Manual)

1. Manual adjustments are made to cash for the following reasons:

a. Redistribution of undisbursed cash which posted in error to the wrong payee. Distribute the funds to the CP.

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 payments that were distributed to the wrong subaccount, in excess, to the Commonwealth.

d. Redistribute interest payable from Account 40 (In State AFDC) 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 payments 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 is made 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 Unclaimed Property Account 91).

2. Use recovered payments to reduce the CP expenditure accounts and increase the In-State TANF account. Record the recoupment of dual disbursement.

3. Create a self-generated worklist to the SDU Exceptions Unit to generate the *Notice of Recoupment* 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 instructions needed on case.

d. Payment instructions not followed.

5. Redistribution Process

a. Determine reason 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 payee level subaccount, and then redistribute.

f. Adjust the payment to be redistributed to the payee level.

g. APECS redistributes the payment.

K. Unidentified Payments are discussed in the Procedures Manual.

L. Unreimbursed Public Assistance (URPA)

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.

VI. Interest

A. Interest charged or paid includes:

1. Charging interest on support arrears.

2. Paying interest to custodial parent (CP)

3. Paying interest to noncustodial parent (NCP) on state tax refunds intercepted in error.

B. Charging Interest on Support Arrears

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 the following occur:

   a. The NCP who owes the arrears is less than 18 years old. APECS runs a program, monthly, before charging, to read the Date of Birth field. APECS automatically changes the Charge Interest Indicator to <N> if the NCP is under the age of 18.

   b. Effective July1, 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. Change the Charge Interest Indicator from an <N> to a <Y> manually, as the cases are worked, and 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.

   c. The NCP has an *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>.

   d. 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.

   e. If 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. DCSE may enforce court ordered interest on arrears due CPs before July 1, 1995 at the request of the CP. The CP is responsible for calculating the interest due and submitting a written request to enforce the interest. The request needs to include the amount calculated in step a. above.

3. Interest is considered support. Use the same administrative and court actions to collect arrears and interest.

4. Refer to the Section Allocation and Distribution, for the payment posting priority.

5. APECS Charges for Interest

   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.

   b. 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) NPAAAI Never Assistance Arrears Interest

      2) CTNFA Conditional Arrears Interest

      3) UNTFAI Unassigned Pre Assistance Arrears Interest

4) AFDCAI Permanent Arrears Interest

5) TTNFAI Temporary Arrears Interest (if in existence)

6) UNDFAI Unassigned During Assistance Arrears Interest

7) FCARAI Foster Care Arrears Interest

8) MEDIAI 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 5, Enforcement by Intercept Processes

j. Includes interest in the arrears referred to consumer reporting 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*

6. 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.

7. 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.

8. 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.

      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.

C. Interest Rates

1. Virginia Support Orders Interest Rates

   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 to Add Support Order on the APECS Financial Management Menu.

      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; if not specified, consult the Intergovernmental Referral Guide (IRG), Section F, Support Details, which can be accessed online at https://extranet.acf.hhs.gov/irgauth/login, to determine the interest rate charged by the state in which the support order was issued. Some states do not charge interest.

b. Out-of State Order APECS Function

1) Select Option to Add Support Order on the APECS Financial Management Menu.

2) Type the annual interest rate in the APECS Annual Interest Rate field on the Update Order screen. The interest rate is 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.

D. Interest Owed To CP for Payments On HOLD

1. District office fiscal staff calculates 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 28th and disbursed on March 31st, earns interest if the other conditions are met.

        2) For example, a payment received on February 28th and disbursed on March 30th, 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 $5.00.

    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 copy of the payment from SDU. Refer to Chapter 16, Payment Processing ,in the Procedures Manual.

    b. Review the payment copy to see if the NCP's name and social security number or the case number is on the payment,

    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

E. Interest Owed To NCP

District office fiscal staff calculates and pays 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. SDU EFT staff obtain the rate for the next quarter from the Office of Tax Operation, Department of Taxation before the first of each quarter.

F. Manual Calculation of Interest by District Office Fiscal Staff

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 APECS Option to Calculate Interest on the APECS Financial Management Menu; 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, do the following:

      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 Principal 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 on the Calculate Interest help screen for the interest rates for arrears.

2) Refer to section on the help screen above in 1), or the "Calculate Interest" Help screen for the interest rates for payments to CP.

3) Refer to section on 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 Receivables (chapter 16).

4. Redistribute funds from Account 11, Interest, to the payee subaccount for interest payments to Non-TANF CPs or NCPs; refer to Adjustments (chapter 16).

G. Interest Payments Returned by Another State

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 will perform as follows:

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.

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.

H. Interest Earned by DCSE

1. SDU 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

b. Reported on federal reports as program income.

VII. Reconciliation

A. Reconciliation Rules

1. Reconcile financial adjustments entered on 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 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, the Auditor of Public Accounts, as well as, for inspection by internal auditors.

B. Daily Receipts Reconciliation - District Office

1. The Fiscal Technician Senior or designee will perform daily verification and audit of payment logs and receipt books compared to *Form 531 Report*, incoming mail log payment information, and the daily deposit ticket.

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

   b) An audit of the district office has occurred by the Auditors of Public Accounts (APA), or by the Program Evaluation and Monitoring Unit Auditors.

C. Petty Cash Reconciliation - District Office

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 a *Reimbursement Voucher* must be submitted to SDU once 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 SDU at Home Office, Division of Finance, once monthly.

VIII. Recovery and Recoupment

A. Recovery and Recoupment may be received from an NCP or CP.

1. The term 'recovery' is used when the NCP or CP repays DCSE.

2. The term 'recoupment' is used when DCSE withholds monies from support payments to repay DCSE.

3. A payment to the Division of Child Support Enforcement is returned unpaid by the bank.

4. A Non-TANF custodial parent (CP) is overpaid.

5. A TANF CP retains assigned support payments or is overpaid by DCSE..

6. A noncustodial parent (NCP) is sent a refund check in error.

7. Designated staff in the State Disbursement Unit set up recoupment subaccounts on APECS.

B. See the Procedures Manual for Dishonored Payments Returned by the Bank

C. See the Procedures Manual for Recoupment from a Non-TANF CP

D. Recoupment from a TANF CP

1. Recoupment is not set up for a TANF CP. Do not set up a recoupment subaccount for a CP receiving TANF.

2. District office staff must perform the following:

   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 message to SDU, ReconciliationUnit, 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 by the Division of Finance.

E. Recoupment from an NCP

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 SDU staff at Home Office are authorized to set up an Account 52 (recoupment account) in APECS.

1. Upon notification of an error and/or a request for recoupment of the refund, SDU staff will verify that the payment to the NCP was made in error.

2. If the request is valid, SDU staff will notify the NCP of the error by way of a *Notice of Recoupment*, and advise the NCP to return the check . The NCP is allowed 15 days to respond.

3. If the NCP does not respond within 15 days, create an APECS Account 52 (DCSE NPA Recoupment) at the NCP's level, for the amount of payment made in error and place a hold at the NCP's level. (Do Not use APECS Account 15-Bad Checks).

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.

IX. Fees

A. Types of Fee Payments Required from Noncustodial Parent (NCP) include the following:

1. Attorney
2. Genetic test
3. Internal Revenue Service (IRS) intercept
4. Fees charged by other states for whom DCSE is enforcing a case,
5. Fees for copies of documents
6. Private Service of process fee
7. Credit card fee
8. Insufficient fund fee

B. Types of Fee Payments Required to be Paid by CP include the following: (12/2012)

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 CP does not submit a payment for this fee. However, when a child support payment is received from the NCP, the $25 fee is deducted from that payment and the CP will receive $25 less than the payment received.**
5. A Re-application fee of $25 is charged to the CP's case if she closes and opens her case within a six-month time frame. The re-application fee **payment is paid by the CP**, recorded by the District Office, and forwarded to SDU for processing. **The Clearinghouse 08-DD-014, describes the re-application fee process in detail.**

C. Types of Fees Paid by Non-IV-D Customers

1. Parental Kidnapping (not ever used)
2. Fee for copies of documents

D. Types of Fees Paid by DCSE but subject to reimbursement

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.

E. Attorney Fees

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 required when charging the NCP an attorney fee on a show cause when the judge does the following:
    a. Finds the NCP in contempt
        1) Orders a payroll deduction
        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.
        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 by DCSE; 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 under the following circumstances:

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 APECS generated document, *Legal Services Case Referral*.

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 an NCP Attorney Fee Subaccount on APECS using the support type MISC and the subaccount type AFLG.

a. 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. 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.

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.

F. Genetic Test Fee

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. Enter NCP Genetic Test Fee Subaccount on APECS. The Genetic Test Fee subaccount is set up on APECS using the support type MISC and subaccount type AFBT.

a. Use the Adjustment Module 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. 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 , 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.

c. Enter notes and confirm to complete the adjustment.

8. Pay the fee for CP receiving child support services when they are ordered by a judge to pay the fee.

9. Intergovernmental cases (Fees)

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 Allocation and Distribution and Disbursement Sections..

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 Supplemental Screen will display the subaccount type and the fee balance due.

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.

G. Fee Collections for Attorney, Genetic Test, and Private Service of Process Fees

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 SDU 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, prepare and send to the home office a special fee *Daily Payment Transaction Report (531)*.

2. If the NCP or the CP fails to make the fee payment, take appropriate enforcement actions. Refer to Enforcement of Fee Receivables section below.

H. IRS Intercept Fee

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 he or she 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
t. 2011 - $14.65

I. Fees Other States Charge NCPs

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> .

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.

J. Fees Other States Charge CPs

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> .

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.

K. Private Service of Process Fee

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.

4. 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.

   d. *The Notice of Fee Payment Due* document 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.

L. Parental Kidnapping (never used)

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. Home 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 Section V, Adjustments.

d. Hand-deliver the fee to SDU the same day received. Take the receipt book with the payment.

e. Refer to Payment Processing in procedures manual.

4. Reconcile the receipt book monthly. Refer to the Reconciliation section.

5. Receive an invoice from the federal parent locator service.

   a. Reconcile for the invoice to the receipt book.

   b. Initiate payment of the invoice.

M. Fees Paid by DCSE

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.

4. Collection and Monitoring fee of $25.00 was discontinued , as of July 1, 2009. There is no collection and monitoring service or fee to instate Non IV-D customers who do not qualify for child support services.

N. Allocation of Payments to Fee Subaccounts (12/ 2012)

Refer to Allocation and Distribution and Disbursements.

A fee only case for any amount may be closed if it meets any case closure criteria.

O. Enforcement of Fee Receivables

Use all enforcement remedies, except the IRS intercept, to collect fee subaccounts.

P. Intercept Fee Cases Only (12/2012)

If the NCP has multiple cases with arrears, the District Office may transfer the federal tax intercept fee balance from a fee only case to one of the NCP's cases with arrears. The fee case must have only the federal tax intercept fee type (AFII). The fee case will have a zero balance and that case may be closed. This is allowable only in federal interecept fee cases.

DIVISION OF CHILD SUPPORT ENFORCEMENT PROCEDURES MANUAL

This Manual is a companion and supplement to the DCSE Program Manual. This Manual contains step-by-step procedures for performing various functions in the child support enforcement program of the Commonwealth of Virginia. The procedures are organized according to their corresponding chapters in the Program Manual.

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CHAPTER 2 - CASE OPENING, TRANSFER, AND CLOSING-PROCEDURES

A. How to Set up a Non-TANF Case

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. However, if the CP does not provide a *Statement of Payments Received*, proceed to set up the case, but do not add any arrears to the case for the period that would be covered by the *Statement of Payments Received*.

2. Prior to adding the arrears from the CP's *Statement of Payments Received*, send a copy of the *Statement of Payments Received*, along with the *Contact Letter to Noncustodial Parent* form, instructing the NCP to review the payments and respond within 10 days, if there is a discrepancy. If the NCP does not respond within 10 days, add the arrears according to the *Statement of Payments Received*. For an Intergovernmental case, please provide the NCP the arrears and order information provided by the initiating state via the *Contact Letter to Noncustodial Parent*. If the NCP provides proof of payments that appears to be valid, attempt to resolve the dispute by contacting the CP. If the dispute cannot be resolved, refer the case to court to have the arrears addressed.

3. 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*.

4. 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 16, 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.

5. Contact the applicant (if the applicant is the CP) to clarify errors and omissions.

6. Include copies of court orders. If copies of the order are not attached, contact the court for copies of the orders.

7. Intake staff determines if a case already exists on APECS. If a case exists on APECS,

   a. update the case information, and

   b. do not assign a new locality code.

8. 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.

9. 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.

10. When the applicant is the NCP, send the CP the *Contact Letter to Non-Applicant CP*.

11. Send the *Notification of Action Taken by DCSE* informing the applicant of the case number.

12. Enter all available information on APECS.

13. The child's participant data screen must have an emancipation date entered. The date must be based on the age of majority for that child according to the law of the state that entered the order and/or the specific terms of the order. If the order is not from Virginia, consult the Intergovernmental Referral Guide for information about the emancipation age in the state that issued the order. If the order is from Virginia and does not include any unusual provisions regarding emancipation, APECS will automatically enter the child's 18th birthday as the emancipation date, and no further action is required.

14. Set the APECS medical support case data indicator on the overview screen to "yes" (coded "Y") unless the CP has opted to continue to provide health insurance that he/she already has in effect to cover the child(ren) for whom application is made (for which this data element would be coded "N"). This indicates the applicant's preference shown on the application as to provision of medical support, and is different from the indicators (Y, N, or C) that are coded on the order screen in APECS, and affect what is ordered on the *National Medical Support Notice (NMSN)*. Refer to Chapter 7, Medical Support.

15. APECS automatically sets the Charge Interest Indicator to <Y>. APECS sets the interest rate at 6% (current judgment rate) based on Virginia law. Virginia Code §§ 6.2-302 and 63.2-1952.

16. 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

a. 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 Intergovernmental Referral Guide, Section F, Support Details. Also, refer to Chapter 16, Interest; or

b. if the support order was issued in another state and that state does not charge interest (refer to the Intergovernmental Referral Guide), manually change the Charge Interest Indicator in APECS to <N>. Refer to Chapter 16, Interest.

17. 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:

If a IV-D case for the same parties is not currently active, send the CP:

a. the Contact Letter for Non-Applicant CP, and

b. the "Child Support and You" brochure.

Document the notes section on the APECS Participant Record 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.

B. Procedures for Automatic Referral of TANF and AFDC/FC Cases to DCSE

1. TANF and AFDC/FC Cases

Eligibility staff in the LDSS send DCSE information about the NCP in TANF and AFDC/FC cases. They automatically refer the NCPs using the *Absent Parent /Paternity Information* Form, also sometimes known as the MAPPER 501 form. Currently, the TANF cases are on the ADAPT system and AFDC/FC cases are on VACIS.

a. LDSS' staff complete the *Absent Parent /Paternity Information* Form for each NCP referred to DCSE. Edits require IV-A staff to complete this form for the NCP before staff can approve the case on ADAPT or VACIS.

b. additional information provided by the *MAPPER 501* system includes a ranking of PFs named and any of the following information on the PF or the NCP: 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 those materials to the district office.

e. Set up a paper file within two days of receipt of the automated referral.

f. Review daily all worklists, paying particular attention to those that indicate "ADC case status assigned," "FC case status assigned," or "ADCU case status assigned." These identify cases successfully built.

g. Review the APECS 501 Notes screens, 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 screen.

c. Additional Motor Vehicle Information

Enter this information in the appropriate field on the APECS AP Supplemental screen.

d. Places of Social Contact

Enter this information in the appropriate field on the APECS AP Supplemental screen.

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 that all entries are legible and all time periods when the CP was payee are covered by this or another statement from the CP.

9. Prior to adding the arrears from the CP's *Statement of Payments Received*, send a copy of the *Statement of Payments Received*, along with the *Contact Letter to Noncustodial Parent* form, instructing the NCP to review the payments and respond within 10 days, if there is a discrepancy. If the NCP does not respond within 10 days, add the arrears according to the *Statement of Payments Received*. For an Intergovernmental case, please provide the NCP the arrears and order information provided by the initiating state via the *Contact Letter to Noncustodial Parent*. If the NCP provides proof of payments that appears to be valid, attempt to resolve the dispute by contacting the CP. If the dispute cannot be resolved, refer the case to court to have the arrears addressed.

10. Contact the LDSS to clarify errors, omissions or to get additional information.

11. 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.

C. Transition from TANF to Non-TANF

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:

1. When a TANF case closes with a general discontinuance closure code (AF21) APECS transitions the case type from ADC to MAOF.

   a. APECS generates the *Transition Letter* (batch document). This document gives a CP the choice to opt out of full services.

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

   c. 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.

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

      If no Medicaid case is found and no arrears are owed to the Commonwealth, close the case. Refer to Chapter 2.V, Case Closure.

2. When a TANF case closes with a non-general discontinuance closure code (AF20) APECS generates an AF20 worklist;

   a. 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.

   b. If it is a valid IV-D closure reason, close the case. Refer to Chapter 2.V, Case Closure.

   c. 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.

D. The TANF Family Cap Case and How to Set it Up on APECS

1. The information on a "TANF Family Cap" child does not come across the IV-A/IV-D 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" handwritten on them.

   a. 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.

   b. 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."

   c. 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.

   d. Do not add a TANF Family Cap child to a case with another child who is not 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.

   e. 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. Enter a request in the EBQS 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.

E. Procedures for Case Transfer

1. Within five business days of determining that a case needs to be transferred, take the following steps:

a. review APECS and the paper files for completeness, update all necessary screens, generate any documents (such as *Notification of Action Taken By DCSE*,); and

1) enter the new locality code on APECS 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.

F. Procedures for Requesting Assistance from another District Office

1. Prepare a duplicate paper file. Document that the file was copied for another district's assistance.

2. Update case and financial information if needed.

3. Document the case event history with the following information:

   a. date assistance requested, and

   b. type of assistance requested.

4. Generate a Case Referral form.

5. Forward the duplicate paper file with a *Case Referral* form to the receiving district.

G. Case Closure Steps (9/2012)

1. APECS is programmed to identify appropriate cases for closure through searches and matches of available case information, and automatically generates a *Closure Intent Notice*.

2. When the worker selects a case for closure, initiate the *Closure Intent Notice* for case closure reasons 1 through 6, and 10 through 12 listed in Chapter 2, 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.

3. When a *Closure Intent Notice* is generated, APECS automatically:

   a. issues a *Closure Intent Notice*, if necessary, and keeps the case open for at least 65 days;

   b. adjusts the appropriate financial subaccounts upon expiration of the 65 days and updates the case to a closed status following issuance of the *Closure Intent Notice*.

   c. cases selected by APECS for closure have the *Closure Intent Notices* mailed from Home Office, using the return address of the district office responsible for the case.

   d. 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.

4. 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 *Notification of Action Taken by DCSE*, may be used.

5. Generating the *Closure Intent Notice* on APECS also generates a case event history entry, and a worklist item. Refer to Chapter 13, Documentation Requirements and Record Retention.

6. Close the case if the applicant/recipient does not respond to the *Closure Intent Notice* within 60 calendar days.

7. 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*.

8. 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 driver's license

9. Adjust Subaccount Balances

   a. Adjust subaccount balances to zero except when the arrearage is owed to the Commonwealth (also called "state debt").

Refer to Clearinghouse # 10-DD-014

b. Do not zero out arrears in subaccounts due the Commonwealth on TANF, AFDC/FC, and **uncollectible fee** cases. APECS will transfer these arrearages to a doubtful account as part of required discharge procedures. Refer to Chapter 16, Section IV, Receivables.

10. 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 9, 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.

11. Update APECS with the appropriate case closure reason.

12. 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.

13. Retain closed case records for a minimum of three (3) years. Refer to Chapter 13, Documentation Requirements and Record Retention.

H. Steps to Take Once Notified of the Death of the Custodial Parent or Payee

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 CP's personal representative, or executor of the CP's estate.This person may have physical custody of the child(ren) or be able to inform you who does have custody.

c. If paternity has not been established for any child for whom support was to be pursued in the deceased CP's case, attempt to obtain a voluntary agreement for genetic testing or a consent order from the PF(s) of such child(ren), and proceed with getting DNA testing initiated as needed. Refer to Chapter 3, Paternity, and Chapter 8, Judicial, Court Establishment of Paternity.

d. Continue collecting support until advised differently by the deceased CP's personal representative, executor, the new custodian or a court. If child support checks sent to the deceased CP's last known address are returned, refer to Chapter 16, Financial Operations, Exceptions Processing Unit, for instructions on case handling and payment distribution.

e. 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.

f. If support is to continue for a minor child(ren), then the new custodian must file an application for services. Also, petition the court to address child support matters, and terminate the prior order.

g. If the case is arrears only, the adult child(ren) for whom support was owed may petition the court, and be set up as payee(s) on the case and collect the arrears due if so ordered by the court.

h. 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.

i. If you cannot contact the personal representative, executor or new custodian, close the case due to loss of contact. Adjust the arrears as needed, keeping the case open for collection of debt owed to the state.

CHAPTER 3 – PATERNITY-PROCEDURES

A. Procedures to be Followed by Hospitals and Other Providers Participating in Virginia's PEP Program.

1. 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.

   a. 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.

b. 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. *Parental Acknowledgment of 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.

B. Steps to Take to Establish Paternity

1. Review 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 the discussion of Case Transfer in Chapter 2 for procedures.

   c. the CP is the PF on the case and paternity needs to be established by DNA testing. Refer to the procedures in paragraph 6 of this section.

2. Generate the *Administrative Summons* and send it to the PF and the CP to require them to appear at the district office or service point. If the CP is a minor, also send a copy of the *Summons* to at

least one parent of the minor as a notification only. If the parent's address is different from 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 the discussion in Chapter 8 of Court Establishment of Paternity. Place a copy of the *Administrative Summons* in the case file. Document unsuccessful service of the *Administrative Summons* in the case events. 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. 45 C.F.R. § 302.31(c).

      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 LDSS for non-cooperation. Refer to the discussion of Interaction with Local Agencies, later in this manual, for procedures to follow when the public assistance CP does not cooperate with DCSE.

   b. In Non-TANF cases, refer to the discussion of Case Closure in Chapter 2 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 as set forth in the Resource Manual, Section F.

   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 *Acknowledgment of Paternity and 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. State law requires that the Division provide all parties both written and oral statements of their rights and responsibilities, including the right of rescission within sixty days. Virginia Code § 63.2-1913.

3) Ask the parties to sign the statement.

d. Verify and update all APECS information.

6. When the CP is a PF referred by the LDSS for genetic testing, a referral form must be provided from the CP PF at the time of application that states a TANF application is pending. This form is required in order for DCSE to pay the genetic testing fee. Follow these steps for processing the application:

a. Set up the case in APECS as a non-TANF case. The NCP may need to be listed as Unknown, depending on the information provided by the CP PF. Follow district office procedures for scheduling a motherless genetic test.

b. Have the CP PF sign the *Putative Father Consent* form to allow DCSE to send the genetic test results to the LDSS.

c. Send a copy of the test results and the *Paternity Certification Notice* to the CP PF on the day the genetic test results are received and update APECS case events and the child's (children's) paternity disposition with the results. Send the genetic test results to the eligibility worker listed on the LDSS referral.

d. If the CP PF is found to be the biological father and DCSE has not received the TANF case through the ADAPT interface system send the CP PF a notice requesting that he contact the case worker if he wishes to continue services with DCSE. If he does not respond, follow case closure procedures for loss of contact. If the case remains open and DCSE receives a referral through the ADAPT interface system, change the case type to TANF.

e. If the CP PF is found not to be the biological father, close this case with the closure code CPAT and follow case closure procedures in Chapter 2.

Refer to Clearinghouse 12-DD-003.

C. Genetic Testing Procedures

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 9, 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 tests 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 Taken*, 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. Virginia Code § 63.2-1960.

2. *Genetic Testing Order*

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, return receipt requested 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. Virginia Code § 63.2-1960.

D. Genetic Testing Lab Coordination

1. Complete the Test Request Form required by the testing lab.

2. Follow up through LabCorp to ensure that the test results are returned within 18 days from the date that the last person had genetic testing. For interstate cases, results may be checked using the Genlink website.

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.

Refer to Clearinghouse # 10-DD-011 for information on receiving copies of test results from LabCorp.

CHAPTER 4 – ESTABLISH, REVIEW, AND ADJUST ORDERS-PROCEDURES

A. Procedures for Obtaining Financial Information from the Parties

1. 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 3, Paternity, for instructions on obtaining the parent's address. Refer to the Resource Manual's discussion of Interviewing for information on scheduling and conducting an interview.

2. Obtain information from employers by telephone or generate the *Employer Information Request* letter.

3. Obtain financial information from employers' wage reports sent to VEC. These can be obtained through APECS.

4. Obtain financial information from the LDSS when either parent has applied for food stamps, Medicaid, or fuel assistance.

5. Use information provided by either parent if appropriate documentation is provided.

6. 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.

B. Procedure for Generating the Support Obligation Worksheet

The information to be entered includes the:

1. number of children for whom support is being sought and for whom the NCP and CP share joint legal responsibility;

2. monthly gross income, which shall include all spousal support received from any source;

3. 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);

4. 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 income tax return and business expenses were not claimed.

   a. 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, line 27, which reads, "One-half of self-employment tax."

   b. Determine a monthly amount of the self-employment tax by averaging the figure obtained from the tax return over a twelve-month period. Deduct this amount from the parent's gross monthly income.

5. The number of other 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.

   a. The parent(s) with additional dependents shall receive a deduction from their gross monthly income (GMI).

   b. The amount that is being paid pursuant to a child support order shall be deducted from the GMI.

      1) 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.

      2) 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. If the NCP has a case on APECS the payment information can be obtained from the system. For cases not on APECS the NCP will need to provide satisfactory proof of payments (pay stubs, receipts from the CP on the other cases, or other documents that appear to be legitimate). The NCP should be given credit for all amounts actually paid for current support (not arrears payments), up to the amount stated in the order or agreement, but not above that amount. The case manager should review payments from the past 6 months to obtain a monthly average to include on the APECS *Obligation Calculation Worksheet*, line #5. If the NCP has only paid for a few months, calculate an average payment amount based on whatever information is available to include on the *Obligation Calculation Worksheet*. If the NCP cannot provide satisfactory proof of payments, the Division should not give the NCP credit for those payments.

6. the CP's work-related monthly dependent care expense, which:

   a. does not exceed the cost of quality care provided by a state regulated center or individual;

   b. includes any dependent care costs incurred for the child due to the employment of the CP; and

   c. 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. (Virginia Code § 20-108.2(F))

7. 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. (Virginia Code § 20-108.2(E)) 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. (Virginia Code § 20-108.2(G))

8. 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. (Virginia Code § 20-108.2(C))

   a. 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, the arrearage may need to be established or adjusted.

      1) For SSA disability benefits, verify the months covered by the lump sum payment using SVES, available in APECS. From APECS enter Option 11, FCR, ASSETS, LOCATION SERVICES. In the INQUIRY MENU enter 1 and the case number, press enter. Select the NCP number as the participant and press enter. Tab to SVES (under FCR query/locate requests) and input an X then PF6. This will submit your SVES request.

      2) VA benefits may be verified by written request to the VA. Submit the request for information to the Veterans Administration on State letterhead.

      3) Using the above procedure, calculate a retroactive adjustment if applicable. Refer to the discussion of Retroactive Liability for Support in Chapter 4 of the Program Manual.

   b. 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.

   c. 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 takes action to enforce or review the obligation.

9. information regarding split custody if applicable.

10. 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.

C. Procedures to Generate an ASO

1. 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 the Procedures Manual for more information about adding a health care obligation and unreimbursed medical/dental expenses to the order.

2. Serve the ASO along with a copy of the worksheet on the NCP. Refer to Chapter 9, Service of Process and Notarization, for information on service of process.

3. 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.

4. 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 12, Appeals, Hearings and Reviews.

   a. The initial ASO for current support 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. An initial ASO for debt to the State is assessed from the date paternity was established, or the date the Department of Juvenile Justice (DJJ) received the dependent.

c. 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.

5. 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.

6. Enter the support order on the APECS system immediately upon receipt of the 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.

D. Procedures for Review and Adjustment When the NCP is Receiving Social Security Benefits (5/2013)

1. **APECS will send a worklist to the case worker when a match is received through the Social Security Administration (SSA) State Verification and Exchange System (SVES) indicating that the NCP is receiving SSA benefits. This will be for reopened cases, new cases, and cases in which the NCP's social security number has changed on APECS.**

2. **APECS will capture the date of the SSA determination. APECS will automatically update the APECS AP Supplemental Data-Part 1 Screen; Benefits Indicator (Benefits Ind.) with the appropriate code to indicate the NCP is active SSI (SI-SSI), SSDI (SA-SSA) or a combination of SSI and SSDI (BT). The code will populate to the APECS Case Overview Screen and create a new Review and Adjustment request type, RQSS (Request Social Security).**

3. **APECS will generate a *Notice of Proposed Review* to the NCP and CP, along with a *Financial Statement* for both parties to complete and return. If the NCP has multiple cases, the documents will generate on all cases.**

4. **Since DCSE is the requesting party, and the review for modification will likely benefit the NCP, the documents will be served on the CP.**

5. **Check for the return of the *Financial Statement* from both parties. If the information has not been returned, proceed with the review and adjustment based on information available from the SVES match that provides the amount of the disability payment or from another source, as with any other review and adjustment.**

6. **For an NCP with multiple cases, all cases should be in the review and adjustment process simultaneously.**

7. **Follow procedures already in place in Chapter 4 for conducting a review for ASOs and court orders.The ASO is effective on the date the *Notice of Proposed Review* is served on the CP. A review and adjustment will be conducted on SSI only cases even though the cases are coded as unworkable. The reason for doing the review on SSI only cases is to provide an opportunity to establish an order based on the current financial situation of the parties prior to case closure.**

8. **For existing cases in which DCSE learns from the CP or another source, that the NCP is receiving SSA benefits or has a claim pending, the case worker should review the case for an indication, such as the *Notice of Proposed Review.* Check the FCR, Assets, Locations Menu on APECS to see if there is SVES information that indicates the NCP was approved or has a claim pending. If the NCP has a claim pending, once approved, the information should be available through SVES. The case worker may do a manual SVES request.**

9. **If the NCP has been approved for SSA benefits, update the APECS AP Supplemental Data-Part 1 Screen, Benefits Indicator (Benefits Ind.) with the correct code to indicate SSI, SSDI or a combination of SSI and SSDI. This information will populate to the APECS Case Overview Screen and will create a new Review and Adjustment Request Type, RQSS (Request Social Security).**

10. **APECS will generate the *Notice of Proposed Review* and the *Financial Statement* to both parties to complete and return. All of the NCP's cases should be in the review and adjustment process simultaneously. If the NCP has multiple cases, APECS will generate the *Notice of Proposed Review* and the *Financial Statement* on all the cases. APECS will create a case event to indicate the SVES match on all of the NPC's cases.**

11. **Conduct the review and adjustment as outlined in Chapter 4.**

CHAPTER 5 – ENFORCEMENT-PROCEDURES

A. Issuing the IWO (09/12)

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 meets 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 an 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 when support payments become delinquent and 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) 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. This will be the notice to the NCP 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 9, 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 35-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 rejects 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) For every IWO generated in batch, except for FC and SLFC cases, a *Notification of Action Taken by DCSE* 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 35-day review for payment will be created.

10) 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.

11) 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.

12) There are exceptions to the automatic generation of the IWO. These situations all create the NHRM 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 with no Health Care Coverage ordered.

i) case type of MAOP 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.

13) 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.

14) In addition to the new hire process, APECS is searched to identify NCPs who have an employer linked to their employment history online and for whom 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.

e. 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. DCSE will no longer send originals, modifications, amendments, or terminations of income withholding orders in a paper format to E-IWO employers.

3) The SDNH and NDNH batch function in APECS process new hire information reported by any of the employers participating in E-IWO.

4) The APECS employment history screen 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 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 EIWO 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.

6) All EIWO employers should report a termination of an NCP as soon as possible following the termination date. EIWO employers can send electronic notification of terminations to DCSE. When electronic notification is used, the update appears on the case worker's worklist as an IWO (1 – 7) and the NCP's employer screen is updated with an end date for the employer for work list types IWO1, IWO2 and IWO6 along with a brief explanation as to why the end date is provided. The EIWO employer may also provide the Division with an update by mail, e-mail, fax or telephone. Please refer to Clearinghouse 07-DD-002 for further information

B. Procedures for Federal Tax Intercepts (04/2013)

Accessing the DISPLAY OFFSET INDICATORS Screen

1. 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 3 excluding, removing or adding NCPs.

2. Automated Certification

   APECS automatically submits new cases for the 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.

3. 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 5, Section I,F, 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.

4. 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, Financial Institution Data Match (FIDM), Administrative Offset, Vendor Payment and Insurance Match.

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 offsets available at this time for updating are Federal Tax (FTX REFUND), Passport Denial (PAS DENIAL), FIDM (FIN MATCH), State Tax (STX REFUND) Administrative Offset (ADM OFFSET), Vendor Payment (VEN PAYMENT),

and Insurance Match (INS IMATCH). When the UPDATE OFFSET INDICATORS screen appears, the cursor is at the indicator field of the ADM OFFSET 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 **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.

5. 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 offsets available at this time for updating are Federal Tax (FTX REFUND), Passport Denial (PAS DENIAL), FIDM (FIN MATCH), State Tax (STX REFUND), Administrative Offset (ADM OFFSET), Vendor Payment (VEN PAYMENT) and Insurance Match (INS IMATCH). When the UPDATE OFFSET INDICATORS screen appears, the cursor is at the indicator field of the ADM OFFSET 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. The 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 **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.

6. 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.

7. IRS Intercept Files

a. Refer to the current OCSE Action Transmittal for submission specifications and due dates.

b. Refer to Chapter 13, Documentation Requirements 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. Forward the Transmittal Certification form 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

8. Notice of Intention to Issue Pre-Offset Notices

APECS Unit

a. prepare request for OCSE to issue the notices. Refer to Chapter 13, Documentation Requirements 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.

9. 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.

10. 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.

11. 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.

12. **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, **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.

13. 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.

14. 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.

15. 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 the Resource Manual, Section T, for information about distribution and service of the notice.

    b. IRS Notice at Intercept

        1) OCSE notifies the NCP.

        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 13, Documentation Requirements and Record Retention.

16. 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.

    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 13, Documentation Requirements and Record Retention, 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 12, Appeals, Hearings, and Reviews,

1) Section C, Administrative Reviews, and

2) Section D, Federal Tax Intercept

17. Notices Returned by the Postal Service

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 10, Location, and

2) type a self-generated entry with the following information in the APECS Participant Event History: <NCP REFERRED TO LOCATE>

18. 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 16, Payment Processing.

2) Holds. Refer to Chapter 16, Allocation and Distribution, Section F, Holds.

3) Case Closed to IV-D. Refer to Chapter 16, Disbursements, Section E, Automated Refunds.

4) Establish Fee Subaccounts. Refer to Chapter 16, Receivables, Section G, Fees. Also refer to chapter 16, 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 13, Document Requirements 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>.

   b) If the noncustodial parent's 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.

   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.

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 16, Adjustments.

19. 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.

a) If a case has arrears, apply the excess amount to any arrears. If the arrears are less than the excess amount, issue a refund immediately to the NCP for the difference between the arrears amount and the IRS tax intercept excess amount on hold.

b) 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).

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 16, Allocation and Distribution, and Chapter 16, Disbursements.

20. District office staff immediately initiate a refund when the arrears were certified in error and payment has been forwarded to DCSE.

21. Advance Refunds

Refer to Chapter 16, Disbursements, Section F, Manual Refunds, for information on advance refunds.

22. Report Refunds to the IRS

a. APECS reports refunds to the IRS automatically on the Weekly Modifications and Deletions tape.

b. State Disbursement Unit (SDU) 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

3) Correct the entry.

C. Procedures for State Tax Intercepts

1. State Tax Inquiry Functions

   a. Select option 15 - AP Inquire Intercept Data - on the APECS Inquiry Functions Menu.

   b. Review the Intercept Appeals Status field and the Frozen section on the Select certification.

   c. If the Frozen section is not completed, review the paper file to find out why the arrears were not certified.

2. 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

1) Send a mail message to supervisor to

2) review the case for referral to court to have the order amended and

3) to set the state intercept indicator.

3. District Supervisors

a. Type a self-generated entry with the following information in the APECS Case Event History and note:

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 message to the assistant director to review the case when it appears that exceptional circumstances may exist not to certify the arrears.

4. 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 actions taken, the dates the actions were taken and actions to be taken.

c. Refer to Chapter 13, Documentation Requirements/Record Retention, for general information to include in self-generated event history and notes entries.

d. Send a 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 in the worklist explaining the situation.

1) Refer to Chapter 13, Documentation Requirements and Record Retention, 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 and the dates the actions were taken

5. On-line Deletions

a. District office staff send an e-mail message to SDU staff to delete the NCP on-line when exceptional circumstances require this action.

b. State Disbursement Unit Staff

State Disbursement Unit (SDU) 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.

6. 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.

7. 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

8. 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.

9. Written and Verbal Intercept Contacts

a. Customer services staff and other staff who do not have primary responsibility for a case

1) type a self-generated entry on the APECS Participant Event History screen to document the contact,

2) refer to Chapter 13, Document Requirements and Record Retention, 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 12, Appeals, Hearings, and Reviews, Section C, Administrative Reviews.

10. Notices Returned by the Post Office

a. State intercept notices are returned to the Home 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) add the address to APECS,

2) remail the notice

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 10, 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.

11. When notification that an intercept has occurred is received from the Department of Taxation,

a. 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 SDU manually generates the Vendor Payment Intercept Notification.

12. State Intercept Collections Tapes

a. APECS automatically processes payment information.

1) Refer to Chapter 16.A, 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 13, Documentation Requirements and Record Retention.

4) Refunds payments 15 work days after the letter is generated if an NCP has not signed and returned the letter.

5) Generate Reports

6) Updates the Intercept Module

b. District office staff take the following actions when the NCP returns the Tax Intercept Letter Regarding Excess Money 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.

13. 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.

14. Payments Transferred by the Department of Taxation in Error

State Disbursement Unit (SDU)

a. receives notice that a payment was transferred in error and

b. processes the refund to the Department of Taxation by Inner-Agency Transaction (IAT) after the payment posts to APECS.

D. Process for Notification and Referral of NCPs to Consumer Reporting Agencies. (12/12)

1. Automated Notification to NCP

a. APECS automatically generates the *Consumer Agency Reporting 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 **third** weekend of the month. Criteria for generating the letters follow. **Reference APECS Enhancement dated October 22, 2012.**

1) Arrears are owed to the Commonwealth or to the CP

2) The total arrears on IV-D cases with an active support order is equal to or greater than three months of current support. Arrears on arrears-only cases are at least $500. Arrears on non-IV-D cases are not included in computing the arrears.

3) The status code on the APECS Maintain Intercept Data screen is

   a) blank for not previously submitted or

   b) <D> for previously deleted.

4) 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 Display Case Information Screen reports the Interstate (URESA Status Code) as an <R> or the field is blank, indicating no other state involvement. The Jurisdiction Code does not affect credit bureau reporting (e.g., AP-O or BOTH). See APECS System Update distributed April 13, 2012.

5) The arrears are enforceable. Refer to the following discussions of Enforcement Rules in Chapter 5:

   a) Section C, Program Standards for Enforcement;
   b) Section D, Enforcement and Minor Noncustodial Parents;
   c) Section E, Exceptions to Enforcement Action; and
   d) Section G, Spousal Support.

b. APECS generates the following entries when it generates the *Consumer Reporting Agency Notice*:

   1) Refer to Chapter 13, Documentation Requirements, Section I, Participant Event History Entries, for entry written to the Participant Event History.

   2) <L> is written in the Credit Bureau Reporting Status Field on the APECS Maintain Intercept Data screen. The <L> indicates that a letter has been generated notifying the NCP of the intent to refer the arrears.

2. New Referrals

   a. APECS generates a tape that includes new NCPs to refer to consumer reporting agencies once a month. Refer to the discussion of Automated Notification, above, for when the tape is generated and for the criteria for referring cases.

   b. APECS selects NCPs with account balances greater than 3 months of support or $500 on arrears-only cases and an <L> in the Credit Bureau Reporting Status field on the APECS Maintain 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 Maintain Intercept Data screen to <S>. The <S> indicates that the NCP's arrears were referred to consumer reporting agencies.

d. The tape is forwarded to consumer reporting agencies.

e. The tape includes new referrals and increases or decreases to arrears previously reported.

f. APECS refers the arrears if the NCP does not contest the action within 10 calendar days.

g. APECS replaces the <L> with an <S> in the APECS Credit Bureau Reporting Status f ield. An "S" means arrears have been reported to the credit bureau.

h. 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.

3. Cases Not Referred

a. If the NCP has an <L> in the Credit Bureau Reporting Status field and his/her account balances are less than 3 months of 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 tape.

b. APECS does not select NCPs if the Credit Bureau Reporting Status field has an

1) <A>. This code indicates a postponement for 60 calendar days while an appeal is under consideration.

2) <T>. This code indicates a postponement for reason other than an appeal.

3) <P>. This code indicates a permanent exclusion of the arrears from referral.

4. Referral with no Confirmed Address

a. If the NCP has an <L> in the Credit Bureau Reporting Status field and does not have a mail address or IRS address, the *Consumer Agency Reporting Notice* will still be generated and sent to the NCP automatically using batch processing. The notice will be sent to the last "old" address on the participant address screen for the NCP on APECS

b. Generation of the *Consumer Agency Reporting Notice* to the NCP with an old address will create the worklist CBLN: <CRED BUREAU LTR TO NCP OLD ADDR>.

c. Upon receipt of the worklist the worker must immediately initiate locate on the NCP. See paragraph d.(1)-(6) below for a partial list of the locate resources that should be utilized.

d. Diligent locate efforts must be made when the *Consumer Agency Reporting Notice* is sent to an address that is old. Every locate method utilized must be documented. Locate resources should include, but are not limited to:

1) DMV and VEC

2) DOC and LIDS

3) SPIDeR and ADAPT

4) PML and Employer letters

5) Accurint and FIDM

6) Review of other cases that pertain to the NCP and contact with CPs

e. If a case manager cannot complete the locate process within 10 days, he or she should update the Credit Bureau Reporting Status at the NCP MPI level with a "T" code. This action will delay referral to the Credit Reporting Agenices for 60 days.

f. If a case manager obtains a good, verified address for the NCP, he or she will update the NCP address screen with that information and generate a contact letter to the NCP advising him or her that the past due child support debt is being referred to the Credit Reporting Agencies.

1) The amount of the arrears must be noted in the contact letter.

2) Suggested language to be used in the contact letter to the NCP regarding the referral to the Credit Reporting Agencies is the following:

This is a NOTICE to you of our intent to report your support arrears in the amount of [ENTER ARREARS AMOUNT] to the Credit Reporting Agencies. If you can provide evidence why the past due support is inaccurate or should not be reported to credit bureaus, you must contact the District Office listed on this notice within 10 days.

5. Manually Generated Referrals

   NCPs who owe less than the amounts listed above are reported manually when a consumer reporting agency requests information for a specific NCP as part of a security check or loan application.

6. Consumer reporting agencies also gather information by searching public records.

7. Inquiry Functions

   a. Select option 15 - AP Inquire Intercept Data - on the APECS Inquiry Functions Menu.

   b. Review the Credit Bureau Reporting Status and Effective Date fields on the Select Intercept Data screen to see if the arrears have been referred.

   c. 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 the discussion of **Stopping Automated Referrals** for reasons not to refer arrears.

8. Administrative Reviews and Appeals

   Refer to Chapter 12, Appeals, Hearings and Reviews,

   a. Section C, Administrative Reviews,

   b. Section E, Consumer Reporting Agencies, and Section G, Administrative Appeals.

9. Stopping Automated Referrals

   a. 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:

      1) The arrears are not enforceable. For cases DCSE does and does not enforce refer to the following discussions in Chapter 5 on 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.

2) The NCP does not live in Virginia.

3) The assistant director decides not to refer the arrears based on exceptional circumstances.

4) A judge orders the arrears held in abeyance.

5) The Commissioner discharges the arrears.

b. District office staff take manual actions to prevent the referral of arrears or to remove arrears referred to consumer reporting agencies in error. pdate 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:

1) type a note to explain the action taken and why.

2) 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:

a) <CASE REFERRED TO SUPERVISOR>

b) Type a note to explain

(1) why the case(s) were referred to supervisor

(2) action requested, and

(3) date case referred to supervisor.

Refer to Chapter 13, Documentation Requirements, G, Self-Generated Event History Entries, for general information on self-generated event history entries and notes.

3) Worklist the supervisor to

a) review the case(s) and

b) set the consumer reporting agency indicator.

c. The district manager or designee approves the use of the following codes:

1) <P> This code means to permanently exclude the arrears from referral.

2) <R> This code means to remove the NCP's arrears from consumer reporting agency records.

d. District office supervisors and staff who have primary responsibility for a case

1) enter one of the following consumer reporting status codes on the APECS Credit Bureau Reporting Status screen.

a) <T> This code means to postpone for reasons other than an appeal

b) <A> This code means to postpone for 60 calendar days while an appeal is under consideration.

c) <P> Refer to item c.1 above for the meaning of this code.

d) <R> Refer to item c.2 above for the meaning of this code.

2) type a self-generated entry on the APECS Participant Event History screen as follows:

a) If the consumer reporting status code is <T> or <P> on the APECS Credit Bureau Reporting Status screen type

(1) <DO NOT REPORT NCP TO CRA> or

(2) <NCP REMOVED FROM CRA>.

3) 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>.

4) If the consumer reporting status code is <A> on the APECS Credit Bureau Reporting Status screen, type <NCP REQUESTED APPEAL HEARING>.

5) If the consumer reporting status code on the APECS Credit Bureau Reporting Status screen is blank, type <NCP REPORTED TO CRA>.

6) Type a note including the following information:

a) Whether the indicator was set to prevent referral or remove a referral that had occurred in error, and

b) Dates of actions.

7) Refer to Chapter 13, Documentation Requirements, G, Self-Generated Event History Entries, for general information on self-generated event history entries and notes.

8) Create a mail message to the assistant director to review the case when it appears that exceptional circumstances exist not to certify the arrears.

e. 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.

1) Type a self-generated entry on the APECS Participant Event History screen as follows:

a) <REFER NCP TO COURT> or

b) <DO NOT REFER NCP TO CRA> or

c) <REFER NCP TO CRA> and

2) Type a note to explain the action taken, dates actions were taken, actions to be taken and why.

3) Refer to Chapter 13, Documentation Requirements, G, Self-Generated Event History Entries, for general information on self-generated event history entries and notes.

4) 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.

5) 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.

10. Removing Referred NCPs

a. Remove NCPs previously referred when

1) the arrears are not enforceable,

2) the arrears were reported in error,

3) 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,

4) a mistake was made in the identity of the NCP,

5) the assistant director authorizes the removal due to extraordinary circumstances**,** or

6) Virginia requests the assistance of another state to enforce the order.

b. Take the following actions to remove the NCP's name from consumer reporting agencies when one or more of the above conditions exist:

1) 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.

2) Complete an automated Universal Data Form using e-OSCAR for each NCP.

3) e-OSCAR sends the automated Universal Data Form to the following agencies:

a) Equifax Information Service Center
b) Innovis Data Solutions
c) Trans Union Credit Information Company
d) Experian (TRW) Information Services

4) Enter the status code <R> on the APECS Credit Bureau Reporting Status screen.

5) Document APECS with a self-generated Participant Event History entry as follows: <NCP REMOVED FROM CRA>.

6) 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.

7) Refer to Chapter 13, Documentation Requirements, for general information to include in self-generated event history and notes entries on APECS.

c. APECS takes the following actions:

1) generates the monthly Credit Bureau Removal Report, and

2) 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.

3) replaces the <R> with a <D> on the APECS Credit Bureau Reporting status screen. The <D> means the arrears were removed.

d. Letter to NCP

1) Prepare a letter informing the NCP that s(he) has been removed from consumer reporting agency files.

2) An NCP is no longer reported to the 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.

11. Monthly Credit Bureau Removal Report, D398

a. 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:

1) generate removal letters to consumer reporting agencies,

2) reconcile NCPs on the daily removal log with NCPs on the report

3) verify that NCPs are not removed in error

b. Access the Monthly Credit Bureau Removal Report, D398, on Control-D and verify that:

1) arrears identified for removal are removed and

2) arrears are not removed in error.

c. The following data elements are on the report:

1) NCP's Name, Address and Social Security Number

2) NCP's Case Numbers, MPI Number and Case Types

3) NCP's Arrears and Status

d. Verify that all subaccount balances equal zero if the NCP was referred in error.

e. If the NCP was removed based on the interstate (URESA Status Code) being <I> and the NCP has a Virginia address, review the NCP's case(s) to decide if the interstate (URESA Status Code) of <I> needs to be deleted/updated.

E. Contacts by Customers and by Consumer Reporting Agencies

Following are the procedures to be followed by DCSE staff when contacted by an NCP regarding the referral of his or her arrears to a consumer reporting agency, or by such an agency.

1. Customer services staff and other staff who do not have primary responsibility for a case

   a. refer to Chapter 13, 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 12, Appeals, Hearings and Reviews.

   b. place a temporary hold on the referral by typing a <T> or <A> on the APECS Credit Bureau Reporting Status Screen. This action 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 12, 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 13, 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 13, 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 13, Documentation Requirements, for general information to include in self-generated event history and notes entries.

a) <SIGNED AUTHORIZATION RECEIVED> Add the date received.

f. 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.

g. Create a self-generated Participant Event History entry as follows:

<ARREARS INFORMATION PROVIDED TO>.
Add the name of the entity to whom the information was provided.

h. 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.

i. Forward the faxed authorization to the district office for inclusion in the paper file.

j. Worklist the specialist responsible for the case if the NCP disputes the amount reported.

k. 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.

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.

F. Consumer Reporting Notices Returned by the Postal Service

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:

   <CONSUM AGENCY LETTER RETURNED BY PO>.

   Refer to Chapter 13, Documentation Requirements and Record Retention, for general information to include in self-generated event history and notes entries

3. Create event notes for the entry of the date the notice was received in the district office

   Refer to Chapter 13, Documentation Requirements and Record Retention, 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 13, Documentation Requirements and Record Retention, 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 10, Location. Create a self-generated Participant Event History entry as follows:

   a. List the actions taken.

   b. Refer to Chapter 13, Documentation Requirements and Record Retention, for general information to include in self-generated event history and notes entries.

G. Procedure for Reviewing Liens Prior to Suspension of Occupational or other Licenses

1. Select option 12 - Lien Inquiry on the APECS Inquiry Functions Menu.

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.

H. Procedure for Checking on Asset Attachment Prior to License Suspension

1. Select option 10 - Case and Participant Event Inquiry on the APECS Inquiry Functions Menu.

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.

I. Procedure for Suspension of an Occupational or Professional License

1. 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.

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.

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 *Notification of Action Taken by DCSE* . Mail it to the CP by first class mail.

c. verifies that the NCP has a license, certificate, registration, or other authority by

1) reviewing the DHP Report using Control-D, or

2) reviewing the 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.

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.

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.)>.

2. If the NCP does not contact 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.

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 qualify based on the amount owed and the date of the last payment. Refer to Chapter 16, Financial Operations, Section IV.N, Receivables 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 5, 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 *Payment Agreement Occupational or Professional License Suspension.*

h. completes the *Payment Agreement Occupational or Professional License Suspension* 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. have the NCP sign the *Payment Agreement*.

4. 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) 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.

2) If the above conditions are met, the case qualifies for license suspension.

b. Review the APECS Participant Account History for the NCP.

1) 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, allocate the payments 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 9, Service of Process and Notarization, Section C, How to Accomplish Service.

5. 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 *Notification of Action Taken by DCSE*. Mail the notice to the CP using first class mail.

6. Upon approval of Legal Counsel, the district office specialist takes the following actions within two business days:

   a. Complete the *Case Referral Checklist for Court Pleadings* and the *Petition for Suspension of Professional or Other License* (District Court Form DC-670). Refer to the instructions for completing the form.

   b. Add a self-generated APECS Case Event History entry.

   c. Generate the *Motion for Show Cause Summons*, if one has not been filed. APECS generates a Case Event History entry.

   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

      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.

7. 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.

8. 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.

   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.>

9. When the NCP signs the *Payment Agreement Occupational or Professional License Suspension* 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,* form DC-672, available from the court.

   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 *Payment Agreement Occupational or Professonal License Suspension* 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.

10. 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. completes the *Case Referral Checklist for Court Pleadings.*

    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.

11. 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.

       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.

J. Procedures for Seizure and Sale (09/12)

1. Review the case to determine that eligibility criteria have been met.

2. Check the Department of Motor Vehicles for

   a. vehicles registered in the NCP's name,

   b. the address on the vehicle registration, and

   c. the name of any lienholder on the vehicle.

3. Verify the NCP's address. If necessary, generate the *Postmaster Verification Request*.

4. File a lien in each county or city in which the asset targeted for seizure can be found.

5. If an intent notice has not already been sent, issue a *Seizure and Sale (Notice of Intent)* to the NCP.

6. If the NCP contacts the district in response to the intent notice, the DCSE worker should attempt to negotiate a settlement in the following order**:**

   a. by asking for full payment of the arrearage, or

   b. if full payment cannot be made, make two calculations to arrive at the possible monthly arrears payment amount to be used in the payment agreement. Compare the results of the two calculations to the arrears payment on the order(s) (if applicable), and use the amount that results in the largest monthly payment to complete the *Seizure and Sale Payment Agreement (DCSEP 829).*

      1) Request a substantial lump sum payment (an amount above the minimum amount of $500 or 5%, whichever is greater) plus a payment plan. Calculate the amount to be paid monthly using 25% of current support or $65, whichever is greater when no arrears payment has been set or ordered. or

      2) Calculate payment of the arrears to be satisfied within a period not to exceed 10 years. This figure is determined by dividing the total amount of arrears plus accrued interest by 120 months, or

3) If the order addresses an arrears payment and that payment is more than either of the above two options, use that payment amount for the payment agreement.

7. 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.

   a. Generate the *Seizure and Sale (Approval Request)* when seizure action is to take place.

   b. Obtain approvals from the specialist supervisor and the district manager.

   c. Submit to the appropriate assistant director for approval.

   d. 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 when the 90 days will expire.

   e. Generate the *Seizure and Sale (Fieri Facias Cover Letter)* after receiving the Writ of Fieri Facias from the court.

   f. Send a writ to the sheriff of any county or city where property being levied upon is located.

   g. 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)*.

   h. If the decision is made to terminate the seizure action before the asset is actually seized, generate the *Seizure and Sale (Cancellation Notice)*.

   i. If communication with the lienholder is necessary either before or after the seizure, generate the *Seizure and Sale (First Lienholder Notice)*.

   j. If the asset is a motor vehicle, generate the *Seizure and Sale (DMV Notice)* after the vehicle has been sold, to cause DMV to issue a clear title to the new owner.

   k. Document the Case Event History as appropriate.

K. Procedures for Booting Vehicles

1. Designate a staff member in the office as the Boot Project Coordinator.

2. Review the case to determine if eligibility criteria are met. Cross reference for multiple cases.

3. Check the Department of Motor Vehicles for

   a. vehicles registered in the NCP's name,

b. the address on the vehicle registration, and

c. 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.

4. Check sources for the loan terms and remaining balance owed on the vehicle.

5. 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.

6. Establish the location of the vehicle, *i.e*., public area versus private property or driveway.

   a. 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.

   b. 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.

7. If the vehicle is a good target for booting, seek the supervisor's or district manager's approval by completing the SAFE checklist.

8. 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.

9. 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.

10. Follow up with the Sheriff to ensure receipt of the writ.

11. 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.

    a. Sheriff's deputy should verify the Vehicle Identification Number (VIN) and the vehicle tag number prior to boot attempt.

    b. Sheriff's deputy should advise DCSE of disabled or damaged vehicles.

12. Sheriff's office should contact DCSE after the vehicle(s) is booted.

13. Wait for the NCP to contact DCSE.

14. Document the APECS Case Event History appropriately for all actions taken to boot the vehicle(s)

L. Procedures for Referral of Cases to the United States Attorneys' Offices

1. Complete the *Checklist for U.S. Attorney's Office Prosecution* form (DCSEP-764). This assures that the criteria for referral are met and documented in the case file.

2. 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.

3. Obtain the supervisor's, the district manager's, and Legal Counsel's approval for referral to the United States Attorney's Office.

4. Once approval of the Legal Counsel is obtained, complete the *U.S. Attorney's Office Referral for Prosecution* form (DCSEP-765) and the *State Referral: Federal Criminal Prosecution for Non-Support* (18 U.S.C.§228) *Project Save Our Children* federal form. The federal form can be obtained from the OCSE website by accessing Action Transmittal AT-11-01 dated January 26, 2011.

5. 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.

   a. 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.

   b. 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.

5) photograph of NCP if available

6) supporting information

(a) biographical information regarding the NCP

(b) copy of support order and all modifications, if any

(c) copy of the case account statement showing the history of unpaid child support which has been reviewed for accuracy

(d) locate information showing evidence of NCP's address

(e) 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

(f) copies of all notices, if applicable, sent to the NCP advising him or her of the responsibility to pay support

(g) 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, unemployment records, loan applications, business or occupational licenses, mortgage information, etc., if available

(h) any information, material, or evidence demonstrating the NCP's willful failure to pay that obligation

(i) an explanation of any state criminal charges which may have been filed or are pending

(j) information about whether the child has lived with the NCP for any of the period of non support, if known

(k) a statement regarding whether the CP has been uncooperative in pursuing support.

(l) Information regarding all contacts, calls and correspondence that the NCP may have had with the Division.

6. Give a package containing the checklist, the referral form, the *U.S. Attorney's Office Prosecution Referral* form, *State Referral: Federal Criminal Prosectuion For Non-Support (18 U.S.C.§228) Project Save Our Children* form, photograph of the NCP and the United States Attorney's Office file to the district manager for approval and signature.

7. Send complete package to the appropriate assistant United States attorney:

   a. Ms. Patricia Haynes

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 in Alexandria is (703) 299-3700.

b. Ms. Charlene Day
Assistant United States Attorney
Western District of Virginia
301 First Street, S.W.
Roanoke, VA 24011

The telephone number for the United States Attorney's office in Roanoke is (540) 857-2250.

8. 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.

   Send a copy of the referral form to the appropriate Assistant Director.

9. 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.

10. 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 Ms. Patricia Haynes, Assistant United States Attorney, Eastern Division, fax number (703) 299-3982 or Ms. Charlene Day, Assistant United States Attorney, Western Division, fax number (540) 857-2179.

2) Follow up immediately in writing using the U.S. Attorney Office Update form (DCSEP-766).

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.

M. Procedure When NCP Objects to Passport Denial

1. 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 the procedure described here.

2. 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 subtraction of the spousal arrears would bring 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.

N. Procedure for Issuance of the Demand for Payment of Child Support

1. Generate the *Demand for Payment of Child Support* document when the NCP meets the criteria.

2. 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.

3. 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.

4. 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."

5. 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".

6. 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).

O. Procedures for Excluding a Participant or a Case from Submission to CSLN

1. Participant Exclusions

   a. Workers can manually exclude NCPs by updating the 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 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 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 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.

2. Case Exclusions

   a. Workers can manually exclude a specific case by updating the CSLN Exclusion by Case screen (Case Management Option 24, PF5 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 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 CSLN.

P. Procedures for Enforcing CSLN Claims

1. Worker's Compensation Claims

   a. If there has been a match with a worker's compensation claim, the 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.

   b. Contact the insurance company adjuster to determine the type of settlement that will be made in order to issue the appropriate notices.

      1) If the payout will be made in increments, issue an *IWO* to the insurance company.

      2) If the payout will be made in a lump sum, issue the *Order to Withhold - Insurance Assets* to the insurance company via certified mail, return receipt requested. Send a *Notice to Debtor*, five days after the *Order to Withhold - Insurance Assets* has been sent along with a copy of the *Order to Withhold - Insurance Assets* that was sent to the Insurance Company to the NCP via certified mail, return receipt requested or via sheriff for service.

      3) If there is a question on how the claim will be paid out, it may necessary to issue both the *Order to Withhold - Insurance Assets* and the *IWO.*

2. Incarcerated NCPs

   a. 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.

   b. 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 5, Enforcement Rules, Section E.

   c. Once approval is obtained from court, staff should follow the same procedures as for issuing an *Order to Withhold - Insurance Assets* and *Order to Deliver-INS Assets* documents.

3. Personal Injury Claims

   a. A personal injury claim will be designated by a blank in the Workers Compensation field on the CSLN-Participant Detail Record.

   b. APECS will generate the OWD to both the Insurance Company and the NCP on CSLN Match cases where there is a personal injury claim. APECS will initiate the enforcement process on these matches by:

1) Issuing the *Order to Withhold - Insurance Assets* to the Insurance Company (contact address) via certified, return receipt requested mail, for each of the NCP's cases that were submitted.

2) Returning the certified receipt (green card) for proof of service of the *Order to Withhold - Insurance Assets* to the appropriate district office (with sufficient identifying information).

4) Instructing the Insurance Company to return the *Order to Withhold* ANSWER form to the appropriate district office.

4) Sending the *Notice to Debtor* to the NCP, along with a copy of the initial *Order to Withhold - Insurance 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.

5) Returning the certified receipts (green cards) and sheriff service documents to the appropriate district office (with sufficient identifying information.

c. Once these documents have been sent, APECS will be updated with two new case events:

1) 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.

2) 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.

4. 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 - Insurance Assets*. If the arrearage has decreased, send a *Notice of Partial Release - Insurance Assets* and send the *Order to Deliver - Insurance 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

Q. Bankruptcy Procedures for Chapter 7 and 13

1. Chapter 7

   a. Upon receipt of a notice of a Chapter 7 filing in which DCSE has been listed as a creditor and in which the NCP owes an arrearage, the Bankruptcy Unit will update APECS with the bankruptcy information on the Bankruptcy Information Screen. This information is reflected on the NCP's MPI level by the disposition code BKRP, new bankruptcy entered, and results in all of the NCP's IV-D cases showing his/ her name in yellow. Non IV-D cases and cases with no arrears will not be updated with the bankruptcy data.

   b. The caseworkers and district managers in which the NCP has an obligated case with arrearages will be electronically notified that a Chapter 7 has been filed. The e-mail will contain the legal advice appropriate to the case.

   c. In Chapter 7 bankruptcies, the Division may continue to take most actions. Do not file a motion for Show Cause with the court unless first discussing with the Bankruptcy Unit. Do not file any new liens and do not generate any Orders to Withhold or Orders to Deliver until the bankruptcy is discharged or dismissed.

   d. When a Chapter 7 bankruptcy is dismissed or discharged, the Bankruptcy Unit will update the Bankruptcy Information Screen in APECS. This update will result in the disposition code BKRD, bankruptcy discharged, being updated at the NCP MPI level, the caseworkers and district manager's notification of the discharge/dismissal and that all enforcement actions may resume. APECS will automatically resume all usual automated collection measures.

2. Chapter 13 (includes Chapter 11 and 12 cases)

   a. Upon receipt of a notice of a Chapter 13 filing in which DCSE was listed as a creditor and in which the NCP owes an arrearage, the Bankruptcy Unit will update APECS with the bankruptcy information on the Bankruptcy Information Screen. This information is reflected on the NCP's MPI level by the disposition code BKRP, new bankruptcy entered, and results in all of the NCP's IV-D cases showing his/her name in yellow. Non IV-D cases and cases with no arrears will not be updated with the bankruptcy data.

   b. The caseworkers and district managers in which the NCP has an obligated case with arrearages will be electronically notified that a Chapter 13 has been filed. The e-mail contains the legal advice appropriate to the case.

   c. Automated modifications of the IWO – EIWO to collect current support only should be processed by APECS. A copy of the support order for each NCP's case needs to be sent to the Bankruptcy Unit so that they can file a proof of claim.

d. When a Chapter 13 is dismissed or discharged, the Bankrupcty Unit will update the Bankrupcty Information Screen in APECS. The update will result in the disposition code BKRD, bankruptcy discharged, being updated at the NCP MPI level, caseworkers and district manager's notification of the discharge/dismissal and that all enforcement actions may resume. APECS will automatically reverse all actions taken and generate new IWO – EIWOs for arrearages where appropriate.

e. The Bankruptcy Unit will monitor and maintain electronic files for all Chapter 13 bankruptcy cases. The Bankruptcy Unit will file all proofs of claims and other documents and pleadings with the appriopriate bankruptcy courts.

R. Procedures for Releasing and Including VEC Withholding

Excluding an NCP from VEC Submission and Excluding and Including a Case from VEC Withholding

1. 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. Then 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.

2. 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.

3. 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 an "E" next to each case to be excluded. Press
   <ENTER> to update.

4. 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.

5. 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.

S. Procedures for Actions to be Taken when an NCP Contacts DCSE Regarding the Notice of Intent to Suspend Drivers License. (12/12)

1. Review the NCP's case(s) to determine if he or she qualifies for license suspension based on the amount owed and the date of the last payment. Refer to Chapter 16, Receivables, Section N, Receivable Maintenance. Total the arrears the NCP owes on all cases to see if the arrears meet the criteria in Chapter 5, Section B.1 in the program manual.

2. Review the NCP's case(s) to determine if the criteria in Section B.2.a-k, in the program manual are met. If the NCP is delinquent $5000 or the arrears for all of the NCP's cases with the Division total at least
90 days of the support obligation and total at least $500 and the requirements of C.2.a-k are met, then the arrears qualify for drivers' license suspension.

3. Contact the NCP to discuss the results of the review.

4. Ask the NCP to pay the arrears in full. Orally 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 suspension process.

5. Negotiate a Payment Agreement with the NCP if the arrears cannot be paid in full.

   a. The Payment Agreement must include an initial payment which is at least:

      1) for an initial agreement, $600 or 5% of the total arrears balance, whichever is greater;

      2) if the NCP previously failed to comply with one Payment Agreement, $1200 or 5% of the total arrears balance, whichever is greater;

      3) if the NCP previously failed to comply with two or more Payment Agreements, $1800 or 5% of the total arrears balance, whichever is greater.

   b. The Payment Agreement's terms must satisfy the delinquency within a period of no more than 10 Years for an initial agreement, and no more than 7 years if the NCP previously failed to comply with one or more Payment Agreements.

   c. **Make the following calculations to arrive at the monthly payment amount for the Payment Agreement**.

      1) Calculate the amount to be paid monthly using the total arrears for all of the NCP's cases with the Division plus accrued interest divided by 120 months for an initial agreement or 84 onths for subsequent agreements.

      2) Calculate the amount to be paid monthly **for each of the NCP's cases as follows:**

a. Compute the amount to be paid using 25% of current support or $65, whichever is greater, when no arrears payment has been set or ordered and current support is still due;

b. Use the monthly arrears payment when the court has ordered a monthly payment on arrears or the ASO specifies a monthly arrears payment;

c. Use the former monthly current support obligation for any arrears only cases in which the court has not ordered payments on arrears or the ASO did not set a specific payment towards arrears;

d. **Use the figure which is the total of current support plus arrears once current support ends and a court order or ASO includes a current support payment and a payment for arrears**.

3) **Upon determining the monthly arrears payment amount** for each of the NCP's cases, **the case manager will add each of the monthly amounts together to get one total monthly amount of arrears due. The case manager should compare the computations in number 1 and 2 and use the calculation that results in the largest monthly arrears payment to complete the payment agreement**.

4) A fourth method of calculation may be used if it is determined that the NCP is acting in good faith and there is no reasonable possibility that he or she can pay the delinquency in the required time frame of 10 or 7 years. Calculate the total amount of arrears due, plus accrued interest, and multiply that total by 75%. Divide the result of this calculation by 119 for an initial Payment Agreement and by 83 for each subsequent agreement. The resulting figure will be used for the monthly payment on the Payment Agreement. The remaining 25% of the arrears plus interest will be payable at the 120th or 84th month as a lump sum or balloon payment. Use of this fourth method of calculation must be approved by the District Manager.

d. Complete the *Payment Agreement.* Refer to the instructions in Chapter 5, V License Suspension, Section B.

e. Have the NCP sign the *Payment Agreement*. The signing of this document does not prevent DCSE from taking other enforcement actions to collect the arrears.

f. Continue the suspension of the driver's license if the NCP fails to pay the full amount due each month as provided in the Payment Agreement on the date it is due.

g. Complete an income withholding if the NCP is not self-employed and his or her employer is known. Refer to the discussion in this chapter, Enforcement by Wage Withholding, Section D, The Monthly Amount to be Paid on Arrears.

T. Procedures for IRS Full Collection

1. Complete the *Application for Collection of Delinquent Child Support Payments by the Internal Revenue Service (DCSEP-831)* as an initial request ('x' beside item a).

2. Attach two copies of all currently effective support orders.

3. Attach a copy of the Case Account Statement and copies of fiscal records for periods prior to APECS conversion, if applicable.

4. 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 actions (e.g., DCSE, the CP, an attorney, the court, etc.) and why further enforcement action by the Division would be unproductive.

5. Include the name of the case manager or case manager supervisor responsible for the case.

6. Obtain the district manager's approval by initialing the applicaton.

7. Forward the *Application for the Collection of Delinzuent Child Support Payments by the Internal Revenue Service* and the attachments to the EFT/Tax Intercept Unit in home office.

8. Enter notes in APECS in the Case Event History screen stating that the application was sent to home office.

9. The EFT/Tax Intercept Unit

   a. reviews the package for approval;

   b. attaches a cover letter; and

   c. obtains the director's signature on the cover letter

10. IRS charges 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 the Division upon receipt of a bill. The fee is not charged to the NCP or the CP.

11. The EFT/Tax Intercept Unit forwards the application package to the regional office of OCSE. The EFT/Tax Intercept Unit

    a. sends a copy of the cover letter to the district manage as notification of action taken; and

    b. generate a Case Event History entry stating that an applicaton for IRS Full Collection Service has been forwarded to the regional OCSE

       The IRS maintains the referrals in an active status for ten years. Generally, the IRS does not provide

       1) complete the *Application for Collection of Delinquent Child Support Payments by the Internal Revuene Service (DCSEP-831)* as a modification to a previous request ('x' beside item b) or as a cancellation of a previous request ('x' beside item c); and

2) enter the Original Control Number issued by OCSE on the document; and

3) generate a Case Event History entry. Attach notes to the Case Event History entry saying that the IRS Full Collection Services request (include the Original Control Number) has been modified or canceled; and

4) forward the applicaton for the modification or cancellation to the EFT/Tax Intercept Unit.

12. The EFT/Tax Intercept Unit

a. prepares a letter for the director's signature providing the

1) case number,

2) NCP's social security number,

3) the amount of arrears,

4) the reason for modification or cancellation; and

b. sends the signed letter, along with the application to the regional office of OCSE; and

c. sends a copy of the signed letter to the district manager; and

d. generates a Case Event History entry saying that a request for modification or cancellation of the IRS Full Collection Services sent to the regional office of OCSE.

U. Procedures Regarding Staff Responsibilities Involving Consumer Reporting

1. Home 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 electronically a Universal Data Form using e-OSCAR to remove arrears referred to

credit reporting agencies in error,

e. process *Consumer Agency Reporting Notices* returned by the Postal Service,

f. file authorizations to release arrears information documents signed by the NCP,

g. review the Monthly Credit Bureau Removal Report, D398. Refer to the Procedures Manual for details.

h. in the rare instance that a consumer report needs to be obtained, provide the NCP with 10 days' notice prior to requesting the report. This is applicable when attempting to enforce a child support obligation either judicially or administratively.

CHAPTER 7 – MEDICAL SUPPORT-PROCEDURES

A. Establishing an Order for Health Care Coverage (12/12)

1. For *ASO*s, a provision for health care coverage is part of the order.

   a. The CP should be ordered to provide the health care coverage if:

      1) the CP currently has the child(ren) enrolled in an insurance plan and agrees to maintain the coverage, or

      2) the CP has coverage available through employment and agrees to enroll the child(ren).

      3) the CP is the only party who has health care coverage available at a reasonable cost; or

      4) the CP has health care coverage available, the cost of which is not reasonable, but both parties agree in writing (by signing the *Agreement to Provide Health Care Coverage*, Form DCSEP-851) to enroll the children in that coverage.

   b. If the CP is ordered to provide the health care coverage, workers must enter a "C" in the HCC ORDERED field on the Support Order Screen. Set the APECS "CP REQ MED SUPPORT" field on the overview screen to "No" (N).

   c. The NCP should be ordered to provide the health care coverage if appropriate under the facts and circumstances of the case and:

      1) the CP chooses not to maintain existing health care coverage and the NCP has coverage available at a reasonable cost;

      2) the CP chooses not to enroll the child(ren) in available coverage and the CP has coverage available at a reasonable cost;

      3) the NCP is the only party who has health care coverage available at a reasonable cost

4) 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.

d. If the NCP is ordered to provide the health care coverage, workers must enter a "Y" in the HCC ORDERED field on the Support Order Screen. Also, set the APECS "CP REQ MED SUPPORT" field on the overview screen to "Yes" "Y".

e. In some cases, both parties will be ordered to provide the health care coverage. When this is the case situation, workers must enter a "B" in the HCC ORDERED field on the Support Order Screen. Also, the APECS "CP REQ MED SUPPORT' field on the overview screen should be set to "Yes" (Y).

The health insurance record is to be built at the participant level of the parent that is providing the health care coverage. This is the "CREATE MEDICAL INSURANCE" screen. In the event that both the CP and NCP are to provide health care coverage, the case worker will update both the NCP and CP's "CREATE MEDICAL INSURANCE" screen with the information applicable to that participant.

2. For court orders, petition the court to ensure that a provision for health care coverage is included in the order.

3. If an ASO exists which does not address the health care coverage provision, establish a health care coverage order by issuing a new ASO.

4. 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 8, Judicial Support Actions, for information about modifying a court order.

5. 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.

6. Update the APECS Create Medical Insurance screen.

B. Enforcing Health Care Coverage Administratively

1. Generate the *National Medical Support Notice*. Refer to Chapter 9, Service of Process and Notarization, for procedures on serving the order upon the employer.

2. 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:

   a. the employer does not maintain or contribute to plans providing dependent health care coverage.

1) delete the MHI1 worklist for the related employer.

2) enter the code OBNA as the delete disposition.

b. the employee is among a class of employees (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.

1) delete the MHI1 worklist for the related employer.

2) enter the code OBNA as the delete disposition.

c. Health care coverage is not available because the employee is no longer employed.

1) delete the MHI1 worklist for the related employer.

2) enter the code OBNA as the delete disposition.

3) enter the end date on the related employer on the NCP's employment history and add a note to record any additional information received.

d. 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.

1) delete the MHI1 worklist for the related employer.

2) enter the code WLPW as the delete disposition.

3) 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:

a) create or update the NCP's medical insurance record.

b) add or update covered participants, employer information and insurance company information to the medical insurance record.

c) generate the *Health Insurance Notice (CP)* from APECS document generation indicating the appropriate information.

CHAPTER 8 – JUDICIAL ACTIONS-PROCEDURES

A. Paternity Establishment for Local Cases

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 for the Division to perform this function.

4. Complete a *Case Referral Checklist for Court Pleadings.*

5. Forward the petition, the signed *Mother's Affidavit of Paternity* or a *Legal Guardian Affidavit*, if the mother is not available, and any other attachments, to the clerk of the juvenile court in the jurisdiction where the CP or children reside. If necessary, obtain approval from Legal Counsel prior to forwarding to court.

6. APECS generates a worklist item for court action follow-up.

7. When the court date and time are received from the court, update APECS.

8. Review the case before the court hearing.

9. 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.

10. If a PF fails to appear for a court paternity hearing after being personally served with notice of the hearing, the court may proceed in hearing the evidence as if the PF were present and may adjudicate paternity in his absence. The default paternity order must then 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. (Va. Code § 20-61.3)

11. If the PF cannot be served, the court may dismiss the petition or continue the case until the PF can be served.

12. The court may continue the case to a later date if the PF fails to appear and has had substituted service.

13. Attend the court hearing and present the facts of the case if called upon to do so.

14. If the PF admits paternity of the child in court, the paternity issue is resolved.

15. If the PF does not admit paternity in court, the Division's Legal Counsel may request genetic testing.

16. Generate and send a *Notification of Action Taken By DCSE* document to the CP if the CP was not present at the hearing. Document APECS if the CP was present at the hearing.

17. Document court disposition on APECS Case Event History.

    b. Admitted paternity

    c. Dismissed, with prejudice

    d. Dismissed, without prejudice

    b. Genetic testing ordered

    e. Continued to a later date

See the Resource Manual for the APECS codes for these and other possible dispositions.

18. If genetic testing is ordered, schedule the testing according to established district office procedures.

19. 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.

20. As a general rule, 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 parties that the results have been filed with the court. However, in an unusual case, it is permissible to advise either or both of the parties and/or their attorneys of the genetic test results prior to the court hearing, if circumstances indicate a need for such disclosure. This disclosure should be made only with the approval of legal counsel for the Division and should be made in a written document or e-mail message.

21. File the genetic test results with the court at least 15 days prior to the court hearing. (Va. Code § 20-49.3(C))

22. Monitor the 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 instead may have to appeal to the circuit court.

23. If the NCP is ordered to reimburse the Commonwealth for genetic testing, enter the Genetic Test Fee subaccount on APECS. Refer to the Procedures Manual for Chapter 16 - Financial Operations – Procedures, Section G – Adding Orders to APECS Using the "ORDER MODULE" for further directions.

24. If a public assistance CP fails to appear at the hearing and her cooperation is necessary, generate notice of her noncooperation to the LDSS. Refer to the discussion of Interaction with Local Agencies elsewhere in this manual.

25. If the PF is excluded from paternity by the genetic test results, refer to the discussion in the chapter on paternity.

26. When paternity is established, the court will forward the Order Determining Parentage,along with the signed *Mother's Affidavit of Paternity* or *Legal Guardian Affidavit*, provided by DCSE, to the Office of Vital Records (OVR), which 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.

27. After the court hearing, update the genetic test probability percentage information and paternity disposition on APECS.

B. Establishing Paternity for an Incarcerated Putative Father

1. Generate a civil *Petition for Support* and request that a guardian ad litem be appointed forthe incarcerated PF, and

2. Complete the *Case Referral Checklist for court Pleadings.*

3. Forward the petition and any other supporting information to the appropriate juvenile court (this may be the court where the CP lives or another court, depending on the circumstances).

4. Attend the hearing and present the facts of the case to the court if called upon to do so by Legal Counsel or the court.

5. If genetic testing is ordered, document APECS with the following information:

   a. date the genetic testing results were received, and

   b. the results of the genetic testing

1) PF found to be the child's biological father, or

2) PF excluded as the child's father.

6. File the genetic test results with the court at least 15 days prior to the court hearing.

7. 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 parties that the results have been filed with the court.

8. 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, it may be appropriate to appeal the case to the circuit court. If this issue arises, refer the case to Legal Counsel immediately.

9. If the NCP is ordered to reimburse the Commonwealth for the cost of testing, enter the Genetic Test Fee subaccount on APECS. Refer to the Procedures Manual for Chapter 16 – Financial Operations – Procedures, Section G – Adding Orders to APECS Using the "ORDER MODULE" for further directions.

10. If a public assistance CP fails to appear at the hearing and her cooperation is necessary, generate notice of her noncooperation to the LDSS. Refer to the discussion of Interaction with Local Agencies later in this manual.

11. If the PF is excluded, refer to the discussion in Chapter 3, Paternity.

12. If the PF acknowledges paternity under oath and the court enters an order determining parentage, document those facts in APECS.

C. Establishing Paternity Judicially Using the Long Arm Provisions

1. 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 return to staff.

2. Generate a Virginia civil *Petition for Support* requesting paternity adjudication and entry of a support order.

3. Complete the *Court Referral Checklist for Court Pleadings*

4. Obtain a picture of the PF from the CP if possible. This assists in serving the PF with notice.

5. Prepare a *Service of Process Cover Letter* (DCSEP-850). This form is on SPARK, under DCSE forms, DCSEP, Establishment forms.

6. Request money from the district office's petty cash fund to pay for any fees required by the other state.

7. File the petition with the *Mother's Affidavit of Paternity* with the clerk of the juvenile court in the city or county 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.

8. 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 as to whether it would be best to go through the IV-D agency or the sheriff or private process server.

         b) Service may be accomplished more quickly by dealing directly with the sheriff rather than with 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 court’s clerk's office in Virginia.

c. Schedule the case in the local juvenile 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.

d. Send two copies of the pleadings and the Service of Process Cover Letter (or other form, if any, used in your District Office) to the IV-D agency or sheriff along with

1) the required fee, and

2) a stamped envelope pre-addressed to the Virginia juvenile court so that the copy noting proof of service can be mailed back to the court.

e. Advise the local juvenile court, in writing, that DCSE forwarded copies of the pleadings to the other state for service.

f. 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.

9. Follow steps numbers 7 to 27 under Paternity Establishment for Local Cases, earlier in this section of the Procedures Manual.

D. Adding One or More Additional Children to an Existing Child Support Order

When it is necessary to send a case to court to add a child to an existing order for the same parties, the following steps should be taken:

1. File 2 pleadings:

a. A Petition for Support for a new order that will include all of the children, including the new one(s). The *Petition* should cross-reference the *Motion to Amend*, discussed below. Be sure to request that arrears be set; and

b. A *Motion to Amend* for a new order to supersede the existing order and set arrears. Cross-reference the *Petition for Support* being filed concurrently.

2. Complete the *Case Referral Checklist for Court Pleadings.*

3. On the *Petition for Support*, check the second box under item #2 (next to "That an order concerning the support of the person(s) for whom support is sought in this petition has been entered.")

4. In section #3 of the *Petition for Support*, fill in the names of all of the children, including the new one(s), so that all of the children will be listed on the new support order.

5. Insert the following language on line 5 of the *Petition for Support*:
   "There is an existing order for [existing child/ren's name(s)] only. There is no order for [name of new child/ren]. Enter a new order for all children; set current support; set arrears under prior order, if any, and arrears from date of filing of this petition; and set a payment on arrears if applicable. A motion to amend for a new order to supersede the existing order has been filed concurrently."

6. On the *Motion to Amend*, under "for the following reasons," type in:
   "The existing order is for [existing child/ren's name(s)] only. There is no order for [name of new child/ren]. An initial petition for a new order to supersede the existing order has been filed concurrently."

7. Note that this procedure does not apply in a situation where there is a CAP child in a TANF case. In such a situation, it ordinarily is appropriate to file a new *Petition for Support* for the CAP child only, because that case should be kept separate from the case for the non-CAP children. It also is appropriate to file a *Motion to Amend* the order for the other children, because that order is likely to decrease because of the existence of the new order for the CAP child. See the discussion of CAP child in the Procedures Manual.

E. Change in Physical Custody of a Child When Support is Ordered by a Virginia Court (03/2013)

1. When DCSE receives a referral from the LDSS or an *Application for Child Support Enforcement Services* from a person other than the obligee and obligor in the existing court order, prepare and mail within 10 days to both parties to the court order the *Change of Physical Custody* form.

2. If custody allegedly has changed for all children listed in the order and no challenge to the statements on the Change of Physical Custody Form is received within 10 days after the form was mailed, take the following actions:

   a. File with the court that established the order an Initial Petition to obtain a new current support order payable to the new custodial parent and a Motion to Amend to terminate the existing support order and to set the arrears under that order, if any.

   b. Complete the *Case Referral Checklist for Court Pleadings* for each case.

   c. At the same time redirect current support payments to the new custodial parent.

3. If any of the children remain on the original case, do not redirect payments to the new Custodial parent. Complete the *Case Referral Checklist for Court Pleadings* for each case. File an Initial Petition to obtain a new current support order payable to the new custodial parent. File a Motion to Amend to have the order modified based on the new number of children and to set the arrears, if any, under the existing order.

4. If one of the parties to the court order responds by disputing the statement of the person who is claiming custody, take the following action as appropriate:

a. In a Foster Care case or TANF case, refer the matter to the LDSS and continue handling the case with the current obligee as payee. Once the LDSS has resolved the factual dispute, take further action as appropriate.

b. In a non-assistance case, attempt to determine the actual custody situation by contacting the parties to the court order. If both the existing obligee and the new applicant for services claim physical custody of the child(ren), do the following:

1) File with the court that established the order an Initial Petition to obtain a new current support order payable to the new custodial parent and a Motion to Amend to terminate the existing support order and to set the arrears under that order, if any. Complete the *Case Referral Checklist for Court Pleadings* for each case.

2) Continue to send payments to the existing obligee as directed by the current court order until the matter is resolved by the court.

5. If not all of the children on the order are alleged to have changed custody, do not redirect any child support payments unless or until a new court order has been issued. File an Initial Petition to obtain a new current support order payable to the new custodial parent. File a Motion to Amend to have the existing order modified based on the number of children and to set the arrears under that order if any. Complete the *Case Referral Checklist for Court Pleadings* for each case.

6. For cases in which the noncustodial parent becomes the custodial parent for all children in the order:

a. When DCSE receives a referral from the LDSS or receives an *Application for Child Support Enforcement Services* from the original non custodial parent, who is now claiming to be the custodial parent for all children listed in the support order, within 10 days prepare and mail to the existing obligee to the court order the *Change of Physical Custody* form.

b. If no challenge to the statements on the Change of Physical Custody form is received within 10 days from the date the notice was mailed, complete the *Case Referral Checklist for Court Pleadings* on each case. File an Initial Petition to obtain a new current support order payable to the new custodial parent and file a Motion to Amend to terminate the existing support order and to set the arrears under that order, if any. If there are no arrears on the case, place a hold on the payments received pursuant to the order until the matter is resolved by the court. If there are arrears, continue distributing funds to the arrears.

c. If not all children on the order are alleged to have changed custody, do not place a hold on the payments or take any other action to stop the payments unless and until a new order is entered. Complete the *Case Referral Checklist for Court Pleadings* on each case.File an Initial Petition to obtain a new current support order payable to the new custodial parent. File a Motion to Amend to have the existing order modified based on the number of children and set the arrears under

that order, if any.

d. If the existing obligee responds by disputing the statements on the Change of Physical Custody form, take the following actions, as appropriate:

1) In a Foster Care case or TANF case, refer the matter to the LDSS and Continue handling the case with the current obligee as payee. Once the LDSS has resolved the factual dispute, take further action as appropriate.

2) In a non-assistance case, attempt to determine the actual custody situation by contacting the parties involved. If both the existing obligee and the new applicant for services claim physical custody of the child(ren), file an Initial Petition to obtain a new current support order payable to the new custodial parent and file a Motion to Amend to terminate the existing support order and to set the arrears under that order, if any. Complete the *Case Referral Checklist for Court Pleadings* for each case. Continue to send payments to the existing obligee as directed by the court order until the matter is resolved by the court.

7. If DCSE receives allegations that the new custodial parent has illegally obtained custody, continue with the above actions. If the circumstances warrant, advise the person making the allegation to contact law enforcement authorities.

8. When an *Application for Child Support Enforcement Services* is received from a person other than the obligee named in the court order, (a child goes from one custodial parent to another), file two pleadings:

a. a *Petition for Support* (or *Petitions*, if it is necessary to obligate both parents) to pay the new custodian; and

b. a *Motion to Amend* to terminate the existing order and set arrears on that order.

c. Complete a *Case Referral Checklist for Court Pleadings* on each case.

d. On line 5 of the *Petition for Support*, type in:
"[Name of NCP] was ordered to pay [Name of existing CP], who is no longer the custodial parent. No order for [Name of NCP] to pay [Name of new CP], the current custodial parent."

e. On the *Motion to Amend*, check the box beside "The undersigned moves that the attached order be changed, amended, and/or modified as follows:" Then type in:
"Terminate support and set arrears, if any, and a payment plan toward arrears if applicable." Under "for the following reasons," type in**:**
"This/these children are now in the custody of [Name of new CP]. This court previously ordered Respondent to pay support for [Name(s) of child/ren] through former custodial parent [Name of existing CP], and a petition for support has been filed concurrently for [Name of NCP] to pay support for this/these child/ren

through the new obligee, [Name of new CP]."

9. If the Divison learns that a child has gone to a new custodian but the new custodian declines to apply for the Division's services **or is unknown** and the case does not involve public assistance, put a hold on the payments and refer the matter to legal counsel. The case should be sent to court to terminate the existing order and have the court determine how to distribute any monies that accumulated while the payments were on hold.

CHAPTER 13 – DOCUMENTATION REQUIREMENTS AND RECORD RETENTION PROCEDURES

A. Case Event History Entries

1. Batch Documents (for example):

   Notification 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* (Form DCSE-776)

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* (Court form DC-670))

1) The Effective Date is the date the document is generated.

2) The Event Type is <SELF>.

g. Payment Agreement-Pre-DMV Suspension

1) The Effective Date is the date the agreement is signed.

2) The Event Type is <SELF>.

g. Payment Agreement-Post DMV Suspension

1) The Effective Date is the date the agreement is signed.

B. Participant Event History Entries

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 Postal Service 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 Postal Service 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.

c) Type the date the Postal Service returned 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 31 days 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. *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 to Suspend Driver's License*

1) The Event Type is <POSL>.

2) The Event Description is <PET & ORDER FOR SUSP DRV LIC>

C. Inquire AP Supplemental Screen (Fast Path 02,06)

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.

CHAPTER 16 – FINANCIAL OPERATIONS-PROCEDURES

A. Payment Processing Functions by Home Office Staff

1. Receive mail daily (Monday through Friday) by courier and on Thursdays and Fridays there is a second pick-up at 8 A.M.

2. Mail carrier signs a log, which indicates amount of mail delivered and time of delivery.

3. Mail is scanned for non-DCSE receipts followed by the daily tray count by Receipts section supervisor or designee.

4. Verify that the Division of Child Support Enforcement, Treasurer of Virginia, Department of Social Services, or name of the district office. The address is P.O. Box 570, Richmond, VA 23218-0570, or the address of the appropriate district office.

5. Letter and personal standard sized envelopes are loaded on to the Opex Jogger for proper orientation and then placed on the Opex 3600I Extraction/Imaging machine to open and image payments.

6. Receipts with special requirements include Non-Financial Instrument Receipts (payments received without a standard check/money order). A unique document called the Financial Instrument Replacement (FIR) is imaged for these receipts.

7. There are several types of Special Receipts, listed below, and each has its own FIR document:

    a. Cash payments may be received and immediately the Receipts Supervisor is notified. The supervisor and one other staff will verify amount of cash received. Cash amount is recorded in a receipt book to be processed with work, and the actual cash is given to Deposit area supervisor.

    b. Foreign Currency (Canadian, German, etc) received is given to Deposit area supervisor or designee who will take foreign currency to bank for conversion to U.S. dollars. After conversion, a copy of the check, with appropriate information for posting, is given to Receipt supervisor or designated person to be processed.

c. District Payments are received daily, by way of an electronic spreadsheet (Payment Transaction #531) from each District Office. The spreadsheet contains the DC Number, NCP name, SSN, effective date and amount to be posted by way of the automated system, SMILE, (Support Money Impacts Lives Everday) and APECS.

d. Electronic Data Interchange (EDI), Electronic Funds Transfers(EFT), Fees, and Interagency Transfers (IAT) will be processed with the appropriate Financial Instrument Replacement (FIR).

8. Other Special Handling Receipts
   a. Certified and Express mail payments are scanned separately for tracking purposes.

   b. Recoupment checks are received from Exceptions Unit for scanning. They are scanned and forwarded to Deposit Area for processing.

   c. Customer Service Information is miscellaneous information received without a check (Financial Instrument) and is placed in a designated area for pick up by mail room designee. They may include:

      1) Request for information

      2) Case review requests

      3) Bankruptcy notices

      4) Receipts or notices of payment from NCP

      5) Notice of hearing

      6) Appeals

      7) Transmittals

      8) Court orders

      9) Income verification

      10) Lay off, short hours, terminations, new hires, new addresse

      11) Tax ID forms

9. Payment Method and Acronymns are listed below:

   S cash (cash)
   C financial instrument (check)

D district payment (dist)
E eft/edi payment (edi)
F foreign currency (fcur)
I inter agency transfer (iat)
M money order (mord)
R replacement check (repl)
V vendor payment (vend)

10. Payment Source and Acronymns include:

H blood test fee (hla) - (afbt)
L legal fee – (aflg)
B bond
C check (ncp payment) – (check)
U uresa (interstate) ures
W wage attachment - (wage)
N ncp service of process fee – (afsp)

11. Payment Entry Process

a. The Payment Entry Module (PENT) of SMILE is used for entering payments into the system.

b. The Payment Entry Module compares each payment in PENT grid to documentation to determine posting discrepancies.

c. The Templating module is used to enter payments that consistently have information in the same format on each payment**.**

d. The Research Utility module is used for additional research to ensure postings are correct. Research tools includes the following:

1) Verify information through SMILE search screen, APECS or Accurint

2) Master Participant Index Number if provided(MPI#)

3) Old ACSES/SUPE CASE NUMBER

4) Child's Name

5) NCP or CP name and address

6) NCP or CP social security number

7) Court Docket #

8) Employer Name

9) Out of State Agencies

10) Previous payments with additional information

12. Suspense Process-After all resources have been exhausted to locate proper information, key in 100-00-000 for the Social Security number (SSN) as a suspense item.

13. Exceptions module is used to resolve problems. Returned checks are received in the mail due to inappropriate address or sender. The checks are imaged but cannot be processed due to various reasons. They are returned to the sender or forwarded to appropriate address. Reasons for returns include:

    a. No routing number at the bottom of check

    b. Received in error

    c. Posting date is greater than 5 business days

    d. Written and numeric amounts differ

    e. Check amount differs from amount on listing

    f. Damaged or mutilated check

    g. Stale dated checks are 1 year noted on check, and 6 months on personal checks

    h. Payment is not a “child support payment”

14. Deposit and Encoding process includes retrieving Financial Instruments that are batched in groups of (50) or less and processed in a designated Deposit Area.

15. Foreign Currency is a payment payable in U.S. funds, but drawn on a bank “out of the country”, even if it says “U.S. Funds”.

    a. The check is stamped for “Deposit Only”, copied and original is taken to appropriate bank.

    b. The designated person, at the bank, determines the exchange rate, prepares a miscellaneous credit slip, and prepares the deposit ticket.

16. Replacement Checks are issued to replace a lost check. The employer returns the checks for redeposit for stop payment or duplicate check posting.

Department of Social Services
Division of Child Support Enforcement
PO Box 708

Richmond, Va. 23218
ATTN: Deposit Unit

17. Non-Sufficient Fund Checks are received from the Exception Processing Unit.

18. Non-DCSE Deposits are received from other units in an envelope with the date, amount of deposit, and the deposit ticket number. The Finance Accounting and Analysis System (FAAS) is used to process the prior days work on the current processing day.

19. Research inquiries are performed on payments received in Payment Processing Unit that were posted in error, or not posted at all. Requests for research on payments may be received from:

    a. Customer Service

    b. District Offices

    c. Non- Custodial parent

    d. Payors

    e. Courts

    f. Employer

    g. Co-workers

20. *Transfers and Refunds Inter-Office Correspondence* (TARICs) for Refunds are received from District Offices and others. The Research Team prepares the refund payments from information received, which includes:

    a. Refund Amount

    b. Issue Check Payable (name and address)

    c. Federal Identification number if refunding to employer or agencies

    d. State Agencies require an *Inter-Agency Transfer* (IAT) form and number. Our Federal Identification number and the other agency's Federal Identification number are also required.

B. State Disbursement (Home Office) Electronic Funds Transfer Unit (EFT)

1. Effective July 1, 2007, Virginia law (Code of Virginia § 20-79.3) required all companies with at least 100 or more employees and all payroll processing companies with 50 or more clients to submit child support payments electronically.

    a. Automated Clearing House (ACH) Credits-Contact may be initiated 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 Account Name
2) Name of Bank
3) Bank Address and Phone Number
4) Account Number
5) ABA Routing Number
6) Swift Code (International)
7) Federal Taxpayer ID
8) FIPS Code
9) Accepted File Formats
10) VDSS EFT Contact Name, Number and Email
11) Payment Instructions and File Formatting Details

c. The employer submits a case reconciliation to the EFT Coordinator to verify their employee(s) has an established case in APECS.

d. The employer transmits the payment instructions and remittance information to its financial institution. Prior to submitting a live file, the employer will transmit a "test file" consisting of either zero dollars ($0.00) or a penny ($0.01).

e. 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 electronically transmits the file to the Department of Social Services, in the agreed file format automatically post the payments to APECS.

f. As a result, APECS generates the following reports:

1) 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) EDI Adjustment Report provides detail and summary information regarding dollar amounts and total transactions for adjustments 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.

3) 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 and the payments are manually posted in the Payment Processing Unit.

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.

2. EFT Virginia $4KIDS allows Non Custodial Parents (NCP) and employers to make child support payments via a secure online payment application that can be accessed from the following website: www.dss.virginia.gov/money4kids:

   a. Employers may enroll online with the Virginia $4KIDS for payment application. The following items must be provided:

      1) Username and Password

      2) Employer FEIN and Contact Information

      3) Employer Banking Information

   b. The employer may report a single income withholding payment or multiple employee payments at one time

3. Non-Custodial Parents (NCP) may enroll online with the Virginia $4KIDS payment application, which includes the following information:

   a. Username and Password

   b. NCP Contact Information including SSN

   c. NCP Banking Information

   d. Once successfully enrolled, the NCP can began making payments

      1) First time payments of $400 or more are held for five business days, pending verification of funds.

      2) Both Employers and NCPs can make payment anytime using the $4KIDS IVR (Interactive Voice Response) application by calling 1-877-670-2941.

4. At 7:00PM Virginia Interactive will transmit that day's scheduled payments to Commonwealth's Bank for processing. A file is also sent to Department of Social Services.

5. APECS generates a $4KIDS report that provides detail information of payments made by both employers and NCPs.

6. The report is reviewed for duplicate payments and first time payments that are over $400. Holds are placed on these payments for five days

7. The following day, the Commonwealth's Bank transmits a file to Virginia Interactive with processed and failed transactions. The payment status is updated in the online payment site according to the report

8. The EFT Unit access the ACH Final Debits Report in the The Commonweath's bankbank Connections website

9. EFT Coordinator enters the SSN that was sent with the payment and the MPI#, if it exists, "Recoup" is written next to items that need to have recoupment set up on APECS and given to the Exceptions Processing Unit. These payments are on hold in APECS until the EFT Unit back those items off of APECS

10. The EFT Coordinator contacts, by telephone or letter, payors whose payments were returned due to:

    a. Invalid Account Number

    b. No Account/Cannot Locate

    c. Non Participating DFI

    d. Unauthorized Corporate Debit

11. Recurring Bank Debits were originally designed to assist the NCP enlisted in the military; this program started in 2002 to help NCPs and employers submit their recurring electronic ACH files for child support payments in a timely manner. Requests are no longer being accepted and all NCPs and employers are being converted to $4KIDS.

    a. To verify the authenticity of banking information, the EFT Coordinator schedules the first payment in the $4KIDS payment application.

    b. A hold is placed on the NCP's level for two business days to ensure the banking information is correct.

12. Federal Tax Intercept Procedures

    a. Access the federal Office of Child Support computer system (SIMPC) to answer all inquiries from central and district office workers, non-custodial parents and clients regarding IRS tax intercept payments and reversals.

b. Check for certifications and deletions.

c. Respond to inquiries regarding passport denials. Delete the denials in SIMPC if the denial is in error, the debt has been satisfied, or the non-custodial parent has an emergency situation

d. Print the Federal Tax Adjustments Report (C414) from Control D.

13. Virginia State Tax Intercept Procedures

a. Vendor Debt Offset

1) Access the Virginia Department of Taxation's external web application IRMS (Integrated Revenue Management System) daily for potential cases with payment offsets.

2) Each case is researched in APECS to determine the outstanding debt to verify certification for offset.

3) If there is no debt, the case is released and the money can be released to the vendor . A copy is kept in DCSE's files.

4) A notification letter is automatically sent to each individual certified for offset through APECS

5) The individual payments are reconciled to the reported total of the list

b. State Tax Refund Intercepts- Check the following APECS reports daily:

1) WELUA24 – Notification Letter to Absent Parent – Review letters every day for date of notice.

2) WELUA18 – Set Off Finalization Notice – Review the status of each listed case in APECS to determine validity of tax intercept. Note the certification status on the report.

3) Access the Virginia Department of Taxation's external web application IRMS (Integrated Revenue Management System) weekly for Default List. These are cases that are close to default and have not been finalized.

4) View the case debt on APECS, and note the determination to certify or release release money on the Default list.

5) Maintain the disposition of each case in IRMS.

6) Contested Cases- View APECS to determine appeal status:

a) If a case status is still contested, the Hearing Office is consulted to verify the status of the case.

b) When a case is no longer contested, call the EFT Tax Intercept Coordiantor to have the case certified or deleted in IRMS.

14. Western Union Payments Procedures

a. Western Union sends payments by various methods. The Division of Child Support Enforcement can only receive Quick Collect payments.

b. Payers can pay with:

1) Cash

2) Credit and Debit Cards (MasterCard, VISA, & Discover).

c. Fees for Western Union Quick Collect Payments:

1) $12.95 for each cash payment up to $2,999.99.

2) Credit and Debit Card Payments are charged a sliding scale fee based on the amount of the payment.

d. Western Union Quick Collect payments can be made:

1) At any Western Union agent. (Call 1-800-325-6000 to find the nearest agent.)

2) By calling 1-800-364-3422 from any verifiable phone (not a pay phone).

3) On the Western Union website at http://www.westernunion.com. Click on “Make Payments”. The drop down list under “Other Billers” includes the Virginia Department of Social Services.

e. Four mandatory information blocks must be completed on the “Blue” Quick Collect Form before Western Union will accept payment:

1) Pay to: VA Dept of Social Services

2) Code City: VADSS

3) State: VA

4) Sender’s Acct Number: DCSE Case Number and/or the NCP’s social security number

f. The payer will receive a ten digit Money Transfer Control Number once the payment is made.

DCSE can immediately confirm most payments were made by calling Western Union at 1-800-238-5772 (may be an hour for verification).

g. Once Western Union has confirmed a payment, DCSE will receive the money, but not until two days after confirmation.

1) On the second business day, the Western Union EFT payment will be in the Commonwealth's Bank account. The money will post to Account 70 (Suspense Account) when processing is run that evening.

2) On the third business day, the Exceptions Unit will manually adjust the payments from Account 70 to the appropriate MPI Numbers, according to the list they received.

3) If the EFT Unit cannot identify a payment from the information on the Western Union email, staff will call the payer's telephone number for more information. If the payment does not belong to DCSE, staff will contact Western Union at 1-800-238-5772.

4) When Western Union sends DCSE a payment in error, the payment is left in Account 70 until Western Union sends a reversal to the Commonwealth's Bank account. The Exceptions Unit then moves the payment from Account 70 to Account 10 to back the payment out of APECS.

15. EFT OUTGOING PAYMENTS

EFT outgoing payments allow custodial parents to have their child support payments deposited into a bank account or on a state-issued debit card. These methods offer the client a more attractive alternative than to the less efficient practice of receiving a paper check through the mail.

a. There are two ways a client can receive their child support payments electronically.

1) Enroll in Direct Deposit – This method authorizes (DCSE) Electronic Funds Transfer Unit (EFT) to electronically deposit the client's child support payments directly into a checking or savings account.

2) EPPICard - A client can receive their payments electronically through a state-issued debit card. This method allows the client to retrieve their child support funds through an ATM or from a participating retailer.

b. Option I – Direct Deposit:

1) The Direct Deposit Application Agreement is received via fax or through the mail.

2) The Agreement must have one of four verifying documents attached to it before direct deposit can be established:

a) A voided check with the client's name, address and bank account number preprinted by their Bank. Starter and/or Counter Checks are not accepted. The bank account must be in the client's name.

b) A deposit slip with the client's name, address and bank account preprinted by their Bank.

c) A copy of the client's bank statement with their name, address and bank account number preprinted by their bank.

d) An account verification form prepared by the client's Bank.

3) The Agreement must be signed and dated by the client requesting direct deposit.

4) The verifying document must agree with the checking or savings account information written on the Direct Deposit Application Agreement.

5) If no verifying document is submitted or the Agreement is not signed, an EFT Customer Service Representative mails a letter to the client to request the missing information. An Event is entered in APECS under the client's MPI number to document the letter to the client. The rejected Agreement is filed in the EFT Unit.

6) If the Agreement has all of the necessary information, an EFT Customer Service Representative enters the bank routing number, bank account number and type of account (checking or savings) into APECS with the client's MPI number.

7) When APECS is updated, the system will automatically:

a) Generate a letter to the client to inform them of the banking information set up for their direct deposit payments.

b) The "Prenote Letter" asks for verification of the account number and to call the EFT Unit if the account number is incorrect; otherwise, payments will be sent to this account number after fifteen days.

c) Generate an Event under the client's MPI number that a direct deposit has been set up for the client.

d) Enter a "P" (for prenote) in the EFT field of APECS Screen.

e) Change the "P" to a "Y" after fifteen days, unless an EFT Customer Service Representative manually changes the "P".

f) Generate an Event under the client's MPI number that the direct deposit has been activated.

8) All Agreements are rejected or entered into APECS within 48 hours of receipt into the EFT Unit. However, requests are normally processed with 24 hours of receipt.

9) The EFT Unit maintains two files of the Agreements

   a) Rejected Agreements are filed alphabetically.

   b) Accepted Agreements are filed by the date the direct deposit was set up in APECS.

10) APECS generates an Event under the client's MPI number every time a change is made to a direct deposit account. The EFT Customer Service Representative adds any additional information to the Event screen in APECS.

11) If a client wishes to reactivate the direct deposit in the future, a new Direct Deposit Application Agreement must be completed by the client.

   a) EFT Reports - The Commonwealth's Bank generates a daily *Return Item & Notification of Change Report*, commonly known as the *Bank Settlement Report*. This report is received by fax and is used to update clients' direct deposit in APECS.

   b) The *Bank Settlement Report* also lists the child support payments returned to DCSE because the clients' bank accounts are closed or unable to be located. Staff must place each payment back on the client's MPI level in APECS daily.

c. Option II – EPPICard -

1) This Option allows the client to receive their child support payments electronically through a state-issued debit card. The client may retrieve their funds through the Money Pass ® ATM Network or participating retailer.

2) The EPPICard offers many benefits including:

   a) It replaces checks and associated check cashing fees.

   b) The client has access to millions of retailers and ATMs across the country and the world.

   c) It provides better security than a check or cash.

   d) The client no longer needs to wait for the check to arrive in the mail.

   e) There are no fees for purchases or cash-back with purchases at merchant locations.

   f) The client can obtain free balance inquiries and transaction histories online at https://www.eppicard.com.

3) Using the EPPICard, the client can purchase goods and services directly from retailers and get cash back. The client can also withdraw cash from any participating Money Pass ® ATM Network.

4) A file of clients eligible for the EPPICard is generated from APECS monthly. The criteria for client eligibility includes:

   a) The client has received a regular child support payment (no special collections) for two consecutive months.

   b) The client does not have direct deposit.

   c) DCSE does not send the client's payments to another state's SDU.

   d) The client is not incarcerated.

   e) The client resides in the United States.

5) DCSE sends a letter to each of these clients giving each a choice between direct deposit or an EPPICard.

6) Two weeks later, a second file of eligible clients is generated from APECS. This file is sent to the Commonwealth's vendor, who in turn forwards the file to the Commonwealth's chosen bank, who will then mail an EPPICard to each client. APECS enters an "S" in the EFT indicator and generates an Event to denote a debit card will be mailed to the client.

7) The next day, the vendor sends the file back to DCSE with the EPPICard account information for each client. This information is uploaded into APECS.

8) Ten days later, APECS activates all of the new debit card accounts and the payments are disbursed to the clients' EPPICards.

9) A client must send a written request by fax or mail to the EFT to cancel the debit card account, and EFT staff enters an "X" in APECS. This excludes the client from the debit card program.

10) EFT staff generates an Event in APECS stating "client excluded from debit card program by faxed or mailed request" and mails the client a letter stating that their debit card account has been cancelled in APECS.

11) It is the client's responsibility to notify the Commonwealth's vendor to cancel his or her debit card.

12) Clients may elect to get an EPPICard before they receive the monthly mass mailing. The client sends a written request to the EFT Unit.

d. Unpinned Report-The EFT Unit receives an Unpinned Report quarterly from the vendor. This report contains a list of clients who have not pinned (activated) their EPPICards, but payments have disbursed to their debit card account. The report is worked daily if there is a large volume of unpinned clients. Staff must notify each client on the report that they have funds on their EPPICard.

1) EFT Staff access the vendor's administrative module (website) to verify that the EPPICard is still unpinned

2) If it shows the card is still not pinned, then the Events for each of the client's cases in APECS are researched for any card or client related notes.

3) If the client is deceased, incarcerated, or has an interstate case, a reversal of funds request is sent to request the money from the vendor.

4) Letters are sent to the remaining clients to inform them that they were issued an EPPICard, but it has not been pinned.

5) If the letter is returned to the EFT Unit with a postal forwarding label, a second letter is sent to the forwarding address from the postal label.

6) If no forwarding address is on the postal label, the address is researched through Accurint. All cases in APECS with any connection to the client are reviewed for information to locate the client. A new letter is mailed if a promising address is found.

7) If a telephone number can be found in APECS or in any of the related case Events, an attempt is made to call the client.

8) If either the mail or telephone contact is successful, the contact is entered in APECS Events.

9) If the client never received the EPPICard, they must contact the vendor's Call Center (1-800-961-8423) and request a reissued EPPICard.

10) The vendor's administrative module is updated with the client's current address. NOTE: The only changes that can be made to the vendor's system by EFT staff are SSN, DOB, Last Name and Address updates.

11) A client must provided written documentation to the EFT Unit to cancel their debit card.

12) A client can switch to direct deposit from the debit card at any time by submitting a Direct Deposit Application Agreement to the EFT Unit..

13) It is the client's responsibility to contact the vendor to withdraw any remaining funds from the debit card and to cancel their card.

14) If a client appears on the new Unpinned Report and has previously been sent two (2) letters, their name and MPI# is placed on the Research Address List.

15) The Research Address List includes the client's MPI number, name, dates of previous letters sent, old address, researched address1, research address2, new letter sent, and date letters were returned.

16) If a client cannot be found, EFT staff calls the case worker and explains the situation. The case worker also tries to locate the client. If the client is not found, the case worker starts the procedures to close the case.

17) A Weekly Status Report is submitted to the manager/supervisor every Tuesday, and includes : Vendor's issued date, total number of Cards, number of Pinned Cards, number of Unpinned Cards, number of letters mailed, number of returned letters, number of clients contacted, and the number of reversals requested. A graph is included in this report showing the increase or decrease of data captured.

e. EPPI Card Reversal Requests are requested from the vendor for payments of deceased clients, jailed clients, interstate cases, TANF cases, and Foster Care cases. The following steps are taken when sending reversal requests to the vendor.

1) A letter is written to the vendor to request the reversal of funds.

2) The letter for reversal requests are prepared bi- monthly (1-15 and 16-30/31).

3) Based on the request, the following backup documentation must be submitted with the request from APECS:

a) A copy of the Federal Case Registry (FCR) Death Notice.

b) The client's address at the correctional facility.

4) Any notes from APECS indicating that the case is an interstate, TANF, or Foster Care Case.

5) APECS is noted at the MPI level when a reversal request is sent, the funds are returned, and the funds are manually disbursed.

f. Deposit Certificates Procedures - A Deposit Certificate (DC) is prepared daily from the Return Items Report and the Balance/Detail Inquiry Report.

1) The DC records direct deposits of clients which are returned to DCSE due to closed or invalid account numbers.

2) Funds disbursed from DCSE for international payments to clients;

3) Virginia $4Kids debits and Recurring Bank Debits returned to DCSE due to insufficient funds or incorrect routing and account numbers.

4) The DC is prepared and verified to the Detailed Inquiry Report and signed by the manager.

g. International Payments Procedures

1) The EFT Unit processes international child support payments to custodial parents in Germany, Spain, Canada, and Child Support Agency (DIJUF) in Heidelberg, Germany. A hold is placed in APECS on any client whose payments are transferred by international automated clearing house (ACH).

2) The Undistributed Receipts Report (C221) in Control D is reviewed daily to determine if there are payments on these clients' accounts that need to be transferred.

C. State Disbursement (Home Office) Exceptions Processing Unit (EPU)

1. Stop Payments Procedures and Due Diligence for Returned Checks

a. Stop payment requests on issued on child support checks are made by the district offices through APECS generated worklists.

b. Each worklist is printed as back up for the stop payment request file and reconciliation.

c. The Commonweath bank's system is used to determine if the requested check is still in issue status, has been cashed, or has been stopped.

d. When all stops have been completed for the day, print the report of "stops" .

e. On the next business day, verify through The Commonweath's bank (SMS) that the stops were placed correctly; the complete file is printed and reviewed before staff adjust the payments back to the payee level in APECS.

f. All stop payments are reconciled and copies are sent weekly to the Department of the Treasury.

2. EPU Forgery Claims

a. The Banking Unit is the liaison between the District Office and the Bank. Bank contact information is not shared with the District Office staff or Check Payees.

b. Once a claim is denied by the bank it may never be resubmitted.

c. Never accept photocopied signatures in lieu of originals or an affidavit that has

been altered in any manner.

d. Complete an Affidavit Correction Letter (Forgery Affidavit Correction Letter) and return entire packet to preparer at the District Office.

1) Only 1 original is required.

2) Form must be the "Affidavit on Check Endorsement" printed pre-filled from APECS. This must be a 2-sided form only, printed front & back.

3) If incorrect form is submitted, complete an Affidavit Correction Letter (ForgeryAffidavitCorrectionLetter.doc) and return entire packet to appropriate person in District Office.

4) The District Office must attach the copy of cashed check that client actually viewed when affidavit was signed, claiming the signature is not the client's endorsement.

a) Pre-Printed Payee Name , pre printed check amount, and pre-printed check number must be identical to name, amount, and check number that is on check copy. Pre-printed check number must be no more than 3 years old. Child Support checks begin with the # 1 and TANF checks begin with the # 4.

(1) Do not process TANF forgery claims.

(2) Forward all TANF forgeries to Division of Finance , Fiscal Processing Unit.

b) The liability of a bank, arising out of checks with forged endorsement, is determined largely by provision in Articles 3 and 4 of the Uniform Commercial Code. The Uniform Commercial Code contains a statute of limitation of three years after the payment of a check bearing a forged endorsement.

c) Payee date of the Affidavit is the same date that the Payee signed the affidavit. The Uniform Commercial Code §4-208(e) provides that "unless notice of a claim for breach of warranty is given to the warrantor (Bank) within 30 days after the claimant has reason to know of the breach and the identity of the warrantor, the warrantor is discharged to the extent of any loss cause by the delay in giving notice".

d) Payee Signature must be the payee's signature that matches the "Payable To Name" on the check copy. If the Payee's name has since changed, they must still sign the affidavit with the (old) name at the time the check was issued .

e) Use the current address that is handwritten by the Payee. All fields are required for any handwriting analysis necessary during forgery investigation.

3. Compile rejected packets, including original documents, to return to appropriate staff in District Offices.

4. Complete *Forgery Request* form and return all pertinent data, including originals, to the Bank. APECS is updated and forgery log is mailed to the Department of Treasury. The bank confirms receipt approximately 5 to 10 working days.

5. *Revenue Refund Vouchers* are prepared, using backup documentation (copy of suspense check or EFT information) to complete a multi-part *Revenue Refund Voucher (RRV) Form, DA-02-181*.

   a. Vouchers are batched, signed, and verified with 2 adding machine tapes to ensure accuracy of batch total.

   b. *FAAS batch header* is specifically customized for DCSE *Revenue Refund Voucher* and prepared for batch.

6. Recoupment Procedures include checks that are returned unpaid by the banks, and are received in the mail or a notice is received from the State Disbursement EFT unit. The banks send the returned checks to:

Recovery Unit
P O Box 708
Richmond, VA 23218

   a. The mail from PO Box 708 is separated into categories of:

      1) Recoupment payments

      2) Replacement payments

      3) Checks from treasurer

      4) Bank checks

   b. A *revenue refund voucher* is prepared to reimburse the bank for bad checks. Once the check is received from the Treasurer of Virginia, EPU will forward it to the bank with a copy of the *revenue refund voucher* and copy of checks that payment is made for.

   c. Recoup accounts are set up the same day notices from the bank are received. Letters to the maker of the check or phone calls are prepared the same day or the next, depending on the amount of returned items received that day.

   d. Generate the APECS Returned Check Letter to the NCP, CP, another individual or employer.

   e. The district offices are notified within 2 days if a check is returned for a purge cause or a driver's license suspension is returned. Work lists are sent to the case worker for all returned checks, and a worklist is created on APECS to notify EPU worker in 15 days to check for payment.

7. CP Recoupment Process for payments received in Error

   a. At the time of application, the worker will enter either a 'Y', an 'N', or blank in the recoupment permission indicator field on the CP participant screen. When the need for a recoupment is identified, the recoupment worker will check this screen to determine what course of action is needed.

   b. Recoupment permission indicator 'Y' -If the recoupment permission indicator has been updated with a 'Y', the CP has given the Division permission to recoup, if an overpayment is identified. The worker will then generate the Notice of Recoupment and send it to the CP. APECS will create a NREC case event and a 20 day NREC worklist to the worker when this document is printed. The repayment options form will also be generated.

   c. If a response is received by the CP prior to the 20 day worklist, a disposition is entered on the NREC event. The dispositions to be used are listed:

      1) ROII – Return Option 2, meaning that the CP wants the Division to recoup at 10% on current support and 100% on arrears.

      2) RRPF-Recoupment Payment received in full.

   d. The entry of a disposition will delete the 20 day worklist and generate an immediate worklist of RCUP. A Recoupment subaccount will be created to the worker.

   e. If no disposition is entered during in 20 days, the NREC worklist will be displayed, and if no response from the CP has been received, the recoupment process will begin with the 10% current support and 100% of arrears. Delete the NRC worklist.

   f. If the recoupment permission indicator has been updated with an 'N' or is blank, the three letter process begins.

   1) STEP 1: Generate the Notice of Payment in error. APECS will create a NOPE case event and a 20 day NOPE worklist to the worker when this document is printed. The repayment options form will also be generated.

      a) If a response is received by the CP prior to the 20 day worklist you will need to enter a disposition on the NOPE event. The dispositions will be entered:

         (1) RROF – Return Option 2, meaning that the CP wants the Division to recoup at 10% for current support and 100% for arrears.

         (2) RRPF – Recoupment Payment received in full

   2) STEP 2: If no disposition is entered during in 20 days, the Second Notice of

Payment in Error will be generated via batch. The batch process will update the NOPE event with a SNOR (Second Notice of Recoupment) disposition, create a SPEL case event and a 15 day SPEL worklist. The repayment options form will also be generated.

a) If a response is received by the CP prior to the 15 day SPEL worklist, the worker will need to enter a disposition on the SPEL event. The dispositions to be used are:

(1) RROS – Return Option 2, meaning that the CP wants the Division to recoup at 10% for current support and 100% for arrears.

(2) RRPF – Recoupment Payment received in full.

3) STEP 3: If no disposition is entered during the 15 days, the Final Notice of Payment in Error will be generated via batch. The batch process will update the SPEL event with a FNOR (Final Notice of Recoupment) disposition; create a FNPE case event and a 15 day FNPE worklist. The repayment options form will also be generated.

a) If a response is received by the CP prior to the 15 day FNPE worklist, the worker will need to enter a disposition on the FNPE event. The dispositions to be used are:

(1) RRON – Return Option 2, meaning that the CP wants the Division to recoup at 10% for current support and 100% for arrears.

(2) RRPF - Recoupment Payment received in full.

b) If either of the option forms in option 2 are selected, or a full repayment is received, enter the specific disposition and this will delete the 15 day FNPE worklist and generate an immediate worklist of RCUP (Build Recoupmment subaccount to the worker). The recoupment account should then be built and updated as needed. This will end the process.

c) The Second Notice of Payment in Error and the Final Notice of Payment in error are batch documents and will be produced automatically on APECS.

8. Unidentified Receipts

a. Print daily the Undistributed Receipts report for the prior business day.

b. For each check, money order, or 531 report payment that is listed on the Undistributed Receipt report, an image of the payment can be accessed by specific users only at http://ppweb/dish/Dish.asp.

c. Enter a receipt date and control number in corresponding fields on Dish website to bring up image and note for each payment item.

d. Research the undistributed receipt report . Any identifying information of the payer found on the image of the payment is researched with specific staff access in APECS, DMV, VEC data bases or at internet resources such as Accurint. Additional information can be compared to participant information in APECS to determine a match.

e. The payment images in Dish may indicate a court child support order that has not been established with DCSE. Print and fax all images of court documents to Central Registry. Email Central Registry to notify them of undistributed receipt(s) pending DCSE establishment of a court order. Central Registry will contact the courts for the order, add case to APECS, and notify the Exception Unit that the order has been added.

f. When insufficient information is found to post a payment receipt, the payer is contacted for additional information or court documents.

g. Undistributed receipts should be refunded when a payment is sent to DCSE in error, when a payer is not identified in APECS, or when an order cannot be established in APECS. If payment receipts are received with insufficient information , it is referred to Unclaimed Property .

h. APECS adjustments are completed on participant account levels upon positive identification of payers. The adjustment #, account #, and money amount are logged on a daily adjustment sheet and submitted for approval.

i. To process unidentified receipts for Electronic Payments, use the DVAN report. Find the payment by either the data in the SSN field or the amount of the payment. If the payment is found but the information is insufficient for identifying the payer in APECS, use the information found to contact the company or individual who sent the EDI payment. Internet resources such as Google and Accurint are useful for identifying business and payees.

9. Updating Procedures for Three Modules in the SMILE system

a. *Due Diligence Letters* (Batch #8000) are used to track un-cashed child support checks. They are returned by the payee to SDU. *Due diligence letters* are also received by FAX. The letters are imaged in the SMILE system which is used to monitor and track the status of all due diligence letters received. This is labeled as Batch 8000.

1) *Due Diligence letters* are received from clients because a child support check has been issued but not cashed in a 9 month period. Once the letter is received (signed by client that the check has not been received or cashed), a stop payment is placed on the check, and a new check is issued through APECS.

2) Once the adjustment is made in APECS, the data is entered into SMILE. The “Adjustmnet Date” and “Adjust By” screens are completed in SMILES to make the record complete.

b. Returned Checks (Batch #8100) are received, imaged into SMILE system, and deposited into bank account. New checks are prepared and reissued from APECS to clients for various reasons. This is labeled as Batch #8100

1) Includes checks returned due to an incorrect address, and insufficient address information available to classify as a remail.

2) Includes "miscellaneous" returned checks, for reasons other than incorrect address. This includes deceased, out of state, no case number, closed, not payable to DCSE clients, refunds, and EFT errors.

3) Returned checks are received and deposited into the Commonwealth's bank account. A new check is generated out of APECS and reissued, if applicable by the district office. Returned Checks for deposit (regular and miscellaneous) are sorted by payment type.

a) Non- TANF
b) TANF
c) Non IV-D
d) Disregards
e) EFT
f) Revenue Refunds

4) A tape or Excel spreadsheet is prepared and sub totaled for each type of returned check and verified with initial tape.

a) Once tapes are compared and verified, a deposit ticket is filled out with correct dollar amount, date, number of items, and initials of the preparer.

b) A deposit ticket is prepared using the "totals" of all types of return checks: Non-TANF, TANF, Non IV-D, Disregards, EFT, Revenue Refunds.

c) The FAAS distribution sheet and FAAS batch header is prepared for the previous day's deposit, and submitted to PPU.

c. Returned Checks –Batch #8200 (re-mail checks) are returned checks that have a new mailing address found in APECS, or from post office on the envelope received. Original ch eck is remailed to client with new address. This is labeled as Batch #8200.

1) All checks are sorted into two categories: returns (deposits) and remails.

a) Post Office sends note of new address

b) No notice from Post Office of new address

2) Search Commonwealth's bank online, to determine if all check are still in "issue" status. Do not process checks that have stop payments placed.

3) Research APECS

a) For new address on checks received with no new information from the Post Office.

b) If no new information on APECS, update the address to old on APECS, and update notes on APECS.

c) Update APECS with new address provided by the post office and update notes on APECS.

d) Combine checks with new address provided by the Post Office with checks where new addresses were found on APECS. These checks will be remailed to the payee.

e) Reconcile the checks to be remailed.

4) SMILES system is used to track and verify re-mailed checks. Update APECS system in notes section of remail status, new mail address and check number.

D. Manual Holds Procedures

1. District and Home Office fiscal staff place a hold code (A) for accounting review holds and take the following actions:

a. Place the transaction hold or account hold for five work days or less.

b. Specify a release date.

c. 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>

d. Attach a note to the worklist explaining the reason for the review.

e. Customer Services staff or other Home Office or district office staff that receive information requiring an accounting review

1) Worklist a district office fiscal worker.

2) Attach a note to the worklist saying who the information was received from and why an accounting review was requested.

3) Create a case event history entry explaining the reason for the review.

f. Performance (Offset) Bond (Code B)-SDU staff prepares:

1) Place a transaction hold on the payment when adding the posted bond to APECS.

2) Do not specify a release date.

g. Case Worker Review (Code C) is prepared by District Office Specialists:

1) Place this hold on the NCP's participant account for five work days.

2) Specify a release date.

3) Create a self-generated worklist for the day before the release date as follows:

<VERIFY SPECIALISTS REVIEW COMPLETED>

h. Customer Services staff or other home or district office staff that receive information that make a case review necessary.

1) Create a worklist to the district office worker assigned the case.

2) Attach a note to the worklist saying who the information was received from and why a case review is necessary.

E. Foreign Currency Holds (Code F) Procedures

1. The bank notifies SDU staff when a payment written in foreign currency is returned.

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 the following:

1) Enters 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. SDU staff access the APECS Event History and add the following note.

1) <NCP account on hold because payments are received in foreign currency.

2) Payments are posted before converted to U.S. dollars. Payments are released when converted to U.S. dollars (initials of worker making entry)>

   a) District office staff do not release the hold on the NCP's participant account.
   b) This is a Home Office only function.

F. Procedures for Appeal Hearings (Code H) by District Office Specialists

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 affects a specific CP.

4. Do not specify a release date.

5. Release the hold when the appeal is resolved.

G. Adding Orders to APECS Using the Order Module (September 2012)

The Clearinghouse # 06-DD-024 provides detailed information on Initial and modified Orders.

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 for Administrative Support Orders (ASO) and Court Orders.

a. Create an order in the APECS Display Support Order Screen, entering the order date start date, and effective date as explained below.

1) An initial *ASO* for current support 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. Virginia Code § 63.2-1916.

2) An initial *ASO* for debt to the State is effective the date of receipt of TANF, AFDC/FC, or SLFC, but the date cannot be earlier than the establishment of paternity. The effective date for a case of the Department of Juvenile Justice (DJJ) is the date DJJ received the dependent.

3) An initial judicial (court order) child support order is effective on the date specified in the order by the court. The first payment is due on the first of the month following the hearing 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 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. Virginia Code § 20-60.3

b. Create a current support extension to add the current support amount and any arrears amount stated in the order.

c. 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.

d. If the order is entered after the start date, APECS will automatically charge for the month in which the order is entered.

e. Immediately refer the case to district office fiscal staff to perform the following:

1) Fiscal worker use the adjustment module in APECS 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.

2) 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.

3) 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.

4) 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.

5) 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 for ASO and Court Order

1) 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. Virginia Code § 63.2-1916

2) A modified judicial child support order is effective on the date specified in the order by the court. The first payment is due on the first of the month following the hearing 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 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. See Virginia Code § 20-60.3. Also review the Clearinghouse # 06-DD-024 for further information on Order Dates.

3) Enter the end date for the old order in APECS, Display Support Order Screen. Select the old order to enter the end date.

4) 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).

5) Create a modified order in APECS using the Display Support Order Screen.

g. 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.

h. Immediately refer the case to fiscal staff to perform the following steps:

1) Fiscal workers use the adjustment module in APECS to adjust the arrears (pursuant to the modified order) through the end of the current month.

2) 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.

3) 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.

4) 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.

5) Fiscal worker should reset the charge date field in APECS. Reset the 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).

6) Do not reset the start date. 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. Annual Fee - $25 from CP fee if $500 not collected in year

b. Genetic test fee

c. Attorney fee

d. Credit card fee

c. Insufficient fee

d. Service process fee (verify)

e. IRS fee (verify)

f. Parental Fee (parental kidnapping fee never used)

g. Voluntary payment

H. Procedures for Processing Unidentified Payor Account

1. SDU 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. Identify transactions for which an APECS *Unidentified Event Tracking* form and payment copy or payment listing was not received.

   b. Retrieve a copy of the payments or payment listings or assigns staff to retrieve the copies.

3. Exception Processing Unit staff

   a. Receive a section of the *Undistributed Receipts Report, Unidentified Payor Outstanding section* for payments posted the previous day, and a 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 with the following steps:

1) Reviewing each payment copy or payment listing copy and locate identifying information.

2) Accessing APECS or ADAPT 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, do the following:

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

(2) forward to district office by SDU staff.

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.

   a) If the telephone number is not on the screen,

      (1) print a copy of the APECS screen.

      (2) find the correct telephone number.

   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 APECS 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.

   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. below if the payer cannot be reached by telephone.

h. Request 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 if

   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 the following:
   a) Employer or agency name

   b) Employer or agency address

2) If the payment was received from an individual, complete the following:

   a) Payer name

   b) Payer address

   Refer to instructions for completing the form.

3) Access APECS Hold/Release transaction screen.

   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 appropriate staff to prepare 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; refer to instruction for completing the form.

4) 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>

5) Add a note to the worklist to include the new information.

6) 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 the Resource Manual 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 appropriate staff for processing

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.

r. Copy 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.

s. File the copy in a pending file by district office.

t. Mail the original request to the district office by courier.

u. Follow 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 Home Office SDU staff by memo.

4. District Office Staff (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.

5. 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 Home Office by sending a mail message.

b) File the APECS Request 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 SDU Exception Processing Unit.

6. SDU Exception Processing staff must take the following actions when the processed request for assistance is returned by the district office.

a. Pull the copy of the *Request for District Office Assistance* from the pending file,

b. Shred the copy.

c. Forward the original form to the staff that initiated the request.

7. SDU Exception Processing staff 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.

b. File the copy in the unit file in alphabetical order.

8. SDU Exception Processing Staff will 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 .

a. 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.

b. If the social security number for an individual is not on APECS, contact the individual to obtain the number.

c. Transfer the payment from the RID.

d. Adjust payments from the RIDS to the NCPs accounts when the payment belongs to DCSE.

I. Dishonored Payments Returned by the Bank

1. Home Office staff

a. Generate the *APECS Returned Check Letter* to the NCP or the CP, as applicable.

1) When the dishonored payment was written by the NCP or the CP, or by another individual for the NCP or the CP.

2) APECS generates a case event history.

<RETURNED CHECK LETTER)> when the APECS Returned Check Letter is generated.

3) APECS also generates a worklist <RETURNED CHECK LETTER> in 15 days to verify 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.

1) Create a self-generated participant event history entry.

2) Create 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.

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. Upon receipt of notification from Home office that a dishonored check has not been replaced by the payor, District office staff take appropriate enforcement action against the payor or refer the case to Legal Counsel for legal action.

J. Recoupment from a Non-TANF CP

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.

   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.

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.

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.

K. Procedures for District Office Fiscal Staff Processing Non-TANF Cases.

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.

5. When the NCP returns the signed letter, district office fiscal staff process the payment according to the block checked.

   a. If the block saying the payment is a gift is checked, distribute the payment as a gift. Refer to step e. below.
   b. If the block saying the payment is for arrears not on DCSE's records is checked, correct the problem.

   c. If the block saying the payment is for future obligation is checked, no action is taken.

      1) If the NCP does not return the letter, district office fiscal staff will attempt to contact the NCP by telephone. If this is not successful, retain the payments as future support.

      2) Distribute the payments using the miscellaneous account.

         a) If the NCP regularly overpays by the same amount, establish an obligation for the amount on the miscellaneous account. Refer to Receivables Section for instructions.

         b) If the NCP overpays by varying amounts, manually distribute the payments through the miscellaneous account. Refer to Adjustments Section for instructions.

         c) These payments are not included in DCSE's collections or disbursements reported

            (1) On in-house collection reports or

            (2) Federal reports.

L. Returned and/or Cancelled Checks

1. Research the notes in APECS behind the DISB line for the transaction to determine why the check was returned and cancelled.

2. Research the address information on the case.

   a. If the current address of the payee is found, send a Postmaster letter to verify the address.

   b. 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.

      1) Check Option 11 (FCR, Assets, Location Services) on APECS Main Menu.

      2) Utilize other locate resources as outlined in Chapter 10, Section E.

      3) If necessary, send a *Postmaster Verification Request* on the last known address in APECS.

      4) After verifying the current address for the payee, update the payee address and release the payment(s).

3. Document all locate efforts on APECS under the participant level.

4. 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.

5. 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.

6. Advise the NCP that the support order remains in effect.

7. Wait 30 days after a *Closure Intent Notice* is sent to initiate a request to Home Office to transfer undistributed payments to the unclaimed property (Account 91 on APECS). The request to Home Office for unclaimed property must be sent to SDU and must include:

   a. The original date of receipt of the payment(s);

   b. The adjustment or rcp number of transactions to be moved;

   c. The reason for moving the payment to unclaimed property;

   d. The name of the person to whom the money belongs;

   e. The mpi number of the person;

f. The ssn of the person; and

g. 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 2, Case Closure.

M. Procedures for Withholdings and Other Enforcement Remedies

1. 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.

2. 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.

3. Refer the case to the case worker if the income withholding needs to be modified.

4. 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.

   a. Research should include a request to Home 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.

   b. 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.)

   c. 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.

5. 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.

6. 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.

   a. 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

b. 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.

INTERACTION BETWEEN DCSE AND LDSS-PROCEDURES

A. General

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 coordinates with LDSS to develop the local process.

      1) If available, DCSE staff is 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 4, Establish, Review, and Adjust Orders, Sections K, Support Orders for IV-E and Non-IV-E Cases and N, Retroactive Support.

B. Referral of Information to DCSE

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 online 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 2. Z.3, 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 2.V, 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.

C. Requirement to Cooperate

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 situations exist, 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.

D. Noncooperation

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. fails to forward to DCSE payment(s) received directly from the NCP after assignment of support rights; 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.

Refer to Clearinghouse 07-DD-025 regarding TANF Non-cooperation Criteria

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 “X” in appropriate blocks and the dates filled in as needed. This results in the following actions:

      1) creates the NCLT event with notes documenting the noncooperation reason(s). (Selected for TANF and Medicaid only cases);

      2) Updates the “CP Cooperative” indicator on the Case Screen with a “N” (for TANF and Medicaid only cases);

      3) creates the NCRF event with notes documenting the client is referred for Noncooperation (for TANF cases); and

      4) Sends and automated referral to ADAPT which notifies the LDSS in active TANF cases.

   b. In Medicaid only cases send the original “Cooperation/Noncooperation Notification” letter to the eligibility staff and retain a copy in the case file.

   c. Mail a copy of the letter to the CP whenever a referral is made in his/her cooperation status.

d. 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.

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

b. Noncooperation Related to Disestablished 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.

E. Change in Cooperation Status

1. If a CP starts cooperating or information not previously provided is obtained from another source after noncooperation has been reported, generate the "CP Cooperation/Noncooperation Notification" document on the APECS with an "X" in the appropriate block indicating the CP is now cooperating.

2. When the document is generated, APECS generates the events NCRM (for TANF Cases only), and NCLT for Medicaid only cases and updates the "CP Cooperative indicator to "Y" on the Case Screen.

3. For former TANF and all Medicaid only cases, mail a copy of the "Cooperation/Noncooperation Notification" letter to the LDSS. Retain a copy of manually sent letters. If the case is still active to TANF, APECS will send an automated referral with the cooperation information to ADAPT which will notify the LDSS.

4. For all cases types, mail a copy of the letter to the CP whenever a referral is made in his/her cooperation status. Retain a copy in the case file.

F. Alleged Fraud

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.

G. Good Cause

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 And IV-E Foster Care (AFDC/FC case types) 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.

H. Redetermination of Good Cause

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.

I. Reporting Suspected Child Abuse

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.

RESOURCE MANUAL

This Manual is a companion to the DCSE Program Manual and Procedures Manual. This Manual contains information of general interest in connection with the child support enforcement program of the Commonwealth of Virginia. For example, it contains information about legislation, definitions of terms, APECS computer system codes, and other general information that does not change often. This Manual, unlike the Program Manual and Procedures Manual, does not contain interpretations, guidance, or procedures with respect to the child support enforcement program.

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A. Glossary Of Abbreviations/Program Terms

DCSE **Abbreviations** (See also the list of abbreviations and acronyms from OCSE)

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.

ACP Address Confidentiality Program

ACSES
(N/A) Automated Child Support Enforcement System. The non-TANF child support computer 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 (in TANF program)

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 replaced 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 – now known as the American Public Human Services 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-B5	These five terms, described individually below, are shorthand for various types of payment distributions in TANF cases. The B1-B5 designations originally came from federal regulations that have since been superseded. (45 C.F.R. § 302.51(b)) However, these definitions are included here, because they are still used in certain contexts.
B1	Disregard (Pass-through) Payment to CP receiving TANF
B2	Payment to reimburse the current month's 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 (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 with Commonwealth's Attorney
CANC	Cancel or Canceled

CANIS	Child Abuse/Neglect Information System
CAPP	Commonwealth Accounting Policies and Procedures
CB	Credit Bureau (Consumer Reporting Agency)
CCA	Consumer Credit Agencies (See Consumer Reporting Agency, directly above)
CCDF	Child Care and Development Fund
CCPA	Consumer Credit Protection Act
CDL	Commercial Drivers License
CEJ	Continuing Exclusive Jurisdiction
CERT	Certified
CERT MAIL	Certified Mail
CFR	Code of Federal Regulations
CHLD	Child
CHRG	Charge
CIP	Change in Payee
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 (same as HO-Home Office; DCSE headquarters in Richmond)
C/O	In Care Of
COB	Close of Business
COLL	Case in Collection Status (APECS uses this code.)
COM ATTY	Commonwealth Attorney
CONT	Continued
CORR	Corrections
COV	Commonwealth of Virginia
CP	Custodial Parent or Person
CPMT	Community Policy 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
CSLN	Child Support Lien Network
CSU	Customer Services Unit

CSUP Current Support (APECS uses 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

DCA Government Data Collection and Dissemination Practices Act

DCL Dear Colleague Letter

DCSE Division of Child Support Enforcement

DD Date of Death

DELQ Case Delinquent (APECS uses this code)

DEPT Department

DHP Department of Health Professions
DSS has an agreement with DHP 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 5, License Suspension, for specific information.

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 DO)

DIT Department of Information Technology (now known as VITA)

DIV Division

DJJ 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 DO for case processing.

DLIC Driver's License

DM District Manager

DMAS Department of Medical Assistance Services
DSS has a cooperative agreement with DMAS to provide health insurance coverage information to that agency on all TANF, AFDC/FC, and Medicaid-only cases. Information regarding health care coverage for dependents in non-TANF cases can be provided to DMAS only with the consent of the non-TANF applicant. This information is used to identify medical insurance, other than Medicaid, to offset Medicaid costs. In out-of-state cases, health care coverage information is to be transmitted to the out-of-state IV-D agency. Refer to Chapter 7, Medical Support, for specific information.

DMDC Defense Manpower Data Center

DMV Department of Motor Vehicles
DCSE accesses the files maintained by DMV on licensed drivers to aid in locating NCPs and their assets. Refer to Chapter 10, Location, for specific information.
DSS 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 5, License Suspension, for specific information.

DNA Genetic Testing

DO District Office

DOA Department of Accounts
DCSE and DOA work together to collect child support through the Debt Setoff Collection Act. Refer to Chapter 5.III, Enforcement by Intercept Processes, for specific information.

DOB Date of Birth

DOC Department of Corrections

DOD	Department of Defense
DOT	Virginia Department of the Treasury DOT regulates DCSE's processes related to collecting and distributing support payments.
DPB	Department of Planning and Budget
DPT	See DHRM
DPW	Department of Public Welfare (obsolete; see DSS, directly below)
DSS	Department of Social Services
DTS	Debt to State
DV	Domestic Violence
DVA	Department of Veterans Affairs (formerly Veterans Administration)
DWOP	Dismissed Without Prejudice
EBQS	Electronic Birth Query System
EDD	Economic Development District (see 13 C.F.R. § 300.3)
EDI	Electronic Data Interchange
EFF	Effective
EFT	Electronic Funds Transfer
EI	Early Intervention
EIN	(State or Federal) Employer Identification Number
EIWO	Electronic Income Withholding Order
EMPL	Employer
EMPLT	Employment
ENF	Enforcement
ERISA	Employee Retirement Income Security Act
ESP	Employment Services Program (Virginia's program is VIEW)

EST	Establishment
ESTA	Establish Administrative Support Order
ESTJ	Establish Judicial Order
EVS	Enumeration Verification System
EW	Eligibility Worker
EXT	Extension
FAAS	Finance Accounting and Analysis System
FACT	Family and Children's Trust Fund
FAD	Frequency Amount Due
FAMIS	Family Access to Medical Insurance Security
FAPT	Family Assessment and Planning Team
FBI	Federal Bureau of Investigation
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 Intergovernmental Referral Guide to identify the type of office.
FEDREG	Federal Regional Office - An abbreviation used before the FIPS code in the Intergovernmental Referral Guide to identify the type of office.
FEIN	Federal Employer Identification Number
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 (October 1 – September 30)
FIDM	Financial Institution Data Match
FIN OPS	Financial Operations
FIN STAT	Financial Statement
FIPS	Federal Information Processing Standard - Refer to the list below of locality codes.
FIND	Find or Found
FIVR	Financial Instrument Verification Replacement process
FMS	Federal Financial Management Service
FOIA	Freedom of Information Act
FPLS	Federal Parent Locator Service
FR	Fiscal Record
FRE	Frequency
FSA	Family Support Act (1988)
FS	Food Stamp Program (SNAP)
F/T	Full time
FTA	Failure to Appear
FTAX	Federal Tax
FUEL	Fuel Assistance Program (Energy Assistance)
FVI	Family Violence Indicator
FY	Fiscal Year (state of Virginia: July 1 to June 30; federal: October 1 to September 30)
FYI	For Your Information
GIF	Game and Inland Fisheries

GMI	Gross Monthly Income (see Virginia Code § 20-108.2(C))
GOVT	Government
GPRA	Government Performance and Results Act
G/T	Genetic Testing
HC	Health Care Coverage
HH	Hold Harmless Payment
HHS	Federal Department of Health and Human Services
HHR	Virginia Secretariat of Health and Human Resources
HLA	Human Leukocyte Antigens (a type of genetic testing)
HO	Home Office (DCSE headquarters in Richmond)
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 Longshoremen's Association
INCR	Increase
INFO	Information
INIT	Case in Intake
INS	Immigration and Naturalization Service (now known as U.S. Citizenship and Immigration Services)
INSUR	Insurance
INTCA	International Collection Agency (an abbreviation used before the FIPS code in the Intergovernmental Referral Guide to identify the type of office)

IPD	Court Immediate Payroll Deduction
IPV	TANF Intentional Program Violation
IRG	Intergovernmental Referral Guide
IRS	Internal Revenue Service
IV-A	Title IV-A of the Social Security Act, 42 U.S.C. §§ 601-619, is the part of federal law covering Aid to Families with Dependent Children (now TANF). Local departments of social services and the Division of Benefit Programs are considered IV-A offices.
IVAB	Public Assistance Payments Record in APECS (Fast Path 02,13)
IV-D	Title IV-D of the Social Security Act, 42 U.S.C. §§ 651- 669b, is the federal legislation that establishes the requirements for state child support enforcement programs to qualify for federal funding. The Virginia Division of Child Support Enforcement is a IV-D agency administering a IV-D program.
IV-D to IV-D	A case in which the CP 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, 42 U.S.C. §§ 670-679b, is the part of federal law covering the AFDC Foster Care program. The AFDC Foster Care Program operates out of local departments of social services.
IWE	Immediate Withholding of Earnings
IWO	Income Withholding Order (formerly known as ONWI, or Order and Notice to Withhold Income)
J&DR	Juvenile and Domestic Relations
JDRDC	Juvenile and Domestic Relations District Court
JLARC	Joint Legislative Audit Review Commission
JTPA	Job Training Partnership Act (superseded by the Workforce Investment Act)
JUD	Judicial

LDSS	Local Department of Social Services
LES	Leave and Earnings Statement
LIDS	Local Inmate Data System
LKA	Last Known Address
LKE	Last Known Employer
LMTC	Left Message to Call
LOC	Locate
LOCO	Locate Only (Case Type)
LOCCOL	Local Collection Agency (An abbreviation used before the FIPS code in the Intergovernmental Referral Guide to identify the type of office.)
LOCRES	Local Responding Agency (An abbreviation used before the FIPS code in the Intergovernmental 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 – Same as MNCP.
MSFIDM	Multistate Financial Institution Data Match
MSU	Management Services Unit (Former name for DCSE's Program Guidance Team)
MTA	Motion to Amend
MTG	Meeting
MWE	Administrative Mandatory Withholding of Earnings
N&F (N/A)	Notice and Finding of Financial Responsibility (predecessor of ASO)
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
NHRM	New Hire Report Match
NIVD	Non-IV-D

NLT No Later Than

NLETS National Law Enforcement Telecommunications System

NMSN National Medical Support Notice

NOA Notification of Action

Non-AFDC
N/A CP and Children Not Receiving TANF or AFDC/FC

Non-IV-E
/FC Foster Care Services for Children Who Do Not Qualify for AFDC/FC

Non-PA CP is not receiving public assistance.

Non-TANF
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 Records Center

NR No Record

NRC Nonresident Customer

NSA National Security Agency

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 (related to Order to Withhold)

OFC	Office
OLIC	Occupational License
OMB	Federal Office of Management and Budget
ONWI	Order/Notice to Withhold Income for Child Support (see IWO)
OOS	Out-of-State
OPM	Office of Personnel Management (federal)
ORD	Order
OV	Office Visit
OVR &HS	Office of Vital Records and Health Statistics Paternity acknowledgments obtained by DCSE are sent to Virginia's OVR&HS to be recorded on the birth records. DCSE has access to OVR&HS's EBQS to obtain information from the birth record. DCSE staff also can request certified copies of the birth certificate and AOP if required. Refer to Chapter 3, Paternity, for specific information.
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
PEP	Virginia's Paternity Establishment Program

PF	Putative Father
PHS	United States Public Health Service
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
QMCSO	Qualified Medical Child Support Order
QTLY	Quarterly

QTR	Quarter
R&A	Review and Adjustment
RAD	Regional Administrator
RAPIDS	Real-Time Automated Personnel Identification Card System; the process through which dependents of service members receive military ID cards that assist them in receiving health care coverage and other benefits.)
RCPT	Receipt
RDC	Remote Deposit Capture Desktop scanner used to deposit checks remotely
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 (see NCP)
RPS	Regional Program Specialist
RT	Route

RURESA	Revised Uniform Reciprocal Enforcement of Support Act (superseded by UIFSA)
S-ANNL	Semi-Annual
S/C	Show Cause
SCHD	Scheduled
SCR	State Case Registry
SCRA	Servicemembers Civil Relief Act
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 (July 1 to June 30)
SHHR	Secretary of Health and Human Resources
SLFC	State and Local Foster Care (see Non-IV-E Foster Care. APECS uses the SLFC code)
S-MNTH	Semi-Monthly
SOM	Start of Month
SOP	Statement of Payments
SPIDeR	Systems Partnering in a Demographic Repository - a web-based computer system that enables data sharing between authorized partners. (Click link at left for more information.)
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 Intergovernmental Referral Guide to identify the type of office)
STAIVD	State IV-D Agency (an abbreviation used before the FIPS code in the Intergovernmental 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 (Replaced by IRMS August 16, 2005)
STASPL	State Parent Locator Service (an abbreviation used before the FIPS code in the Intergovernmental Referral Guide to identify the type of office)
STATOC	State Tax Offset Program (an abbreviation used before the FIPS code in the Intergovernmental 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-FC	Temporary Assistance for Needy Families/Foster Care
TANF-UP	Temporary Assistance for Needy Families-Unemployed Parent

TARIC Transfers and Refunds Inner-Office Correspondence

TAX Virginia Department of Taxation
The Department of Taxation intercepts state income tax refunds belonging to delinquent NCPs under the 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 with the Department of the Lottery to intercept lottery winnings and Department of Accounts to intercept vendor payments. Refer to Chapter 5.III, Enforcement by Intercept Processes, for specific information.

TC Telephone Call

TERM Terminated

TOP Federal Treasury 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 (superseded by UIFSA)

URR Undistributed Receipts Report

URPA Unreimbursed Public Assistance

U.S.C. United States Code

USDA United States Department of Agriculture

VA	Virginia OR Department of Veterans Affairs (formerly Veterans Administration)
VA ADM	Veterans Administration (see Department of Veterans Affairs, above)
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 (now known as Dominion)
VDOT	Virginia Department of Transportation
VDSS	Virginia Department of Social Services
VEC	Virginia Employment Commission DCSE uses information in VEC files to locate NCPs and their employers. DCSE also issues withholding orders for unemployment compensation benefits belonging to unemployed NCPs. Refer to Chapter 10, Location, for specific information about the locate process. Refer to Chapter 5.II, Enforcement by Income Withholding, for specific information about withholding of unemployment compensation benefits.
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

VSP Department of State Police
An automated match is conducted quarterly with the State Police Protective Order file to determine if the FVI should be set on participants in DCSE cases. Refer to Chapter 2. Case Initiation, for specific information. An automated match is conducted with the Concealed Weapons Permit and Computerized Criminal History files for location purposes.

W/ With

WAIVER Waiver of Service of Process

WIA Workforce Investment Act (successor to the Job Training Partnership Act)

W/IN Within or Walk-in

WKLY Weekly

W/L Worklist

W/O Without

WRKR Worker

WRKR COMP Workers' Compensation

XFER Transfer

XREF Cross Reference

YR Year

YRLY Yearly

B. Two-Letter State and Possession Abbreviations

Resource Manual Contents

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

C. Definitions of Program Terms

Resource Manual Contents

Acknowledged Father — The biological father of a child born out of wedlock who signs a written *Acknowledgment of Paternity* under 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. Va. Code §§ 20-60.3, 20-78.2, and 63.2-1916.

Action Transmittal — Document sent out as needed by OCSE, 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.

Address Confidentiality Program (ACP) — Program created to help victim of domestic violence who have recently moved to a new location that is unknown to the abuser. The victim wants to keep the new address confidential. This program offers a substitute mailing address for the individual in a high risk situation.

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 federal 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 See 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 an NCP contests a federal tax intercept, arrears reported to consumer reporting agencies, or a Comptroller's Vendor Debt Set-Off.

Administrative Support Order (ASO)
A non-court-ordered, legally enforceable support obligation issued by DCSE based on the income of the NCP and 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 by TANF.

Allocation
The process of dividing an NCP's payments among all cases for which the NCP is ordered to pay support

APECS
Automated Program to Enforce Child Support

Arrearage
Past due, unpaid child support owed by the 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 NCP 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 of Social Services for TANF, AFDC/FC, and non-IV-E Foster Care customers

Assistance Unit
The grouping of the eligible 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 DCSE 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 Administrative 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 obligors across State lines.

Auxiliary Grant

Cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income. See Virginia Code §§63.2-100 and 63.2-800.

B-1 – B-5 Payments

NOTE: The following five designations, B-1 through B-5, are still occasionally used by DCSE personnel, with the meanings indicated below. However, the B-1 through B-5 designations themselves are obsolete; they originate with a former version of 45 C.F.R. § 302.51(b), which has been superseded by later regulations.

B-1 Payment

The first $100 of a payment on a support order in a TANF case. The $100 is distributed to the family. The IV-A (TANF) program "disregards" the payment in determining the amount of the grant. A disregard payment (now known as a pass-through payment) 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 eligible 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

CAP Child

A CAP child, or capped child, is a child who is born to a TANF recipient during a certain timeframe. Under applicable laws, the TANF recipient is penalized by not receiving additional TANF benefits for that child. See Va. Code § 63.2-604 and TANF Manual Section 201.12.

Capias — A capias is a warrant or order for arrest of a person, typically issued by the judge or magistrate in a case. A capias may be issued in different forms. A capias is commonly issued for a failure to appear in court. In Virginia, it also may be issued for failure to pay child support as ordered.

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 CP, a dependent(s), and an NCP and/or 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

C.1. Case Types

Following are the various possible types of DCSE case:

1. ADC - CP or dependent is active to public assistance (ADAPT category 215). Information needed to build these cases crosses the IV-A-IV-D interface or comes from a hard copy form 501.

   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; the case type is 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 DCSE by LDSS. The information needed to build these cases crosses the IV-A-IV-D 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 of 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 arrearage 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 – Non-ADC, or Non-TANF. 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 the Central Registry. It identifies cases submitted by other states for locate-only services.

9. NIVD – Non-IV-D. 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 intergovernmental) or non-UIFSA interstate 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 CP and NCP are within the jurisdiction of the Commonwealth of Virginia.

    b. Intergovernmental 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 6, Central Registry and Interstate Rules.

10. MAOF - Medicaid-related case in which the applicant is receiving full child support services from DCSE.

11. MAOP - Medicaid-only case, in which the applicant/recipient has opted to receive medical support services only, rather than full child support services. Refer to Chapter 7, Medical Support.

Center for the Support
of Families

CSF – The Center for Support of Families – the Division's current vendor for paternity information; it maintains a database of birth records.

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 UIFSA petitions, non-IV-D cases, and requests for IV-D wage withholdings. The term "central registry" is defined in federal regulations as "a single unit or office within the State IV-D agency which receives, disseminates and has oversight responsibility for processing incoming interstate IV-D cases, including UIFSA petitions and requests for wage withholding in IV-D cases and, at the option of the State, intrastate IV-D cases."

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

Child This term is defined in Virginia's social service statutes as "any natural person under 18 years of age." Va. Code § 63.2-100. However, in UIFSA it is defined as "an individual, whether over or under the age of majority, who is or is alleged to be owed support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent." Va. Code § 20-88.32. There are other definitions in Va. Code §§16.1-228, 66-12, and 20-146.1.

Child Support
Financial support paid by a parent to help support a child or children of whom the parent does 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 This term is defined in UIFSA as "a support order for a child, including a child who has attained the age of majority under the law of the issuing state."

Child Support Services Any civil, criminal, or administrative action taken by DCSE to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support. Va. Code § 63.2-100.

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, or his designee or authorized representative

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

Comptroller's Vendor Debt Set-Off — A procedure under Virginia state law permitting the Division to intercept payments owed by state agencies to vendors who have child support debts. See Va. Code § 58.1-523.

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). Formerly known as Network Data Mover (NDM).

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

Consumer Credit Protection Act — Federal and state laws that, among other things, limit the amount that may be withheld from earnings to satisfy child support obligations. The federal provisions restricting garnishments are in 15 U.S.C. § 1673. States are allowed to set their own limits provided they do not exceed the Federal limit. 15 U.S.C. § 1677. The Virginia state law provisions setting forth restrictions on garnishment are in Va. Code § 34-29.

Consumer Reporting Agency — As defined in federal law, 15 U.S.C. § 1681a(f), a company "which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports."

Continuing Exclusive Jurisdiction — A legal principle that provides that a tribunal that has jurisdiction to modify a child support order 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. See Va. Code § 20-88.39.

Control-D — A repository of various reports that document various activities in the APECS system. The reports range from daily financial reports (*e.g.*, Trial Balance, Undistributed Receipts, Error messages from the IVA-IVD interface), to weekly reports on blood testing, etc., to monthly reports on performance (*e.g.*, Worker Performance, tracking all case events created by the system and workers to Caseload listing, Collections, and Paternities Established). There are also quarterly and annual reports. All reports are maintained for three years. They are restricted to viewing and printing by the workers user group in Security.

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 — In general, a judgment or order of a court having jurisdiction to issue the order. The term "court order" is defined in the child support statutes of Virginia as follows: "any judgment or order of any court having jurisdiction to order payment of support or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys." Va. Code § 63.2-1900.

Custodial Parent — This term is defined in the Virginia child support statutes as follows: "the natural or adoptive parent with whom the child resides; a stepparent or other person who has physical custody of the child and with whom the child resides; or a local board that has legal custody of a child in foster care." Va. Code § 63.2-1900.

Customer — A person receiving child support enforcement services from DCSE.

Date of Collection — The date an employer withholds wages for child support or the date the Division receives a payment from an individual.

De novo — Latin phrase meaning "anew" or "from a new start." This term is often used to describe certain types of appeals. For a example, an administrative appeal *de novo* is an appeal in which the hearing officer considers all of the available information as if this were the first time the matter was being heard, rather than just reviewing what was done earlier.

Debt — This term is defined in the Virginia child support statutes as: "the total unpaid support obligation established by court order, administrative process or by the payment of public assistance and owed by a noncustodial parent to either the Commonwealth or to his dependent(s)." Va. Code § 63.2-1900.

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 NCP's employer in another State without the need to use the IV-D agency or court system in the NCP's State. See Virginia Code § 63.2-1924(G).

Disburse — To issue a payment

Disbursement — The paying out of collected child support funds

Disposable Income — That part of income due and payable of any individual remaining after the deduction of any amount required by law to be withheld. Va. Code § 63.2-100.

District Office — A local DCSE 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, *i.e.*, 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 database is maintained and owned by the Office of 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 itself.

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

Emancipate — To become legally capable of entering into contracts, owning real property, and other matters, either by reaching the age of majority or by order of a Virginia court pursuant to Va. Code § 16.1-333.

Emergency Criteria — Established by a 1986 consent order. This set of criteria defines situations in which a DCSE customer has an emergency, requiring action by the Division, including the issuance of an emergency support check.

Employee — Any individual receiving income. See Va. Code § 63.2-1900.

Employer — The source of any income. See Va. Code § 63.2-1900.

Employment Services Program — An employment program for individuals who receive TANF. Virginia's program is VIEW.

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. This procedure is accomplished using an Entrustment Agreement.

Employee Verification Service (EVS) — Now known as the Social Security Number Verification Service (SSNVS). System used to verify and correct SSNs and identify multiple SSNs of participants in child support cases. Operated by the Social Security Administration.

e-OSCAR Electronic Online Solution for Complete and Accurate Reporting. A computer system used by the Credit Reporting Agencies for the transmission and receipt of credit reporting information about consumers. For further information, see DCL 08-08 at the OCSE web site.

ESKARI This is a system used by the FCR to locate NCPs. If an alpha–search doesn't yield an SSN, the ESKARI process is initiated. ESKARI stands for Earnings Systems Keyed Applications for SSN Registration Identification. This process is used when certain additional information was submitted with the record: name, sex code, DOB, state or country of birth and any one of the following combinations:

i. Father's first and last name and father's city of birth
ii. Father's first and last name and mother's maiden name
iii. Mother's first and maiden name and mother's city of birth
iv. Father's last name, mother's maiden name, and father's city of birth

If one SSN is found, it is returned to the state. If, through the ESKARI process, multiple possible SSNs are found, they go to the RMR process.

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

Exceptional Circumstances
Situation in which an 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 support orders. 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: the use of 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 parties requiring an alternative agreement; and the use of 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 Indicator (FVI)

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. This requirement is discussed in AT 98-27, an Action Transmittal by OCSE.

Fast Path

Fast Path is a procedure for navigating through the APECS computer system rapidly without using the menus, by entering numerical codes. To use the Fast Path procedure, the user presses the <Page Up> key followed by the appropriate codes. For example, to gain direct access to Case Information, the user presses <Page Up>,02,02. Additional Fast Path codes are listed later in this Resource Manual.

Federal Parent Locator Service (FPLS)

A computerized national location network operated by the federal Office of Child Support Enforcement (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 Offset Program

Program that collects past due child support amounts from NCPs through the interception of their federal income tax refunds, or of administrative payments, such as federal retirement benefits.

Federal Information Processing Standard (FIPS) Code

A unique five-digit code that identifies child support jurisdictions, (*i.e.*, States, counties, central state registries). See the list of locality codes later in this document.

Filing Date

The date that a petition, motion, or other document is filed with a court

Financial Institution

This term is defined for purposes of Virginia's child support enforcement laws as "a depository institution, an institution-affiliated party, any federal credit union or state credit union including an institution-affiliated party of such a credit union, and any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in the Commonwealth." Va. Code § 63.2-1900.

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 Instrument Replacement (FIR)	Receipts with Special Requirements include Non-Financial Instrument Receipts (payments received without a standard check/money order). A unique document called the Financial Instrument Replacement (FIR) is imaged for these receipts.
Financial Records	This term is defined for purposes of Virginia's child support laws as including, but "not limited to, records held by employers showing income, profit sharing contributions and benefits paid or payable 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 a responsible person." Va. Code § 63.2-1900.
Financial Statement	A sworn statement showing the financial situation of the NCP or the CP State law authorizes the Division to demand a statement annually. Failure to comply with the requirements of the Code section describing the financial statement is a Class 4 misdemeanor. Va. Code § 63.2-1919.
501	Shorthand term used to refer to the hard copy of the *Absent Parent/Paternity Information* form, which can be filled out on paper, but ordinarily is completed electronically, when a person applies for TANF benefits.
Foreclosure	A judicial procedure that forces sale of the real or personal property of the NCP to collect arrears. This procedure is authorized by Va. Code § 63.2-1934.
Foreign Reciprocating Country	A foreign country that has been declared by the United States Secretaries of State and Health and Human Services to be one that has child support laws meeting certain standards, thereby qualifying that country to be treated as a "State" as defined in Va. Code § 20-88.32 for purposes of establishing and enforcing child support orders. For a list of such countries and further information, see the OCSE web site.

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. Virginia state law includes definitions of "foster care services," "foster care placement," and "foster home."

Full Employment Program

Replaces TANF and food stamp benefits with subsidized employment.

Full Faith and Credit

Doctrine under which a State must honor an order or judgment entered in another State. See the federal Full Faith and Credit for Support Orders Act. See also Va. Code §§ 8.01-465.2 and 20-49.8(B).

Future Payments NCP's 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.

General Relief (GR)
An optional local program designed to provide assistance, either maintenance or emergency, which cannot be provided through other means. It is governed by Virginia Code § 63.2-802. For further information, see the General Relief Manual.

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

Good Cause A legal reason for which a 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. See the TANF Manual, Section 201.8.D.

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

Gross Income The amount of income before taxes and other deductions are taken out

Guardian *Ad Litem*
An attorney who is appointed by the court to represent the interests of a person who is under a legal disability, such as a minor or a person who is incarcerated for a felony charge. Sometimes abbreviated as GAL.

Guidelines — A standard method for setting child support obligations based on the income of the parent 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 dependent children, 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 lived with a parent or a person acting as a 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. Va. Code § 20-88.32.

Immediate Payroll Deduction — 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 — The concept by which a party is considered to have received a certain amount of income for the purpose of calculating child support guidelines even though he may not have actually received it. The amount is based upon factors such as ability to earn a level of income based upon past employment record, training and education, and the voluntary or involuntary nature of the person's current employment situation.

Income — As defined by PRWORA and the Code of Virginia, 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 CCPA limits, both state and Federal.

Income and Eligibility Verification System
Computerized system drawing on information from various sources. Used by local departments of social services to verify customers' incomes. See 7 C.F.R. § 272.8.

Income Withholding
Procedure by which automatic deductions are made from wages or other income 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 begins a UIFSA or interstate action. The CP lives in this state or the NCP or CP has applied for services in this state. UIFSA defines this term in Va. Code § 20-88.32.

Initiating Tribunal
The court, administrative agency, or quasi-judicial entity in the state that begins a UIFSA or other interstate action. This term is defined by UIFSA in Va. Code § 20-88.32.

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. See the TANF Manual.

Intercept
A method of securing child support by taking a portion of non-wage payments made to an NCP. Non-wage payments subject to interception include Federal tax refunds, State tax refunds, unemployment benefits, and disability benefits. See Federal Offset Program.

Internal Number
Number that the SUPE computer system assigned to each participant and case. This number was used to find information on microfiche.

Interstate IV-D Case
A case in which the parent or person acting as a parent and the child live in one state and the NCP lives in another state or his income source is in another state Example: State A sends a Child Support Enforcement Transmittal to state B's central registry seeking to establish paternity and support.

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 in which the CP, NCP, and child reside in the same state or the state sends an income withholding order directly to an employer in another state. Examples: 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	Payment 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. Va. Code § 20-88.32.
Issuing Tribunal	The tribunal that issues a support order or renders a judgment determining paternity. Va. Code § 20-88.32.
IV-A Agency	An LDSS or the Division of Benefit Programs at the State level.
IV-A Case	A child support case in which a CP and child are receiving public assistance benefits under the State's IV-A program.
IV-D Agency	DCSE in Virginia, or any other State's child support enforcement agency.
IV-D Case	A child support case in which at least one of the parties, either the CP or the 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 for whom the individual owes support.
IV-E Case	A child support case in which the State is providing foster care benefits for services under Title IV-E of the Social Security Act to a person, family, or institution that is raising a child or children that are not their own.
Judicial Enforcement	Action through the courts 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. Defined in UIFSA, Va. Code § 20-88.32.
Legal Father	A man who is recognized by law as the parent of a child
Local Agency	Any of 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 an NCP or PF is located 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 PF or NCP. May include SSN, date of birth, residential address, and employer, among other information.

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 kidnapping 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 UIFSA for certain actions, such as establishing a support order in which the 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 is 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 to collect 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 — Title XIX of the Social Security Act is a Federal/State entitlement program that pays for medical assistance for certain individuals and families with low incomes and resources. This program, known as Medicaid, became law in 1965 as a cooperative venture jointly funded by the Federal and State governments (including the District of Columbia and the Territories) to assist States in furnishing medical assistance to eligible needy persons. Medicaid is the largest source of funding for medical and health-related services for America's poorest people.

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 in which the CP receives medical services but does not seek child support.

Medical Insurance Only
An order that addresses only medical insurance.

Medical Support Only
An order that addresses only medical support.

Miscellaneous Returned Checks
Checks returned for reasons other than being 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 PRWORA by which delinquent child support obligors are matched with accounts held in financial institutions 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 SESAs. Can be accessed through APECS Fast Path 11,03.

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 SDNH in their State. This data is then submitted to the NDNH, where it is compared against child support order information contained in the 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, for a TANF customer, not turning over to the child support agency any support received directly from the NCP or PF.

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. The legal definition in Virginia's child support laws is: "a responsible person who is or may be obligated under Virginia law for support of a dependent child or child's caretaker." See Va. Code § 63.2-1900.

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 Needy Families (TANF). Also known as a non-TANF case.

Non IV-D Order

A child support order entered by a court without the involvement of 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

Non-permissible 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

CP and children not recipients of TANF benefits.

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 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 FPLS, which includes the NDNH and the FCR. OCSE is part of ACF, which is within 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 children are 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. Under 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 PRWORA that is operated under the auspices of the Federal Offset Program. See 42 U.S.C. § 652(k) and 42 U.S.C. § 654(31).

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 provided 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 NCPs 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 by which child support case data newly submitted to the FCR is automatically compared with previous submissions, as well as with the employment data in the 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 is 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. [need to update]
Recipient	A person or organization that receives support funds and/or 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 non-sufficient 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. See UIFSA for the legal definition.
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 and/or the CP or parent of the child. The Division no longer uses this term. Refer to NCP.

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 make an action retroactive means to apply a current action to a prior period. For example, a child support order in Virginia can be made retroactive to the date the initial petition was filed with the court.

Review — An objective evaluation, conducted by a court or the Division, of information necessary to apply the support guidelines 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 (RURESA) — The revised URESA law, in use before the enactment of UIFSA, that set forth reciprocal law concerning the enforcement of support between states.

RID — Acronym meaning Report ID; a web-based Control-D report.

RMR — Requires Manual Review. RMR is a manual process performed by OCSE where an FPLS staff person selects the most likely SSN from several possibilities. If one is not selected, it is rejected. Note: This process is less reliable as the SSN is selected through a manual process.

Seizure and Sale — A court procedure set forth in Virginia law 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.

Servicemembers Civil Relief Act (SCRA)

A federal statute, originally known as the Soldiers' and Sailors' Civil Relief Act, but expanded and given its new name in 2003. This law, codified at 50 U.S.C. App. § 501 *et seq.*, provides protections to military members who are faced with certain legal proceedings or obligations. For example, it may allow them to obtain a postponement of a pending civil suit in certain circumstances.

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.

SMILE — Support Money Impacts Lives Every Day – a modernized Payment Processing operation including technology and equipment that helps Virginia's child support payments be imaged, encoded, and stored with such efficiency that work time is reduced; a 48-hour turnaround time is continuously met; receipts are deposited the same day; and child support staff outside of the SDU have the ability to independently research payments received and print copies if needed.

Social Security Disability (SSDI)

The Social Security disability insurance program (sometimes referred to as SSDI) pays benefits to an individual and certain family members if the individual worked long enough and paid Social Security taxes. The individual's adult child also may qualify for benefits on the individual's earnings record if he or she has a disability that started before age 22.

Special Circumstances Review

A review of an existing support obligation that takes place less than 36 months after the obligation was last entered, adjusted, or reviewed.

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

Standard

Filing Unit For purposes of ADAPT, the group of individuals whose income must be considered in determining the assistance unit's eligibility and grant amount. This includes children and parents required to be in the assistane unit, essential persons; individuals whose income is subject to deeming; and, when assistance is requested, a caretaker-relative other than the parent.

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 DCSE in Virginia; other state's child support enforcement agency in other states.

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. See Va. Code § 63.2-1905.

State Directory of New Hires (SDNH) A database maintained by each State, which contains information regarding newly hired employees for the respective State. See Va. Code § 63.2-1946.

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. See Va. Code § 63.2-1901.

State Employment Security Agencies (SESAs)

Agencies in each State that process unemployment insurance claims. They are also repositories of quarterly wage data, information on all employees submitted by employers, which they submit to the NDNH along with the unemployment insurance claim data. These agencies have been re-designated as State Workforce Agencies (SWAs). See 20 C.F.R. § 655.100.

State Parent Locator Service (SPLS)

A unit within the state child support enforcement agency, whose purpose is to locate NCPs in order to establish and enforce child support obligations, visitation, and custody orders or to establish paternity.

State Income Tax Intercept
A mechanism whereby the Division can intercept a Virginia State Income Tax refund due to an NCP who owes child support arrears. This mechanism is governed by the Setoff Debt Collection Act, Va. Code §§ 58.1-520 - 58.1-535.

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 are returned the next day for online viewing. Can be accessed through APECS Fast Path code 11,20.

Statutes
Formal written law found in code books

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

Subpoena duces tecum
A process issued by a court compelling a witness to produce certain specified documents to be used in 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 (SSI)
A program administered by the federal government that guarantees a minimum income to persons who meet the requirement as aged, blind, or disabled. For more information, see the SSI web site.

Support Enforcement Agency
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, location of obligors or their assets, or determination of the controlling child support order. A support enforcement agency of the Commonwealth is not authorized to establish or enforce a support order for spousal support only. Va. Code § 20-88.32.

Support Enforcement Cases
IV-D cases resulting from applications 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 Hearing Officer — An impartial person who hears appeals that NCPs and CPs file challenging administrative actions the Division takes and decides if the Division correctly followed established policy and procedures. See Va. Code § 63.2-1942.

Support Guidelines — The table used by the Commonwealth's courts and the Division to establish the monthly amount parents owe for dependents. See Va. Code § 20-108.2.

Support Order

UIFSA definition: "a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a tribunal 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." Va. Code § 20-88.32.

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

Temporary Assistance for Needy Families (TANF)

Time-limited public assistance payments made to low-income 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 for Needy Families-Unemployed Parent (TANF/UP) — Time-limited cash assistance for low-income families with an unemployed parent. For further information, see the TANF Manual.

Terminated Order — An order stopped by the court with no expectation of resumption

Tribunal — The court, administrative agency, or quasi-judicial agency authorized to establish, enforce, or modify support orders or to determine parentage. See UIFSA, Va. Code § 20-88.32, for the full definition.

Two-State

Liability — A category under which insurance providers are billed for medical expenses incurred by public assistance 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 of Virginia after one year.

Undeliverable Returned Checks — Checks returned by the Postal Service due to incorrect addresses or checks the Postal Service could not deliver because the addressee moved.

Uniform Interstate Family Support Act — Uniform statute enacted in similar form in all states that sets forth reciprocal law concerning establishment, modification, and enforcement of support orders between states. This law replaced the URESA law in Virginia in 1994.

Uniform Reciprocal Enforcement of Support Act (URESA) — Older uniform State law that formerly was used to process interstate child support cases. In 1994 in Virginia this law was replaced by UIFSA.

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 (VIEW) — 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. Also known as an entrustment agreement. See Va. Code § 63.2-900.

D. APECS Codes
Resource Manual Contents

Y = Yes
N = No

OPEN = Open
CLSD = Closed
INCO = Incomplete

RLSE = Release

A = Active
I = Inactive

A few data items may be found under more than one title. This is because the data items are called by different names on different screens. For example, "Hold Reason" is listed under ACCOUNT HOLD REASON and HOLD REASON.

ACCOUNT HOLD REASON
The reason a "Hold" was placed on an account:

A	Accounting Review
B	Offset Bond
C	Case worker Review
F	Foreign Currency
H	Appeal Hearing
I	Invalid Address
J	Joint Return (6 month Hold)
K	IRS Payment (20 Day Hold)
L	Court Judicial Appeal
M	Miscellaneous Hold
N	Non-sufficient Funds (NSF) Payment
S	State Tax Payment (20 Day Hold)
U	Unclaimed Property
W	Payment Received on Closed Case (automated refund in 30 days if not adjusted)

ACCOUNT NUMBER
The system level account to or from which monies were moved:

10	Receipts
11	Interest Payments
12	IRS Refunds
13	Conversion Escrow
14	Emergency Payments
15	Bad Checks

20	Automated Disbursements
25	Manual Disbursements
30	In State FCare
35	In State Medical (DMAS)
40	In State AFDC
50	DCSE Fees
51	DCSE Blood Test
52	DCSE NPA Recoupment
53	Legal Fees
54	Kidnapping Fees
55	IRS Intercept Fees
56	Credit Card Fees
60	Other State Agency
61	Other State AFDC
62	Other State Fcare
70	Unidentified Payer
75	Other State Locate Only
80	Accrued Support
81	Dist Support
90	Arrears Discharge Act
91	Unclaimed Property

ACCOUNT TYPE

AFDC	Client AFDC Account
AGCY	Agency Account
CASE	Case Account
DISB	Disbursement Account
FCAR	Foster Care Account
INCO	Incomplete Account
PART	Participant Account
RCMT	Recoupment Account
RCPT	Receipt Account and Credit Account
SYST	System Account

Debit Account Types

AFDC, AGCY, CASE, DISB, FCAR, PART, RCMT, SYST

ADDRESS TYPE

CHK	Check
CHKO	Old Check Address
CONO	Old Contact Name/Address
CONT	Contact Name/Address
FIDM	Financial Institution Data Match Address

GCSA	GC Services Address
IRS	IRS Address
IV-A	Provided by ADC (VACIS)
MAIL	Mailing Address (Only one mailing address can be entered.)
NDN4	NDNH W4 Address
NDNU	NDNH UI Address
NHAD	New Hire Address
OLD	Old Address
OTHR	Other Address
RES	Residence (used for service of process)

ADJUSTMENT REASON

Receivables

FAAA	Add Arrears Previously Held in Abeyance
FAAD	Arrears Adjustment
FACC	Court Credit in Lieu of Support
FAIC	Adjust Interest Charge
FAOW	Administrative order/issued Without Proper Service of Notice
FAPG	Absent Parent Overpayment Agreement
FCPR	Arrears Dismissed at Customer Request
FCTC	Court Pass Through payment to Client
FDPC	Direct Pay to Client by Absent Parent
FNAR	New IV-D Case With Arrears
FNAS	Non-ADC Child Support Debt Assigned to State
FNCR	New Non IV-D Case with Credit Balance
FNSS	Non-ADC Spousal Support Debt Assigned to State
FOES	Order Established
FOMD	Modification for Decrease
FOMI	Modification for Increase
FOOV	Current Support Order Vacated
FOTH	Adjustment: Other
FVLT	Create Voluntary Subaccount
FVPE	Voluntary PF Payment Prior to Paternity Establishment

Refunds

FIPR	Invalid Payment Refund
FIRS	IRS Generated Refund
FLOT	Overpayment Lottery Debt Set-Off
FMWW	Overpayment by Wage Withholding
FOIR	Overpayment IRS Set-Off refund
FORE	Overpayment Refund
FOST	Overpayment State Tax Debt Set-Off
FPCA	Overpayment Private Collection Agency
FVEC	Overpayment Virginia Employment Commission
FVND	Overpayment Vendor Debt Set-Off Program

Cancelled Checks

FCAN	Cancel Check Other
FCAR	Cancel Returned Check
FCUC	Cancel Undeliverable Check
FRIS	Reissue Cancelled Check

Distribution

FDTC	Distribute to Client
FP4A	Adjust TANF Case payment

Disbursement

FDDE	Disbursement to Cover Dual Expenditure

Recoupment

FNSF	Non-Sufficient Funds Payment
FPNE	Payor Did Not Endorse Payment
FRCO	Client Overpayment
FREP	Emergency Payment
FROP	Overpayment Other
FSBP	Payment Stopped by Payor
FSOP	Stale Dated Payment Not Honored by Bank

Transfers

FAPA	Transfer From Absent Parent to Absent Parent
FCHS	Transfer From Child Support to Spousal Support
FCPP	Transfer From Client to Client
FFES	Transfer From Fee to Support
FINS	Transfer From Interest to Support
FRTS	Transfer From Recovery to Support
FSAP	Transfer From Suspense to Absent Parent Account
FSPF	Transfer From Support to Fee
FSPI	Transfer From Support to Interest
FSSC	Transfer From Spousal Support to Child Support
FSTR	Transfer From Support to Recovery

Debt Discharge Reasons

FD25	Discharge – Debt Less Than $25.00 and More Than One (1) Year Old
FDCF	Discharge – Absent Parent Citizen of Foreign Country Without Reciprocity
FDDM	Discharge – Dependent Has Reached Age of Majority and Arrearages less Than $500
FDDS	Discharge – Absent Parent Deceased and Estate Settled
FDDT	Discharge – Parental Rights Terminated. Deemed in Best Interest of Child not to Pursue Collection of Debt
FDIO	Discharge – Absent Parent Incarcerated With no Change for Parle

FDLE	Discharge – Debt More Than Three (3) years Old and All Locate Attempts have Been Exhausted
FDMD	Discharge – Absent Parent has a Medically Verified Total and Permanent Disability With no Evidence of Support Potential
FDNF	Discharge – Absent Parent Determined Not to be Biological Father of the Dependent

Miscellaneous

FIDP	Add Interest Due Payee
FIVN	Correct Invalid Adjustment
FURP	Adjust Public Assistance Paid

ADMINISTRATIVE APPEAL DISPOSITION

AAAM	Amended (DCSE Action)
AACC	Continued
AAFA	Abandoned (Failure to Appear)
AARV	Reversed (DCSE Action)
AASU	Sustained (DCSE Action)
AAWD	Withdrawn by District Office
AAWP	Withdrawn by Absent Parent
DELE	Appeal Deleted: Entered in Error

ADMINISTRATIVE APPEAL REQUEST DISPOSITION

AAGR	Appeal Hearing Request Granted
AAMI	Mistaken identity
AANA	Not an Appealable Issue
AANM	Not a Mistake of Fact
AAOH	Other
AAPC	Paternity Contested
AAUR	Untimely Appeal Request
AAWA	Withdrawn by Absent parent
AAWD	Withdrawn by District office
DELE	Request Deleted - Entered in Error

ADMINISTRATIVE APPOINTMENT DISPOSITION

ADAA	Arrears Balance Amended – Enforcement Action to Continue
ADAB	AP Appeared, Blood Drawn
ADAC	Arrears Balance Correct – Enforcement Action to Continue
ADAL	Paternity + Support Order + health Care Coverage Order Established
ADAW	Arrears Balance Amended – Enforcement Action Withdrawn
ADBC	CP and Children Appeared and Were Drawn
ADBL	AP Agreed to Blood Test
ADBT	All Parties Appeared, Blood Drawn
ADCC	Sanction Requested/PA CP Did Not Cooperate
ADCN	Closure Intent Notice Sent/NPA CP Did Not Cooperate
ADDP	Referral to Court/AP Denied Paternity
ADEB	Paternity Established by Blood Test Results
ADFA	AP/CP Failed to Appear

ADFC	Referral to Court/AP Failed to Cooperate
ADFL	Referral to Court/AP Failed to Appear
ADHE	Health Care Coverage order Established
ADID	Appointment Rescheduled – Failed to Bring In ID
ADIP	Signature and/or Information Provided
ADNC	No Change in Support order
ADPA	Paternity Acknowledged
ADPE	Absent Parent Excluded
ADPH	Paternity & Health Care Coverage Order Established
ADPS	Paternity + Support Order Established
ADRE	Appointment Rescheduled – CP or AP Request
ADSD	Support Order Modified, Decrease
ADSE	Support Order Established
ADSH	Support Order + Health Care Coverage Order Established
ADSI	Support Order Modified, Increase
ADSP	AP/CP Appeared, Status Provided
ADWW	Wage Withholding Initiated
DELE	Appointment Deleted: Entered in Error
EORA	Entered Administrative Order
CAPP	CP Challenges Review Results
NAPP	NCP Challenges Review Results

AMOUNT FREQUENCY

ANNL	Annual
BIWK	Bi-Weekly
B-MO	Bi-Monthly
MNTH	Monthly
NO-C	No Charge
QTLY	Quarterly
S-AN	Semi-Annual
S-MO	Semi-Monthly
WKLY	Weekly

AP BANK ACCOUNT TYPE

C	Checking
S	Savings
O	Other

AP LEGAL REPRESENTATION INDICATOR

AALA	Legal Aid
AAOR	Other
AAPA	Private Attorney
AASE	Self

AP RECEIVING OTHER BENEFITS INDICATOR

AD	ADC

AU	ADC/UP
FS	Food Stamps
GR	General Relief
MD	Medicaid
MI	Military
OT	Other
RE	Retirement
SA	SSA
SI	SSI
UC	Unemployment Compensation Benefits
VB	Veteran's Benefits
N	None
U	Unknown

APPEAL DENIAL REASONS

AAGR	Appeal Hearing Request Granted
AAMI	Mistaken Identify
AANA	Not an Appealable Issue
AANM	Not a Mistaken of Fact
AAOH	Other
AAPC	Paternity Contested
AAUR	Untimely Appeal Request
AAWA	Withdrawn by NCP
AAWD	Withdrawn by District office
DELE	Request Deleted: Entered in Error

APPEAL REQUESTS TYPES

ARAM	Medical Orders
ARAO	Administrative Order
ARCB	Credit Bureau
ARDS	Distraint/Seizure
ARFT	IRS Intercept
ARLI	Lien
ARMW	Mandatory Wage Withholding
AROT	Other
AROW	Withhold and Deliver, Non-Participant
ARST	State Tax Intercept
ARVP	Vendor Payment
ARWD	Withhold and Deliver

APPEALS TYPE

AFAM	Medical Order (Face to Face)
AFAO	Administrative order (Face to Face)
AFCB	Credit Bureau (Face to Face)
AFDS	Distraint/Seizure (Face to Face)
AFFT	Federal Tax Intercept (Face to Face)
AFLI	Lien (Face to Face)
AFMW	Mandatory Wage Withholding (Face to Face)

AFOT	Other (Face to Face)
AFOW	Withhold and Deliver, Non-Participant (Face to Face)
AFST	State Tax Intercept (Face to Face)
AFVP	Vendor payment (Face to Face)
AFWD	Withhold and Deliver (Face to Face)
ATAM	Medical Order (Telephone)
ATAO	Administrative Order (Telephone)
ATCB	Credit Bureau (Telephone)
ATDS	Distraint/Seizure (Telephone)
ATFT	Federal Tax Intercept (Telephone)
ATLI	Lien (Telephone)
ATMW	Mandatory Wage Withholding (Telephone)
ATOT	Other (Telephone)
ATOW	Withhold and Deliver, Non-Participant (Telephone)
ATST	State Tax Intercept (Telephone)
ATVP	Vendor Payment (Telephone)
ATWD	Withhold and Deliver (Telephone)

APPLICANT (On screen 03,06)

BOTH	Both CP and NCP applied for DCSE services
CP	Only CP applied for DCSE services
NCP	Only NCP applied for DCSE services

APPLICANT/RECIPIENT RELATION TO AP

DIVO	Divorced
MARR	Married
NMAR	Not Married
SEPA	Separated

APPOINTMENT TYPE

ATAR	Administrative Review (AP Request)
ATBT	Blood Test Appointment
ATCP	Document/Court Preparation
ATEP	Establish Paternity
ATHC	Establish Paternity/Health Care Coverage Order
ATHO	Establish Health Care Coverage Order
ATPC	Establish Paternity/Support Order/Health Care Coverage Order
ATPS	Establish Paternity/Support Order
ATSA	Status Appointment/AP or CP Request
ATSH	Establish Support Order/Health Care Coverage Order
ATSO	Establish Support Order
ATSR	Support Order Review

ARREARS STATUS

ARRS	Arrears Only
C+A	Current Support and Arrears
NONE	No Arrears

BORN OUT OF WEDLOCK INDICATOR

N	Child Born Within a Marriage
Y	Child Born Out-of-Wedlock

CASE CLOSURE CODES (CURRENT)

The reason a case has been closed. The field name could also be Closed Status.

CDIE	NCP or PF Deceased
CDIS	NADC CP Requests Closure, No Arrears to State
CDUP	Duplicate Case on System
CGCA	Good Cause Exists to Close Case
CINS	NCP Institutionalized
CINT	Failure of Other State Agency to Take Necessary Action
CLOC	Successful Locate Only Case
CNOA	No Ordered Amount Arrears
CNON	NADC CP Not Cooperative
CNRE	NCP Resides in Non-Reciprocal Country
CPAT	Paternity Not Established on Putative Father
CULO	Unable to Locate NCP
CUNC	Contact Lost With NADC CP

CASE CLOSURE CODES (OBSOLETE) (Prior to 7/1/1999, additional codes were valid. These codes are listed below for historical reference, because cases previously closed with these codes have a related case event. **THE CASE CLOSURE CODES LISTED BELOW ARE NO LONGER VALID AND ARE NOT TO BE USED FOR CASES CLOSED AFTER 7/1/1999**.

CEMC	Child Emancipated, No Order/Arrears
CINC	NCP Incarcerated, No Parole
CINF	Insufficient AP Data
CPRT	Paternal Rights Terminated
CSSI	NCP Total Permanent Disability
CUNE	Order Unenforceable Under State Law

CASE PRIORITY

1	High Priority
2	Mid Priority
3	Low Priority

CASE TYPE

ADC	ADC
ADCU	ADC-UP (ADC-Unemployed Parent)
ARRN	NADC Arrears Only
ARRP	ADC Arrears Only
FC	ADC-FC (ADC-Foster Care)

LOCO	Locate Only
MAOF	Medicaid Full Services
MAOP	Medicaid Partial Services
MSO	Medical Support Only
NADC	Non Public Assistance
NIVD	Non IV-D
SLFC	State and Local Foster Care

Subcategories

Arrears Only = ARRP, ARRN
ADC Types = ADC, ADCU, ARRP, FC
NPA Types = NADC, SLFC, ARRN, MAOF, MAOP, MSO

Valid Types for Billing

ADC, ARRN, ARRP, FC, MAOF, MSO, NADC, NIVD, SLFC

CLOSED LOCATE DISPOSITION

This field indicates whether the locate process on the AP was successful or unsuccessful.

FND	AP Found
LAPC	Located by AP Contact
LBOE	Located by Board of Elections
LBOT	Located by Other Source
LCLI	Located by Client
LCRB	Located by Credit Bureau
LDCM	Located by Department of Commerce
LDHP	Located by Department of Health Professionals
LDMV	Located by DMV – Driver's License
LDOC	Located by Department of Corrections
LDPT	Located by Department of State Personnel and Training Automated System
LDSS	Located by Department of Social Services Automated Systems
LDVR	Located by Division of Vital Records
LEMP	Located by Employer
LEPL	Located by Electronic Parent Locator network (EPLN)
LFPL	Located by Federal Parent Locator Service
LGIF	Located by Department of Game and Inland Fisheries
LINS	Located by Immigration and Naturalization Service
LIOC	Locate Unsuccessful
LIRS	Locate by IRS – 419, 1099, IRS Certification
LLSS	Located by Department of Social Services
LMVR	Located by DMV – Vehicle Registration
LNPR	Located by National Parent Locator Service
LOSU	Located by Other State Unsuccessful
LOTS	Located by Other State
LPOF	Located by Post Office
LPTA	Located by Property Tax Administration
LRIE	Located Referral in Error
LSDX	Located by Supplemental Security Income

LSTT	Located by State Tax
LTEL	Located by Telephone Inquiry
LUIB	Located by VEC/Unemployment Insurance Benefits
LUTI	Located by Utilities
LVEC	Located by Virginia Employment Commission
NFND	AP Not Found
REIN	Re-inquire in Ninety (90) Days

CONVERSION STATUS

COMP	Conversion Complete
DIST	Case Valid for Distribution
INCO	Conversion Incomplete

CONVICTION TYPE

FELO	Felony
MISD	Misdemeanor

COURT HEARINGS TYPES-SCHEDULE

AASO	Appeal of ASO
BTHE	Compel Blood Test
CTHE	Show Cause/Contempt
DNHE	Default Non-Support
DPHE	Default Paternity
GDHE	Guardian Ad Litem
ICHE	Intervening Complaint
IPHE	Initial Petition for Support (Paternity is not an issue)
JHDL	Driver's License
MDHE	Motion for Decrease
MFHT	Minor Father Paternity/Support/Health Insurance
MIHE	Modification for Increase of Support
MMHE	Modification for Medical Support
MOHE	Motion to Amend – Other
NSHE	Non-Support (Criminal) – U.S. Attorney
OAHE	Order and Arrest
PTHE	Paternity or Paternity and Support Hearing (Paternity is an issue.)
REGH	Registration Hearing for registering a foreign order

COURT ORDER TYPES

B	Spousal/Child Combined
C	Child Support
M	Medical Support
S	Spousal Support
T	Child/Spousal/Medical Combined

COVERAGE TYPE – See MEDICAL COVERAGE TYPE

CP TO AP RELATIONSHIP

DIVO	Divorced
MARR	Married
NMAR	Not Married
SEPA	Separated

CREDIT BUREAU REPORTING STATUS

A	Appeal Filed
D	AP Submittal Deleted (system-generated)
L	Submittal Letter Sent (system-generated)
P	Permanent Exclusion
R	Remove AP Submittal
S	Submitted to Agencies (system-generated)
T	60 Day Suspension
E	Emancipated children – no longer reported

CURRENT REQUEST TYPE – See REQUEST TYPE – Review and Adjustment

DISPOSITION

Refer to the following sections:
ADMINISTRATIVE APPEAL DISPOSITION
ADMINISTRATIVE APPEAL REQUEST DISPOSITION
ADMINSTRATIVE APPOINTMENT DISPOSITION
CLOSED LOCATE DISPOSITION
JUDICIAL HEARING DISPOSITION

Continuance
Dismissal Without Prejudice
Enforcement
Establishment – Support and Medical
Final Case Disposition
Important Notice
Judicial Appeal
Paternity Disposition

DISTRICT/REGIONAL OFFICE CODES

A0	Abingdon District Office
B0	Virginia Beach District Office
B1	Portsmouth District Office
B2	Eastern Shore District Office
C0	Charlottesville District Office
C1	Fredericksburg District Office
C2	Verona District Office
D0	Richmond District Office
D1	Henrico District Office
E0	Chesapeake District Office
F0	Fairfax District Office
F1	Manassas District Office

F2	Winchester District Office
F5	Arlington District Office
H0	Hampton District Office
K0	Norfolk District Office
L0	Lynchburg District Office
L1	Danville District Office
N0	Newport News District Office
P0	Petersburg District Office
P1	Suffolk District Office
R0	Roanoke District Office
CR	Central (Regional) DCSE Office
ER	Eastern (Regional) DCSE Office
WR	Western (Regional) DCSE Office
HQ	Central Office

EMPLOYER NON-COMPLIANCE INDICATOR

NCBC	Payment Received, Insufficient Information to Post
NCNP	No Payment Received

EMPLOYMENT STATUS

EFTP	Full-Time, Permanent
EFTT	Full-Time, Temporary
EPTP	Part-Time, Permanent
EPTT	Part-Time, Temporary
ESEA	Seasonal
ESFL	Self-Employed
EUNE	Unemployed
EUNK	Unknown

ETHNIC GROUP

AA	Native American
AS	Asian
BL	Black
HP	Hispanic
UN	Unknown
WH	White

EVENT SUBTYPE

ADJ	Manual Adjustment
AFDC	ADC Opening
ALOT	Military Allotment
ARRN	NADC Arrears Only
BOND	Bond
CANC	Cancel Check
CASH	Cash
CCRD	Credit Card

CHEK	Check
CTAX	Car Tax Intercept
FC	Foster Care Opening
FPLS	FPLS Client Fee
FTAX	IRS Client Fee
LOTR	Lottery Intercept
MARR	Arrears Adjustment
MORD	Money Order
NAAP	NADC Application Fee
NEMD	Notice of Emancipation of Dependent
NPA	NPA Opening
NIVD	Non IV-D
ORD	Support Order
REGP	Regular Payment
RMNT	Recoupment
STOP	Stop Check
STTX	State Tax Intercept
WAGE	Wage Withholding
WTHD	Withholding, Asset Attachment

EVENT TYPE

ADJ	Adjustment
DSB	Disbursement
RCP	Receipt

EXTENSION TYPE

This is the type of order extension associated with the order. The extension types and the support types for which each extension is valid are listed below.

AFBT	Blood Test Fees- Valid for MISC Support Type
AFCC	Credit Card Fees – Valid for MISC Support Type
AFDCA	AFDC Arrears – Valid for CHLD and SPSL Support Type
AFDCAI	AFDC Arrears Interest – Valid for CHLD & SPSL Support Type
AFII	IRS Interest
AFKD	Parental Kidnap Fees – Valid for MISC Support Type
AFLG	Legal Fees – Valid for MISC Support Type
AFNF	Non Sufficient Funds Check Fees – Valid for MISC Support Type
CSUP	Current Support – Valid for CHLD, SPSL, MEDI, and MEDC Support Types
CTNFA	Conditionally Assigned Arrears
CTNFAI	Conditionally Assigned Arrears Interest
FCARA	ADFC (Foster Care Arrears) – Valid for CHLD and SPSL Support Type
FCARAI	ADFC (Foster Care) Arrears – Valid for CHLD and SPSL Support Type
MEDIA	Medical Arrears - Valid for MEDI and MEDC Support Type
MEDIAI	Medical Arrears Interest – Valid for MEDI and MEDC Support Type
NPAAA	Custodial Arrears – Valid for CHLD and SPSL Support Type
NPAAAI	Custodial Arrears Interest – Valid for CHLD and SPSL Support Type
OSTA	Other State Arrears – Valid for CHLD, SPSL, MEDI, and MEDC Support Type
TTNFA	Temporarily Assigned Arrears

TTNFAI	Temporarily Assigned Arrears Interest
UNDFA	Unassigned During Assistance Arrears
UNDFAI	Unassigned During Assistance Arrears Interest
UNTFA	Unassigned Pre-assistance Arrears
UNTFAI	Unassigned Pre-assistance Arrears Interest

FAMILY VIOLENCE INDICATOR

ND	FV Set per Affidavit of Nondisclosure
PO	FV Set per Protective Order

FVI REMOVAL CODES

R1	FV Removed at person's request
R2	FV Removed due to in-state order
R3	FV Removed due to out-of-state order
R4	FV Removed set in error

FEDERAL CASE REGISTRY STATUS INDICATOR

Case Records

A	Case Record Accepted/Added by FCR
P	Case Record Pending with FCR, Awaiting Final Acceptance
R	Case Record Rejected by FCR
S	Case Record Submitted to FCR

Participant Records

A	Participant Record Accepted/Added by FCR
P	Participant Record Pending with FCR, Awaiting Final Acceptance
R	Participant Record Rejected by FCR
S	Participant Record Submitted to FCR
U	Participant Record Accepted with Unverified SSN by FCR
D	Participant deleted from the FCR
M	Participant added/accepted by the FCR, and subsequently matched by the NDNH Proactive Match

FINANCIAL NON-REVIEW REASON

PRIC	Emancipation of Child
PRII	Not in Best Interest of Child and NO CP/AP Request
PRIP	Death of Parent
PRIR	Not Requested by CP/AP (NADC)
PRIS	No Obligation for Current Support

FREQUENCY

ANNL	Annual
BIWK	Bi-Weekly

B-MO	Bi-Monthly
MNTH	Monthly
QTLY	Quarterly
S-AN	Semi-Annual
S-MO	Semi-Monthly
WKLY	Weekly

GOOD CAUSE INDICATOR

A	Adoption
E	Suspected Emotional Harm
I	Suspected Incest
N	Pending Adoption
P	Suspected Physical Harm
R	Rape
20	Good Cause Not Claimed
21	Claim was made without evidence of physical harm
22	Claim was made by applicant prior to receiving TANF
23	All Other Denied Claims
30	Claim Pending
34	Physical Harm to Child
36	Physical Harm to Caretaker
40	Rape or Incest
41	Adoption Before Court
42	Parent Receiving Adoption Services
43	Physical Harm to Child
44	Emotional Harm to Child
45	Physical Harm to Caretaker
46	Emotional Harm to Caretaker
50	Rape or Incest
51	Adoption Before Court
52	Parent Receiving Adoption Services
53	Physical Harm to Child
54	Emotional Harm to Child
55	Physical Harm to Caretaker
56	Emotional Harm to Caretaker
57	Incarceration of Primary Custodial Parent
58	FC Case – Service Plan Includes Return of Child to Parent

HEARING RESULTS (DRIVER'S LICENSE SUSPENSION)

JWIL	Willful
JNWL	Non-willful

HOLD REASON

A	Accounting Review
B	Offset Bond
C	Caseworker Review
F	Foreign Currency
H	Appeal Hearing (Administrative)

I	Invalid Address
L	Court/Judicial Appeal
M	Miscellaneous Hold
N	Non-sufficient Funds Checks
P	Payee Not Yet Loaded
U	Unclaimed Property

IMPORTANT NOTICE DISPOSITION

RTNA	Returned/New Address
RTNU	Returned/Undeliverable

INTERSTATE (UIFSA/URESA STATUS OF CASE)

I	Virginia is Initiating State (Interstate)
R	Virginia is Responding State (Interstate)
Blank	In-State (Intrastate)

JUDICIAL HEARING DISPOSITIONS

Select one disposition that captures the essence of the court hearing. It is possible to have more than one disposition code for an establishment/enforcement hearing. Refer to "TERMS" listed on the support order screen to record/read codes indicating specific provisions of a support.

Continuance

JCAA	Attorney Appointment
JCBK	Bankruptcy Pending (Automatic Stay)
JCCI	Capias Issued
JCCW	Criminal Warrant/Petition Issued
JCEX	Extradition
JCFA	Failure to Appear (Served/Not Served)
JCGA	Guardian Ad Litem Appointed
JCGC	General Continuance
JCGT	Genetic/Blood Test Ordered
JCNO	Case Notes

Dismissal Without Prejudice

DWPC	Dismissal Without Prejudice – AP Now Has Custody
DWPD	Dismissal Without Prejudice – AP Deceased
DWPI	Dismissal Without Prejudice – AP Incarcerated
DWPJ	Dismissal Without Prejudice – No Jurisdiction
DWPR	Dismissal Without Prejudice – Parental Rights Terminated
DWPS	Dismissal Without Prejudice – Lack of Service
DWRP	Dismissal Without Prejudice – DCSE Request

Enforcement

JFAE	Arrears Established
JFAN	Arrears Not Discharged (In Bankruptcy)

JFDP	Dismissed Without Prejudice
JFFC	Found in Contempt
JFGC	Absent parent Guilty of Criminal Non-Support
JFJI	Jail Sentence Imposed
JFJS	Jail Sentence – Work Release
JFNC	Absent Parent Not Guilty of Criminal Non-Support
JFNS	Jail Sentence – (Suspended Sentence Revoked)
JFPA	Periodic payment on Arrears Ordered
JFPS	Judicial Final Public Service (Defendant Sentenced to Public Service Work instead of Work Release)
JFSB	Set Bond
JFSP	No Service of Process
JFWO	Wage Withholding/Military Allotment
JNWL	Non-willful (For use with the JHDL hearing for Driver's License.)
JWIL	Willful (For use with JHDL hearing for Driver's License)

Establishment – Support and Medical

JFAE	Arrears Established
JFAN	Arrears Not Discharged (in Bankruptcy)
JFAS	Arrears Order Suspended
JFAU	Arrears Order Upheld
JFCE	Current Support Ordered (Beyond 18)
JFCS	Current Support Ordered (Paternity is Not an Issue)
JFDD	Modified – Decrease denied
JFDP	Dismissed With prejudice
JFED	Modification – Medical Expenses Denied
JFEO	Medical Expenses Ordered
JFID	Modification – Increase Denied
JFIO	Medical Insurance Ordered
JFMD	Modification – Decrease Granted
JFME	Modification – Medical Expenses Granted
JFMG	Modification – Medical Insurance Granted
JFMI	Modification – Increase Granted
JFMN	Modification – Medical Insurance Denied
JFOP	Dismissed Without Prejudice
JFOS	Current Order Suspended
JFOU	Current Order Upheld
JFOV	Current Support Order Vacated (Emancipation, Custody Change, Incarceration)
JFPA	Periodic Payment on Arrears Ordered
JFSP	No Service of Process
JFWO	Wage Withholding/Military Allotment

Final Case Disposition

JFGC	Absent Parent Guilty of Criminal Non-Support
JFNC	Absent Parent Not Guilty of Criminal Non-Support
JFSP	No Service of Process

Judicial Appeal

JAAH	Appeal to Lower Court From Administrative hearing
JACC	Appeal to Circuit Court/Court of Appeals
JACS	Appeal to Circuit Court/Court of Appeals/Supreme Court
JURE	URESA – Non-IV-D

Paternity Disposition

APAT	Admin Pat Est – Old System (Conversion Only)
CPAT	Paternity Established – Old System, Means Unknown (Conversion Only, Not set by Worker)
EXCL	Pat Excluded – Old System (Conversion Only)
JDEB	Paternity Established by Blood Test Results
JDPA	Paternity Acknowledged
JDCS	Paternity Established – Current Support Ordered
JPNG	Paternity Established – Cost of Genetic Tests Not Ordered
JPPE	Paternity Excluded
JPPG	Paternity Established – Cost of Genetic Tests Ordered
JPPH	Paternity & Health Care Coverage Order Established
JPPJ	Paternity Excluded, Overruled by Judicial Determination
JPPO	Paternity Established – No Support order
JPSC	Paternity Est'd – Current Support Ordered/Cost of Genetic Tests Ordered
JPSN	Paternity Est'd – Current Support Ordered/Cost of Genetic Tests Not Ordered
PGCA	Paternity Not Established – Good Cause - Adoption
PGCE	Paternity Not Established – Good Cause - Emotional Harm
PGCH	Paternity Not Established – Good Cause - Physical Harm
PGCI	Paternity Not Established – Good Cause - Incest
PGCP	Paternity Not Established – Good Cause - Pending Adoption
PGCR	Paternity Not Established – Good Cause - Rape

Temporary Case Disposition

(These codes should only be used when the order has been modified temporarily.)

JFJP	Putative Father/Absent Parent in Jail/Prison
JTSU	Temporarily Suspended Support Order
JTTD	Temporarily Reduced Support Order
JTTS	Temporary Support Order

JURISDICTION OF CASE

AP-O	AP Resides Out-of-State & CP Resides In-State
BOTH	Both Client and AP Reside Out-of-State
CL-O	Client Resides Out-of-State & AP Resides In-State
IN-S	Both CP and AP Reside In-State

LEGAL SERVICES CASE REFERRAL REASON

APH	Circuit Court Appeal
BANK	Bankruptcy
CTR	Court Review

LCA	Lower Court Appeal
LQ	Legal Question
MED	Medical Support
MOB	Transfer Jurisdiction
MOC	Motion for Increase
MOD	Motion for Decrease
OBL	Establish obligation
OTH	Other Court Action
PAT	Establish Paternity
SHC	Show Cause
SETA	Set Arrears
URS	URESA
UIFSA	UIFSA

LEGAL SERVICES COURT

CCT	Referred to Circuit Court
FAML	Referred to Family Court
JDRC	Referred to Juvenile and Domestic Relations Court
OTHR	Referred to Other Court

LICENSE SUSPENSION ACTION

A	Activate/Reinstate
B	Bad Service
D	Driver's License Not Suspended
G	Good Service
H	Hearing
I	Notice of Intent to Suspend Driver's License Sent
J	Petition
L	License not Reinstated
N	No, Stop Process
P	Payment to be Reviewed to Reinstate License
R	Review to Suspend
S	Driver's License Suspended
U	Not Willful
W	Willful
Y	Yes, Start the Process

LICENSE TYPE

C	NCP has a commercial driver's license
D	NCP has a driver's license

MARITAL RELATIONSHIP/STATUS

D	Divorced
M	Married
N	Not/never Married
S	Separated
W	Widowed

MEDICAL COVERAGE TYPE

1	Medical
2	Dental
3	Vision
4	Prescription Drug
5	Mental Health

MEDICAL COVERAGE TERMINATION/CHANGE REASON

CNOT	Court Would Not Order Coverage
CNPA	NADC Client Elects to carry Own Coverage
ICNR	Coverage Not requested/CP Signed Statement
NAPC	NCP Changed Employment
NAPE	NCP No Longer Employed
NAPT	NCP Terminated Coverage (ERISA)
NAPW	NCP Work Status Changed
NDEP	Dependent No Longer Eligible
NEMP	Employer No Longer Offers Insurance Coverage
NOTH	Coverage Terminated Order

MEDICAL INSURANCE POLICY TYPE

1	Hospital
2	Hospital/Surgical
3	Hospital/Surgical/Major Medical
4	HMO
5	CHAMPUS
6	AP Has No Insurance, But Under Order to Pay

MEDICAL PRIMARY INSURANCE INDICATOR

Y	Primary Policy
N	Secondary Policy

MEDICAL SUPPORT ORDER TYPE

A	Administrative
C	Court

MEDICAL SUPPORT SERVICES STATUS

CNA	Coverage Not Available
CNAO	Coverage Not Available to Dependents Outside Home
CNOT	Court Would Not Order Coverage
CNPA	NADC Client Elects to Carry Coverage
IACD	Coverage Ordered/Court/Administrative/Denied
ICNR	Coverage Not Requested/Client Signed Statement
INON	No Current Coverage

IOAF	Coverage Ordered/Administrative/Failed to Comply
IOAN	Coverage Ordered New/Administrative
IOCF	Coverage Ordered/Court/Failed to Comply
IONC	Coverage Ordered New/Court
IPND	Coverage Pending
IVER	Coverage Verified

METHOD OF SERVICE

E	Electronic Means (Fax Machine, etc.)
H	Member of Household
L	Service by Sheriff – Posting
M	Service by Certified Mail
N	Service of Process Not Successful
P	Service by Process Service – Personal Service
R	Service by Certified Restricted
S	Service by Sheriff – Personal Service
U	Service by Publication
W	Waiver of Service

MILITARY STATUS

A	Active
D	Discharged
E	Reserves
R	Retired

NAME TYPE

A	Alias
M	Maiden
P	Primary

NON-COOPERATIVE FROM VACIS

0	Client is Cooperative
1	Client is Non-Cooperative

NON-REVIEW REASON (REVIEW AND ADJUSTMENT)

NRIN	Incarcerated NCP
GCSA	Good Cause – Adoption
GCSE	Good Cause – Emotional Harm
GCSI	Good Cause – Incest
GCSN	Good Cause – Pending Adoption
GCSP	Good Cause – Physical Harm
GCSR	Good Cause – Rape
LOCT	Case in Locate
NOML	No Mail Address
RD36	Order Less Than 36 Months Old
RDCS	Current Support No Longer Owed

RDIV	Case is Non-IV-D
RDNC	Last Child Emancipation Due less Than Six Months
RDND	Reviewed less Than 36 Months Ago
RQNF	Withdrawn, failure to provide requested information
RQWD	Review Request Withdrawn

OBLIGATION

ARRS	Arrears Only
C&A	Current Support and Arrears
CSUP	Current Support Only
NONE	No Obligation

OBLIGATION CALCULATION METHOD

APAY	Ability to Pay
DFLT	Default
SPLT	Split Custody

OBLIGATION REBUTTAL REASON

This code indicates whether support obligation guidelines were rebutted. If rebutted, the code also indicates the reason.

AC	Arrangements Regarding Custody
CB	Direct Payments Ordered by Court for Benefit of Child
CC	Age, Physical, and Mental Condition of Child
CF	Monetary and Non-monetary Contributions to Family
DI	Debts Incurred for Production of Income
DM	Debts Incurred During Marriage for Benefit of Child
EC	Extraordinary Capital Gain
ET	Education and Training of Parents
FR	Earning Capacity, Obligations, Needs, and Financial Resources of Parents
MP	Provisions Made by Marital Property
ND	No Deviations – To be used when the obligation is established according to VA's child support guidelines and for all out-of-state orders.
NO	Reason Not Included in Order
OC	Support of Other Children
OT	Other Factors
PL	Pendente Lite Order
RC	Independent Financial Resources of Child
SL	Family Standard of Living Established During Marriage
TC	Tax Consequences to the Parents
VU	Imputed Income to Party Voluntarily Unemployed or Underemployed
WA	Written Agreement Between Parties

ORDER MODIFICATION REASON

MREG	To indicate registration of order in VA or another state
MCOR	Correct/Update Order Information
MDRR	Order Due for Review (36 Month Review Requirement)

MDSC	Default order Originally Issues, AP Now Cooperates
MGIA	Change in Gross Income of AP
MGIC	Change in Gross Income of CP
MLEA	Loss of Employment of AP
MLEC	Loss of Employment of CP
MMSO	Order Reviewed for Medical Support Order
MNCA	Change in Custody, Review Requested by AP
MNCC	Change in Custody, Review Requested by CP
MNEW	Only to be used with any new order (first time) entered into APECS

ORDER TERMS

This is the code indicating the specific provision(s) of an administrative or judicial order. Up to four (4) support order terms may be entered, if applicable. The valid codes for support order terms are:

Administrative Orders

ADAI	Arrears + Insurance
ADAO	Arrears Only
ADCA	Current Obligation & Arrears
ADCS	Current Obligation-Only
ADIN	Medical Insurance Only
ADMD	Modification for Decrease (Support Only)
ADMG	Modification for Medical Insurance
ADMI	Modification for Increase (Support Only)
ADOD	Order Set by Default
ADSA	Current Support & Medical & Arrears
ADSM	Current Support & Medical
ADSO	Suspend Administrative Order

Consent Orders

CCSP	Current Support-Paternity (Used Only in Conjunction With Paternity)
CMDI	Modification for Decrease & Increase
CMDS	Modification for Decrease (Support Only)
CMFM	Modification for Medical (Current Support Unchanged)
CMII	Modification for Increase & Insurance
CMIS	Modification for Increase (Support Only)

Court Orders

JDCM	Current and Medical Support
JFAA	Arrears Held in Abeyance
JFAO	Arrears Only
JFCA	Current Obligation & Arrears
JFCO	Conditional Order
JFCS	Current Obligation – Only
JFES	Absent Parent Ordered to Report Employment Status
JFIF	Medical Insurance & Fixed Expenses
JFIN	Medical Insurance Only

JFJA	Judgment on Arrears
JFMA	Current/Medical Support & Arrears
JFMD	Modification – Decrease Granted
JFMF	Fixed Medical Expenses
JFMG	Modification – Medical Insurance Granted
JFMI	Modification – Increase Granted
JFMS	Medical Support Only
JFNP	No Proration of Obligation Amount with Emancipation
JFOD	Order Set by Default
JFOV	Current Support Order Vacated
JFPO	Paternity Established – No Support Ordered
JFPS	Paternity Established – Current Support Ordered
JFSS	Support Order Suspended
JFTO	Temporary Order
JFVM	Variable Medical Expenses

ORDER TYPE

OADM	Administrative Order
OCAM	CMU (Collection and Monitoring Unit; operations discontinued as of 2009)
OCNT	Consent Order
OCRT	Court Order
PLTO	Pendente Lite Order

PATERNITY ACKNOWLEDGED/ESTABLISHED INDICATOR

C	Acknowledged Through Court
N	Not Acknowledged
W	Acknowledged In Writing

PATERNITY DISPOSITION

The paternity disposition indicates the final disposition of the paternity action. The valid codes for this field are:

ADAL	Paternity & Support Order & Medical Care Coverage Established
ADBL	AP Agreed to Blood Test
ADEB	Paternity Established by Blood Test Results
ADPA	Paternity Acknowledged
ADPS	Paternity & Support Order Established
APAT	Administrative Paternity Established – Conversion Only
CPAT	Court Paternity Established – Conversion Only
EXCL	Paternity Excluded – Conversion Only
INVC	Invalid code was replaced with this code
JDEB	Judicial Paternity Established by Blood Test Results
JDPA	Judicial Paternity Acknowledged
JPCS	Paternity Established – Current Support Ordered
JPNG	Paternity Established – Cost of Genetic Tests Not Ordered
JPPE	Paternity Excluded
JPPG	Paternity Established – Cost of Genetic Tests Ordered
JPPJ	Paternity Excluded, Overruled by Judicial Determination
JPPO	Paternity Established – No Support ordered

JPSC	Paternity Est'd – Current Support Ordered/Cost of Genetic Tests Ordered
JPSN	Paternity Est'd – Current Support Ordered/Cost of Genetic Tests Not Ordered
PCNT	Paternity Is Contested
PNDE	Paternity has not been determine and cannot be determined because the PF is deceased
PGCA	Paternity Not Established – Good Cause – Adoption
PGCE	Paternity Not Established – Good Cause – Emotional Harm
PGCH	Paternity Not Established – Good Cause – Physical Harm
PGCI	Paternity Not Established – Good Cause – Incest
PGCP	Paternity Not Established – Good Cause – Pending Adoption
PGCR	Paternity Not Established – Good Cause – Rape
PNAI	Paternity never an issue and child not born out of wedlock
PVER	Paternity Verified (Only used when child was initially coded PCBW in error)
PCBW	Paternity – Child BOW with paternity previously established prior to IV-D

PARTICIPANT NAME TYPE

A	Alias
M	Maiden
P	Primary

PARTICIPANT TYPE

AFDC	System Set ADC Participant
AP	Absent Parent
CHLD	Child
CLI	Custodial Parent
FCAR	System Set Foster Care Participant
NEXT	Next Friend
OTHR	Other

PAY ORDER TYPE

A LOT	Military Allotment
REGP	Regular Payment
WAGE	Wage Withholding/Assignment

PAY FREQUENCY

Indicates the frequency in which the participant receives his/her wages.

WKLY	Weekly
BIWK	Bi-Weekly
DAY	Daily
HOUR	Hourly
MNTH	Monthly
S-MO	Semi-Monthly
YEAR	Yearly

PAYEE CODE

1	Protective Payee; check payable to payee for client

2	Payee (In Household); check payable to payee for client
3	Legal Representative (Out of Household); check payable to payee for client
4	In Care of Address, check payable to client at payee's name and address
5	Mailing Address (VACIS/ADAPT) cases only)
6	Emergency Payee
7	Authorized Representative
8	Custodial Parent
9	Foster Care of Other

PAYMENT FREQUENCY – ORDERED

SPBM	Bi-Monthly
SPBW	Bi-Weekly
SPFM	Monthly
SPFS	Seasonal
SPFW	Weekly
SPSM	Semi-Weekly

PAYMENT GUARANTEE METHOD

B	Bond
G	Guarantee
S	Security

PAYMENT MADE THROUGH

1	Court
2	DCSE
3	Direct to Recipient
4	Retained by Client
5	Client Turns Over to DCSE

PAYMENT/EVENT TYPE

ADJ	Manual Adjustment
AFBT	Blood Test Fee
AFLG	Legal Fee
AFDC	ADC Opening
ALOT	Military Allotment
ARRN	NADC Arrears Only
BOND	Bond
CANC	Cancel Check
CASH	Cash
CCRD	Credit Card
CHEK	Check
CTAX	Car Tax Intercept
FC	Foster Care Opening
FPLS	FPLS Client Fee
FTAX	IRS Tax Intercept
INVA	Correct Invalid Adjustment

IRSF	IRS Client Fee
LOTR	Lottery Intercept
MARR	Arrears Adjustment
MORD	Money Order
NAAP	NADC Application Fee
NIVD	Non IV-D
NPA	NADC Opening
ORD	Support Order
REGP	Regular Payment
RMNT	Recoupment
STOP	Stop Check
STTX	State Tax Intercept
URES	URESA
VEC	VEC Intercept
WAGE	Wage Attachment
WTHD	Withholding, Asset Attachment

PETITION TYPE

Initial

IA	Initial Support Petition After Default Administrative Support Order
IM	Petition for Medical Coverage Only
IP	Initial Paternity/Support Petition
IS	Initial Support Petition

Motions

MA	Motion to Establish Arrears
MC	Motion to Change Payee
MD	Motion to Decrease
MG	Motion for Guardian Ad Litem
MI	Motion to Increase
MJ	Motion to Retain Jurisdiction
MO	Motion to Transfer order (Jurisdiction to Jurisdiction)
MP	Motion to Intervene for Pendente Lite Support
MT	Motion to Intervene to Transfer Order to J&DRC
MV	Motion to Vacate or Suspend Order Due to Incarceration, Emancipation, Custody Change

Show Cause

SE	Failure of Employer to Honor Wage Withholding
SM	Failure to Provide Medical Coverage
SP	Failure to Pay for Genetic Tests
SS	Failure to Comply With Support Order
ST	Failure to Submit to Genetic Tests

PROCESS STATUS

COLL	Case in Collection
DELQ	Case Delinquent

ESTA	Administrative Obligation Establishment
ESTJ	Judicial Obligation Establishment
INIT	Case in Intake
LOCT	Case in Locate
PAT	Paternity Establishment

PROCESS/WORKER UNIT

ENFA	Enforcement Unit (Administrative)
ENFJ	Enforcement Unit (Judicial)
ESTA	Establishment Unit (Administrative Obligation)
ESTJ	Establishment Unit (Judicial Obligation)
INIT	Intake/Initiation Unit
LOCT	Locate Unit
PATA	Paternity Unit (If NCP is 18 years of age or older)
PATJ	Paternity Unit (If NCP is less than 18 years old)

RACE/ETHNIC GROUP

AA	Native American
AS	Asian
BL	Black
HP	Hispanic
UN	Unknown
WH	White

REASON FOR CHANGE – Medical Support

CAN	Coverage Not Available
CNOT	Court Would Not Order Coverage
CNPA	NADC Client Elects to Carry own Coverage
ICNR	Coverage Not Requested/CP Signed Statement
NAPC	AP Changed Employment
NAPE	AP No Longer Employed
NAPT	AP Terminated Coverage (ERICA)
NAPW	AP Work Status Changed
NDEP	Dependent No Longer Eligible
NEMP	Employer No Longer Offers Insurance Coverage
NOTH	Coverage Terminated Order

REASON FOR MODIFICATION

Newly Entered Orders

MNEW	New Order

Modified Orders

MDSC	Default Order Originally Issued AP Now Cooperates
MGIA	Change in Gross Income of AP

MGIC	Change in Gross Income of CP
MLEA	Loss of Employment of AP
MLEC	Loss of Employment of CP
MMSO	Order Reviewed for Medical Support Order
MNCA	Change in Custody, Review Requested by AP
MNCC	Change in Custody, Review Requested by CP

No Modification Occurs as a Result of the Review

MDRR	Order Due for Review (36 Month Review Requirement)

To Correct or Update Order Information – Last Review Date NOT Reset

MCOR	Correct/Update Order Information
MREG	To Indicate Registration in VA or Other State's Order

RECONCILIATION STATUS

RCCR	Check Cancelled, Not Reissued
RCKC	Check Cancelled, Reissued
RCKO	Outstanding
RCKR	Reconciled
RCKS	Stop Payment

RECORD TYPE

AGCY	Agency
CORT	Court
EMPL	Employer
OTHR	Other
SYST	System Account

REFERRAL TYPE

A	Appeals
C	Collection and Monitoring
D	Disbursements
F	Field
G	General
I	Interstate
J	Judicial
K	Case Management
L	SPLS
M	Customer Service
N	Intake
O	Other
P	Payment Processing
R	(USED FOR DEVELOPMENT ONLY)
S	Intercept
T	Trade

V	Revenue Control
X	Exceptions Processing

RELATIONSHIP OF CONTACT PERSON TO AP

AECC	Child
AECF	Friend/Acquaintance
AECG	Grandparent
AECO	Other Relative
AECP	Parent
AECS	Sibling

REQUEST TYPE (REVIEW AND ADJUSTMENT)

RQIN	Request by incarcerated NCP
RQCP	Request from Custodial Parent
RQDC	Request by DCSE
RQNC	Request from Non-Custodial Parent
RQOS	Request from Other State IV-D Agency
RQSY	Generated by APECS when Public Assistance cases are Due for Review (Worker cannot enter this code)

SCHEDULE TYPE

APPL	Administrative Appeal
APPT	Administrative Appointment
HEAR	Judicial Hearing

SERVICE OF PROCESS

Method of Service

E	Electronic Means (FAX Machine, etc.)
F	Service by First Class Mail
H	Member of Household
L	Service by Sheriff – Posting
M	Service by Certified Mail
N	Service of Process Not Successful
P	Service of Process Server – Personal
R	Service by Certified Restricted
S	Service by Sheriff – Personal Service
U	Service by Publication
W	Waiver of Service

SUBACCOUNT TYPE

The accounting structure established by support order for a specific type of obligation owed.

AFBT	Blood Test Fees
AFCC	Credit Card Fees

AFDCA	State-Welfare Arrears
AFII	IRS Interest Fees
AFKD	Kidnap Fees
AFLG	Legal Fees
AFNF	Non Sufficient Funds Check Fees
CMUF	Miscellaneous CMU Fees
CSUP	Current Support
CTNFA	Conditionally Assigned Arrears
FCARA	Foster Care Arrears
NPAAA	Custodial Arrears
OSTA	Other State Arrears
RCP1	Recoupment Non Sufficient Funds
RCP2	Recoupment NPA
RCP3	Recoupment Emergency Payments
RCP4	Recoupment IRS
TTNFA	Temporarily Assigned Arrears
UNDFA	Unassigned During Assistance Arrears
UNTFA	Unassigned Pre-Assistance Arrears
URPA	Welfare URPA
VLTY	Voluntary

SUBACCOUNT TYPE – NEW (PENDING)

Effective 12/1/98 new terminology was introduced. APECS being updated.

TANFA	Permanently Assigned Arrears
TANFAI	Permanently Assigned Arrears Interest
NTNFA	Never Assigned Arrears
NTNFAI	Never Assigned Arrears Interest
TTNFA	Temporarily Assigned Arrears
TTNFAI	Temporarily Assigned Arrears Interest
CTNFA	Conditionally Assigned Arrears
CTNFAI	Conditionally Assigned Arrears Interest
UNTFA	Unassigned Pre-Assistance Arrears
UNTFA	Unassigned Pre-Assistance Arrears Interest
UNDFA	Unassigned During Assistance Arrears
UNDFAI	Unassigned During Assistance Arrears Interest

SUPPORT TYPE

The type of support that has been ordered

CHLD	Child Support
MEDC	Medical
MEDI	Medical Services
SPSL	Spousal Support
MISC	Miscellaneous

UNSUCCESSFUL REASON OF SERVICE (Administrative Documents)

A	Addressee unknown

N	No Longer At Address
O	Other
R	Residence Not Occupied
U	Unsigned/Unclaimed
W	Wrong Address

UNSUCCESSFUL REASON OF SERVICE (Income Withholding Documents)

1	No Longer Employed
2	Commission Employer
3	Never Employed
4	Business Closed
5	Business/Addressee Unknown

THIRD PARTY COLLECTION STATUS INDICATOR

Referral Codes

A	Active Referral From System
W	Active Referral From Worker
Blank	No Referral Has Been Made

Case Returned to DCSE Codes

F	Returned at the Request of DCSE – 2 Month Fee Due
P	Returned at the Request of DCSE – 12 Month Fee Due
R	Returned at the Request of DCSE – No Fee Due
U	Returned to DCSE as Uncollectible

To Delay or Stop a Case From Being Referred

D	Delay A Case from Being Referred for Six Months
S	Delay a Case from Being Referred Indefinitely

THIRD PARTY PAYEE CODE

0	Reserved by IV-A
1	Protective payee/Emergency Payee, payable to payee for client
2	Payee (In Household), payable to payee for client
3	Legal Representative (Out of Household), payable to payee for client
4	In Care of Address/Authorized Representative, payable to client in care of payee's name and address
5	Mailing Address
6	Emergency Payee
7	Authorized Representative
8	Reserved by IV-A
9	Reserved for Future Use

TRANSACTION HOLD REASON

A	Accounting Review
B	Offset Bond
C	Case Worker Review
F	Foreign Currency
H	Appeal Hearing
I	Invalid Address
J	Joint Return (6 Months Hold)
K	IRS Payment (20 Day Hold)
M	Miscellaneous
N	Non-Sufficient Funds Payment
P	Payee Not Yet Loaded
S	State Tax Payment (20 Day Hold)
U	Unclaimed Property
X	Conversion Hold (Not Set by Worker, Used for Conversion Only)

TRANSACTION TYPE

AESC	Adjust Escrow Transaction
AFDC	AFDC Opening Transaction
AFEE	Adjust Fees Transaction
AINT	Adjust Interest Transaction
ALOC	Allocation Transaction
ASPT	Adjust support/Accrued Support Transaction
AURG	Adjust URPA Transaction
CFEE	Charge Fees Transaction
CHRG	Charge Support Transaction
CINT	Charge Interest Transaction
DFEE	Distribute Client Fees Transaction
DISB	Disbursement Transaction
DIST	Distribution Transaction
DSCH	Discharge Debt Transaction
FCAR	Foster Care Opening Transaction
NPA	NADC Opening Transaction
PINT	Pay Interest Transaction
POST	Posting Transaction
RALC	Reallocate Escrow Transaction
RCMT	Recoupment Transaction
RDB3	AFDC Escrow (B-3) Transaction
RDB5	AFDC Escrow (B-5) Transaction
RDST	AFDC Redistribution Transaction
RFND	Refund Transaction
RRCP	Recognize Recoupment Transaction
RXB3	Client AFDC Redistribution (B-3) Transaction
RXB5	Client AFDC Redistribution (B-5) Transaction
UNCL	Unclaimed Property Transaction
USPT	Unpaid Support Transaction

Valid transaction types for Disbursement are:
DIST, PINT, RDB3, RDB5, RDST, RFND.

UNIT IDENTIFICATION

All	Generic All Function
ENFA	Administrative Enforcement
ENFJ	Judicial Enforcement
ESTA	Administrative Obligation Establishment
ESTJ	Judicial Obligation Establishment
INIT	Case Intake
LOCT	LOCATE
PATA	Administrative Paternity Establishment
PATJ	Judicial Paternity Establishment

UNWORKABLE REASON

UADC	AP Receives ADC
UINC	AP Incarcerated
UINS	AP Institutionalized
ULLI	AP Not Found, Lack of Information
ULOC	Unable to Locate AP
USSI	AP Receives SSI
WORK	Case is Workable

UIFSA STATUS

AP-O	AP Resides Out of State
BOTH	Both Client and AP Reside Out of State
CL-O	Client Resides Out of State
IN-S	In-State Case
Blank	In-State Case
I	Virginia is Initiating State
R	Virginia is Responding State

WAGE WITHHOLDING CODE

N	No Wages Withheld
Y	Wages Withheld
AOEV	Voluntary Assignment of Earnings
IPDO	Court Ordered Immediate Payroll Deduction
IWWA	Administrative Immediate Wage Withholding
MPDO	Court Ordered Mandatory Payroll Deduction
MWEA	Administrative Mandatory Withholding of Earnings

WORK STATUS

EFTP	Full-Time, Permanent
EFTT	Full-Time, Temporary
EPTP	Part-Time, Permanent
EPTT	Part-Time, Temporary
ESEA	Seasonal

ESFL	Self-Employed
EUNE	Unemployed
EUNK	Unknown

WORKER TYPE

ADMR	Administrator
AUTU	Authorized User
CMWR	Caseworker
INTW	Intake
LEGW	Legal
MGER	Manager
PYTA	Payment Transfer
PYTW	Payment Posting
SECO	Security Manager
SECW	Security Worker
SUPV	Supervisor
TRNE	Trainee

SUMMARY OF IVA-IVD INTERFACE WORKLIST ITEMS

TYPE CODE	DESCRIPTION	DEFINITION EXPLANATION	WORKER ACTION
ADC	ADC CASE STATUS ASSIGNED	Indicates an ADC case opening Action by the Interface or a IVD worker On VACIS: ADC is category 215.	Worker has been assigned an ADC case. Review the case and participant data. Update the data based on AF worklists/trigger records, if needed. Review the case and participant data prior to working the case. During the review process, note information on the supplement screens (i.e., Participant ADC Supplemental Data, AP Supplemental Data, Case Referral Supplement); It may provide a starting point to working the case.
ADCU	ADCU CASE STATUS ASSIGNED	Indicates an ADCU case opening action by the Interface or the IVD worker. On VACIS: ADCU is category 217. NOTE: IV-A will *not* send us the AP who is the "UP" parent. We cannot work case if AP is ADCUP. However, IV-A will send us the *other* AP(s) the client has named as father(s) of children on her grant, and the APECS case type will be ADCU because the client only has one IVA case and its category = 217.	Worker has been assigned an ADCUP case. Review the case and participant data. Update the data based on AF worklists/trigger records, if needed. Review the case and participant data prior to working the case. During the review process, note information on the supplemental screens (i.e., Participant ADC Supplemental Data, AP Supplemental Data, Case Referral Supplemental); it may provide a starting point to working the case. After reviewing data and all worklist items, refer case to appropriate specialist and delete worklist items.
AF10	ADC CASE OPEN/APPROVAL	Indicates an ADC case opening action by the Interface	Worker has been assigned an ADC case. Review the case and participant data. Update the data based on AF worklists/trigger records, if needed. Review the case and participant data prior to working the case. During the review process, look at information on the supplemental screens (i.e., Participant ADC Supplemental Data, AP Supplemental Data, Case Referral Supplemental); it may provide a starting point to working the case. After reviewing data and all worklist items, refer case to appropriate specialist and delete worklist items.

AF11	ADC TRADE CASE VALUE - : "0" * A non-critical worklist item	Indicates whether client I participating in a job training program. If value = 0, client is not participating in the trade program	For D.O. Worker: No action required. Central Office will update the trade case information in APECS as needed.
AF12	<MPI #> HAS 0 NON-COOP STATUS *Initially, one of the AF triggers received a part of the case opening case.	Indicates IV-A passed a non-cooperation status = 0 for the client A non-cooperation status = 0 means the client is cooperating. The MPI# displayed is the CP's MPI#.	No action required for a status = 0 However, if it is determined client is no longer cooperating with DCSE, notify IV-A of the non-cooperating with DCSE, notify IV-A of the non-cooperation ad code "1" in the non-cooperation status field on Case Referral Supplemental screen (03,06,F2,F10)
AF13	CLIENT GOOD CAUSE CHGD ***A Critical worklist item***	Indicates that IV-A has determined Good Cause now exists on the case. Note: IV-A determines Good Cause. We will not be notified of Good Cause Pending situations; either Good Cause exists or does not exist. IV-A will not send us a case if Good Cause exists initially.	Review case, including the financial screens. Close the IV-D case per Policy. To close IV-D case: Change case status to CLSD and use a close reason = CGCA (03,06,F2).
AF15	ADC CASE NUMBER CHANGE * A non-critical worklist item	Indicates the IV-A case number has changed	No worker action required.
AF17	<MPI#> ADC SUPRT ORD * Initially, one of the AF triggers received as part of the case opening action.	Indicates there *may be* support order data available from the IV-A 501 Automated Referral System. The MPI# listed is the AP's MPI#.	Review the Case Referral Supplemental screen (02,02,F9,F10). If order information exists, requests copy of the order. In addition, if there is sufficient order information and no support order record exists on case, create the support order record (08-01/02,F2,F6 or 03,06,F2,F6). Remember: DO NOT "make up" support order information.
AF18	ADC CROSS CNTY TRANSFER ***A Critical worklist item***	Indicates CP is now living in another IV-A locality. Both old and new locality codes are included in the worklist description.	If the new locality code is *not* a locality serviced by your district office, the case needs to be referred to the district office servicing the new locality code. The new locality code needs to be entered on the Case Referral screen and the existing worker ID number "blanked out"; the system will find the appropriate worker ID number from the Case Worker Table for the new locality code (03,08,F2). The paper file needs to be sent to the new district office. If the new locality code is a locality serviced by your district office, the case remains in your district office. Otherwise, the locality

			code on the case needs to be changed to reflect the new locality. Note: Make sure there are no outstanding appointments or actions to be taken prior to transferring the case.
AF20	Will be one of the following Non-General Discontinuance Reasons: C53 CHILD(REN) NO LONGER DEPRIVED C54 ABSENT PARENT RETURNED HOME C55 PAYEE NOT OF SPECIFIED RELATIONSHIP C56 NO ELIGIBLE CHILD IN HOME C60 ELIGIBLE FOR ADC (ADC/UP) C62 ADC-UP CASE RCVD 6 MNTHS BENEFITS C67 ONE PARENT IN HOME ADC/UP) C69 ADOPTION COMPLETED (ADC-FC) C70 CHILD RETURNED TO PARENT (ADC-FC) C86 PENDED/APPROVED IN ERROR *** A Critical worklist item ***	Indicates a IV-A closure. Note: This action does *not* change the IV-D case type. In addition, a HOLD is placed at the Case and CP financial account levels *resulting* in any monies received (payments) being held at Case and CP levels and becoming Undistributed Funds.	Review the Client Welfare Summary Screen (02,13). Note the status is CLSD and Close Date. Based on the IV-A closure reason and the review of the case, determine what action(s) to take. Review IV-A VACIS system and contact the IV-A eligibility worker, if necessary. -- If IV-D case needs to be closed, Close case per Policy (03,06,F2) -- If IV-D case is to remain open, 1) Determine the new case type and Change type on Case Record screen (03,06,F2) * Case Type can become NADC or ARRP 2) Release the HOLD status on the Case and CP financial accounts (05,07)
AF30	ADC CASE REOPENING – RSN A80 or A81 * A non-critical worklist item	Indicates a reopening to IV-A. IV-A had previously closed Case and has now reopened the case due to (1) CP appealed and won appeal decision – reason code A80, or (2) IV-A closed case in error – reason code A81.	No worker action required. Review the case record to ensure case type has been automatically changed back to ADC (02,02,F9). Otherwise, there is no worker action required.
AF50	<MPI#> WAS ADDED TO ADC GRANT ***A Critical worklist item***	Indicates a participant was added to the IV-A grant. MPI# = Participant's MPI#	Do not need to add participant to IVD case as the participant has been automatically added to the case by the system. However, if the participant added is a child, determine whether paternity needs to be established.
AF51	<MPI#> WAS REMVD FM GRANT ***A Critical worklist item***	Indicates a participant was removed from the IV-A grant. MPI# = Participant's MPI#	Review the participants and the case. Determine if IV-D case needs to remain open, be closed (per Policy), or case type change. If only the dependent was the participant removed from the grant, update the IV-D case data according to Policy and procedures.
AF56	<MPI#>REMOVED FROM AP	Indicates the dependent is linked to the wrong AP. Either IV-A referred incorrect information to	Access the IV-A Automated 501 Referral system to determine which dependent(s) should be correctly linked to the AP. Update

	A Critical worklist item	IV-D or the CP gave IV-A incorrect information. MPI# = Child's MPI#	participants on the IV-D case accordingly (03,06) To Inactivate a Participant: Change the participant's status from "A" (Active) to "I" (Inactive) (03,06, F9,F9).
AF60	<MPI#> DEMOGRAHICS DATA CHGD *Initially, may be one of the AF triggers received as part of the case opening action.	Indicates a change in the demographics data on the participant. However, IV-D cannot determine which actual data elements changed since IV-A does not capture/track historical data. Examples of demographic data are SSN, Date of Birth, Phone Number.	No worker action required.
AF61	ADC AP SUPPLEMENTAL DATA *Initially, one of the AF triggers received as part of the case opening action.	Indicates IV-A *may* have sent IV-D supplemental information on the AP. This is information that the CP has provided IV-A.	Review the information and use as needed (02,06). May contain information helpful to Locate, Establishment, or Enforcement workers.

AF62	ADC CLIENT JOBS DATA -: #
	
	*A non-critical worklist item
		Indicates CP is participating with the JOBS program. IV-A tracks the JOBS information.
		
		The # will be:
		0=CP Not Participating
		1=CP Participating
			No worker action required.

AF63	<MPI#> RCVD ## DEPRIVATN STATUS The ## will be one of the following deprivation reason codes: 00 = Not Applicable 01 = Legal parent Deceased 02 = Incapacitated – In the Home 03 = Parents Divorced or Annulled 04 = Parents Deserted 05 = Parents Separated 06 = Paternity Not Established 07 = Parent Incarcerated 08 = Convicted Offender – In the Home 09 = Incapacitated – Not in the Home 10 = Parent Deported 13 = Unemployed Parent *Initially, one of the AF	Indicates the reason an ADC Case was approved by IV-A. The deprivation reason code is determined by IV-A and sent to IV-D. MPI# = Child's MPI#, *except* for deprivation status 00 when it is the CP's MPI#. NOTE: The only deprivation reason that initially impacts APECS information is reason 06 – Paternity Not Established. This will cause the PAT DISP (paternity disposition field) on the child's participant record to be set to PCNT. There will be an AF63 worklist item for each child on the case.	As part of the review process, if deprivation status = 06, check that the PAT DISP = CNT on the child's participant record. If information on the child's ADC Supplemental screen conflicts with the value in PAT DISP field, DO NOT change it. Remember: The info on the ADC Supplemental screens is info supplied by the CP to IV-A. This info may or may not have been verified. If the deprivation reason is set to one of the following four codes at the time of case opening, IV-D will *not* receive the AF63 trigger record. However, during the life of the case, if IV-A should change the deprivation reason to one of the four codes, the IV-D worker needs to review the case and determine what action(s) to take, according to Policy. The following deprivation codes are significant *after case initiation (should not get these worklists upon Case opening):* 01 = Legal parent Deceased 02 = Incapacitated – In the Home

	triggers Received a part of the case opening action.		08 = Convicted Offender – In the Home 13 = Unemployed Parent
AF70	<MPI#> ADC ADDRESS CHGD *Initially, one of the AF triggers received as part of the case opening action.	Indicates there *may* have been an address change on the IV-A system. MPI# = AP's MPI#	Review the AP's participant address (02,05) AP's Address: The address provided to IV-A by the CP is sent to APECS and becomes the AP's IV-A address record. It is NOT the AP's mail address record. If there is not an existing AP mail address record and there is sufficient address info on the IV-A address record, create an AP mail address record; leave the IV-A address record for audit history (03,04). If an AP mail address record currently exists, do NOT update it without researching the accuracy of the IV-A address info. Remember: IV-D usually has more current/accurate address information on the AP than does IV-A or the CP. DO NOT "make up" an unknown address (i.e., street = Unknown, city = Unknown, state = VA, & zip = 88888); this was done in the old systems, but DO NOT do it in APECs. NOTE: Follow your office procedures as to when and who updates the Child's address record information. The interface does NOT create or update address information for the dependents.
AF73	ADC AP ALIAS NAME *Initially, one of the AF triggers received as part of the case opening action	Indicates there *may* have been an AP alias name entered/updated on the IV-A system.	Review the AP's Participant Name screen (02,09). May provide information helpful to Locate workers.
RWR1	PRIORITY = 1; UNIT = INIT; STATUS = INIT *This worklist is not the result of the interface; APECS notifies all workers of a case referral via the RWR# worklist.	Indicates a case has been referred to the Intake Unit worker. NOTE: There will one RWR1 worklist item for each case built trough the Interface. NOTE: The case opening worklist items (ADC, ADCU, FC) also indicate newly assigned cases to the workers.	A case has been referred to you by another IV-D worker or APECS. The Processing Status and Unit will be your assigned work unit. Review the case and participant data prior to working the case. During the review process, note information on the supplemental screens (i.e., Participant ADC Supplemental Data, AP Supplemental Data, Case Referral Supplemental); it may provide a starting point to working the case.

(*Rev 08/11/1994)*

IV-A RELATIONSHIP CODE COVERSION		
DESCRIPTION	ADAPT CODE	VACIS CODE
Self	00	00
Spouse	01	01
Child	02	07
Grandchild	03	10
Stepchild	04	09
Parent	05	03
Grandparent	06	06
Stepparent	07	05
Brother/Sister	08	11
Step brother/sister	09	12
Brother/Sister-In-Law	10	13
Aunt/Uncle	11	17
Niece/Nephew	12	19
1st Cousin	13	21
1st Cousin, Once Removed	14	24
Other Relative	15	22
Foster Child	16	25
Alien Sponsor	17	28
Other – Not Related	18	23
Parent of child(ren) with deprivation code 13 (217 category only)	29	29
Legal Guardian/Not related (not included in grant) (217 category only)	30	30

E. APECS FAST PATH GUIDE

Fast Pathing allows you to transfer directly between APECS functions without having to go through the menus. The **<Page Up>** key is used to display the Fast Path Standard Mode screen and the **< Shift/F12>** keys are used to display the Fast Path Extended Mode screen. On the Fast Path Screen:

1. Enter the number for the screen to which you want to move/jump, starting with the Main Menu selection **MM**, followed by the submenu selection(s) **S1, S2**, etc. (See ** below)
2. Press the **<Enter>** key to verify your selection or

3. Press **<F9>** to "jump" to the specified screen

EXAMPLES

To get to the Notification of Action by DCSE document, enter these numbers on the Fast Path Screen: MM **09**; S1 **11**; S2 **07** then press **F9** to "jump" to that document to enter information.

If you want to return to the current screen after viewing another, **Fast Path Extended Mode <Shift/F12>** provides you with the quick option to return to that screen.

If you want to fast path to an account number other than the one displaying (case or participant number) change the **Y to **N** in the **KY** field. The APECS generic account selector screen will display and you may then enter the new account number.

MAIN MENU
01 – CASE INITIATION
02 – INQUIRY FUNCTIONS
03 – CASE MANAGEMENT
05 – ACCOUNTING FUNCTIONS
06 – EMPLOYER/AGENCY MAINTENANCE
07 – SYSTEM MANAGEMENT FUNCTIONS
08 – ADC CASE INTAKE/UPDATE
09 – DOCUMENT GENERATION FACILITY
10 – INTERSTATE CASE PROCESSING
11 – FCR, ASSETS, LOCATION SERVICES

CASE INITIATION MENU (01)

01 – INITIATE NEW CASE (01,01)
02 – UPDATE CASE AND PART. INFO (01,02)

INQUIRY FUNCTIONS MENU (02)

01 – PARTICIPANT INFORMATION (02,01)
02 – CASE INFORMATION (02,02)
03 – EMPLOYER/AGENCY OTHER INQUIRY (02,03)
04 – CASEWORKER TABLE INQUIRY (02,04)
05 – PARTICIPANT ADDRESS INQUIRY (02,05)
06 – AP SUPPLEMENTAL INQUIRY (02,06)
07 – MEDICAL INSURANCE INQUIRY (02,07)
08 – EMPLOYMENT INQUIRY (02,08)
09 – PARTICIPANT NAME INQUIRY (02,09)
10 – CASE/PARTICIPANT EVENT INQUIRY (02,10)
11 – BOND, SECURITY, GUARANTEE (02,11)
12 – LIEN INQUIRY (02,12)
13 - CLIENT WELFARE SUMMARY (02,13)
14 – PATERNITY TEST INQUIRY (02,14)
15 – AP INQUIRE INTERCEPT DATA (02,15)
16 – WORKLIST INQUIRY (02,16)
17 – REVIEW & ADJUST PROCESS (02,17)
18 – LICENSE SUSPENSION (02,18)
19 – SCHEDULE INQUIRY (02,19)
20 – VEC UI BENEFIT INTERCEPT INQ (02,20)
21 – CSLN INTERCEPT INQUIRY (02,21)
22- CASE OVERVIEW (02,22)

CASE MANAGEMENT (03)

01 – WORKLIST MAINTENANCE (03,01)
02 – SCHEDULE MAINTENANCE (03,02)
04 – ADDRESS MAINTENANCE (03,04)
05 – CASE EVENT MAINTENANCE (03,05)
06 – UPDATE CASE/PARTICIPANT DATA (03,06)
07 – UPDATE PATERNITY DISPOSITION (03,07)
08 – CASE REFERRAL (03,08)
09 – INTERSTATE INITIATING DISP (03,09)
10 – MEDICAL INSURANCE (03,10)
11 – BOND, SECURITY, GUARANTEE (03,11)
12 – LIENS (03,12)
13 – EMPLOYMENT HISTORY (03,13)
14 – REASSIGN IV-A CASE (03,14)

15 – PATERNITY TEST (03,15)
16 – CLOSE LOCATE ACTIVITY (03,16)
17 – MANUAL LOCATE SOURCES (03,17)
18 – OBLIGATION CALC. WORKSHEET (03,18)
19 – UPDATE PARTICIPANT MPI (03,19)
20 – UPDATE AP SUPPLEMENTAL DATA (03,20)
21 – REVIEW & ADJUST PROCESS (03,21)
22 – LICENSE SUSPENSION (03,22)
23 - VEC UI BENEFIT INTERCEPT INQ (03,23)
24 – CSLN INTERCEPT INQUIRY (03,24)

FINANCIAL MANAGEMENT MENU (05)

01 – ENTER/UPDATE PAYMENT BATCH (05,01)
02 – ENTER PAYMENT INSTRUCTIONS (05,02)
03 – DAILY DEPOSIT BALANCE (05,03)
04 – ADD SUPPORT ORDER (05,04)
05 – LIST SUPPORT ORDER HISTORY (05,05)
06 – FINANCIAL ADJUSTMENTS MENU (05,06)
07 – HOLD/RELEASE ACCOUNT (05,07)
08 – VIEW ACCOUNT STATEMENTS (05,08)
10 – UPDATE CASE SUBACCT INDICATORS (05,10)
11 – SHOW SUBACCTS FOR CASE OR PART (05,11)
12 – LIST TRANSACTIONS UNDER EVENT (05,12)
13 – MAINTAIN INTERCEPT DATA (05,13)
14 – HOLD/RELEASE TRANSACTION (05,14)
15 – UPDATE AP CREDIT BUREAU STATUS (05,15)
18 – UPDATE EVENT WARRANT NUMBER (05,18)
19 – AP OBLIGATION SUMMARY (05,19)
20 – CALCULATE INTEREST (05,20)
21- UPDATE TRADE CASE (02,21)
22 – ELECTRONIC FUNDS TRANSFER (05,22)
23 – LIST TRANS UNDER ARCH HIST EVNT (05,23)
24- LIST $25.00 FEES (05,24)

FINANCIAL ADJUSTMENTS MENU (05,06)

01 – ADJUST ACCOUNT BALANCES (05,06,01)
02 – CANCEL CHECK (05,06,02)
03 – PRIOR MONTH DISREGARD UPDATE (05,06,03)
04 – ISSUE AP IRS REFUND (05,06,04)
05 – ISSUE EMERGENCY PAYMENT (05,06,05)
06 – DISCHARGE DEBT (05,06,06)
07 – CLIENT BLOOD TEST FEE RECOUP (05,06,07)

ACCOUNT STATEMENTS MENU (05,08)

01 – LIST PARTICIPANT ACCOUNT HIST (05,08,01)
02 – LIST CASE ACCOUNT HISTORY (05,08,02)
03 – LIST SYSTEM LVL ACCT HISTORY (05,08,03)
04 – LIST CLIENT ADC/FC ACCT HISTORY (05,08,04)
05 – LIST MPI ACCT HIST ARCHIVE (05,08,05)
06 – LIST CASE ACCT HIST ARCHIVE (05,08,06)
07 – LIST SYSTEM/URPA ACCT HIST ARCH (05,08,07)
08 – SUMMARY CASE ACCOUNT STATEMENT (05,08,08)
09 – LIST URPA ACCT HIST ARCH (05,08,09)

SYSTEM MANAGEMENT MENU (07)

01 – CASEWORKER REFERRAL MAINTENANCE (07,01)
02 – INACTIVATE (07,02)
03 – ACTIVATE MPI (07,03)
04 – PARTICIPANT DELETION (07,04))
06 – CASEWORKER MAINTENANCE (07,06)
07 – RESET ORDER START DATE (07,07)

ADC CASE INTAKE (08)

01 – INITIATE ADC REFERRAL (08,01)
02 – UPDATE EXISTING ADC REFERRAL (08,02)

DOCUMENT GENERATION MAIN MENU (09)

01 – LOCATE DOCUMENTS (09,01)
02 – PATERNITY ESTABLISHMENT (09,02)
03 – SUPPORT OBLIGATION DOCUMENTS (09,03)
04 – MEDICAL SUPPORT OBLIG. DOCS. (09,04)
05 – WITHHOLDING OF INCOME (09,05)
06 – ASSETS ATTACHMENT DOCUMENTS (09,06)
07 – JUDICIAL DOCUMENTS (09,07)
08 – INTERSTATE DOCUMENTS (09,08)
09 – ADMINISTRATIVE HEARING DOCS. (09,09)
10 – PAYMENTS/FINANCIAL DOCUMENTS (09,10)
11 – CASE MAINTENANCE DOCUMENTS (09,11)

LOCATE DOCUMENTS SUBMENU (09,01)

01 – CORP REQUEST FOR CUSTOMER INFO (09,01,01)
02 – EMPLOYER INFORMATION REQUEST (09,01,02)
03 – INFORMATION REQUEST (09,02,03)
04 – LOCATE REQUEST LETTER TO INS (09,01,04)
05 – POSTMASTER VERIFICATION REQUEST (09,01,05)
06 – REPORT OF SEARCH (09,01,06)

PATERNITY ESTABLISHMENT DOCS (09,02)

01 – GENETIC TEST APPOINTMENT LETTER (09,02,01)
03 – ACKNOWLEDGEMENT OF PATERNITY (09,02,03)
04 – PATERNITY CERTIFICATION NOTICE (09,02,04)
05 – VOLUNTARY AGREE. FOR BLOOD TEST (09,02,05)
08 – GENETIC TEST ORDER (09,02,08)

SUPPORT OBLIGATION DOCS (09,03)

01 – INITIAL ADMIN. SUPPORT ORDER (09,03,01)
03 – CONTACT LETTER TO NCP (09,03,03)
04 – FINANCIAL STATEMENT (09,03,04)
05 – ADMINISTRATIVE SUMMONS (09,03,05)
06 – CHANGE IN PAYEE NOTICE (09,03,06)
07 – CHANGE OF PAYEE TEMPORARY REQ (09,03,07)
08 – SUBPOENA DUCES TECUM (09,03,06)
09 – WAIVER, FORMAL SERVICE OF PROC (09,03,09)
10 – FINANCIAL REVIEW RESULTS – CSO (09,03,10)
11 – FINANCIAL REVIEW RESULTS – ASO (09,03,11)
12 – NOTICE OF PROPOSED REVIEW (09,03,12)
13- REQUEST FOR REVIEW & AJD. (09,03,13)
14 – STANDARD PAYMENT AGREEMENT (09,03,14)
15 – NOTICE OF INTENT TO SUSP DR LIC (09,03,15)
16 – REV & ADJ TERMINATION NOTICE (09,03,16)
17 – REVIEW REQUEST DENIED (09,03,17)
18 – ALTERNATIVE PAYMENT AGREEMENT (09,03,18)
19 – NOTICE OF EMANCIPATION (09,03,19)
20- DEMAND LETTER (09,03,20)
21- FINAL NOTICE (09,03,21)
22- PAY AGREEMENT OCCUPATIONAL LIC. (09,03,22)
24 – REVIEW RESULTS – INCAR. NCP (09,03,24)

MEDICAL SUPPORT OBLIG. DOCS (09,04)

01 – HEALTH INSURANCE NOTICE (09,04,01)
02 – NATIONAL MEDICAL SUPPORT NOTICE (09,04,02)
04 – HEALTH INSURANCE ORDER RELEASE (09,04,04)
05 – MED. SUPP. SERVICES TERM NOTICE (09,04,05)
06 – WAIVER, FORMAL SERVICE OF PROC (09,04,06)

WITHHOLDING OF INCOME DOCS (09,05)

01 – ASSIGNMENT OF EARNINGS (09,05,01)
02 – COMPLIANCE LETTER (09,05,02)
04 – WITH OF EARN (NOTICE OF ACTION) (09,05,04)
05 – WITHHOLDING OF INCOME (09,05,05)
06 – WITHHOLDING RELEASE (09,05,06)
07 – COAST GUARD ALLOTMENT REQUEST (09,05,07)
08 – MILITARY ALLOTMENT REQUEST (09,05,08)
09 – WAIVER, FORMAL SERVICE OF PROC (09,05,09)

ASSETS ATTACHMENT DOCUMENTS (09,06)

01 – NOTICE OF LIEN ASO/OUT-OF-STATE (09,06,01)
02 – NOTICE OF LIEN (VA. COURT ORDER) (09,06,02)
03 – LIEN FOR SUPPORT DEBT (09,06,05)
04 – LIENFOR SUPPORT DEBT RELEASE (09,06,04)
05 – ORDER TO DELIVER (09,06,05)
06 – ORDER TO WITHHOLD (09,06,06)
07 – ORD TO WITH(JOINT ACCT NOTICE) (09,06,07)
08 – WAIVER, FORMAL SERVICE OF PROC (09,06,08)
09 – APPL FOR COLL OF DELQ PYMTS, IRS (09,06,09)
10 – ORDER TO WITHHOLD RELEASE (09,06,10)
11 – ORDER TO WITHHOLD CSLN ASSETS (09,06,11)
12 – ORDER TO DELIVER CSLN ASSETS (09,06,12)
13-- FULL/PARTIAL RELEASE CLSN (09,06,13)
14- ORDER TO WITHHOLD- INS ASSETS (09,06,14)
15- ORDER TO DELIVER- INS ASSETS (09,06,15)
16- FULL/PARTIAL RELEASE INS. ASSETS (09,06,16)

JUDICIAL DOCUMENTS (09,07)

01 – LEGAL SERVICES CASE REFERRAL (09,07,01)
02 – CONSENT ORD OF SUPP (MODIFICA) (09,07,02)
03 – CONSENT ORD OF SUPP (PATERNITY) (09,07,03)
04 – MOTION AND ORDER TO AMEND ORDER (09,07,04)
05 – MOTION FOR SHOW CAUSE SUMMONS (09,07,05)
06 – COURT DATE NOTICE (09,07,06)
07 – PARENTAGE TEST ORDER (09,07,07)
08 – PAYROLL DEDUCTION ORD FOR SUPP (09,07,08)
09 – PETITION FOR SUPPORT (09,07,09)
10 – REQUEST FOR WITNESS SUBPOENA (09,07,10)
11 – SUMMONS (COMMONWEALTH OF VA) (09,07,11)
12 – PETITION TO SUSPEND DRV LIC (09,07,12)
13 – REQUEST VIRGINIA REGISTRATION (09,07,13)
14 – NONDISCLOSURE ADDENDUM (09,07,14)
15 – PARENTAGE SUPPLEMENT (09,07,15)
16- COURT PREP SHEET (09,07,14)

INTERSTATE DOCUMENTS (09,08)

01 – ACKNOWLEDGEMENT MEMO (NON-IVD) (09,08,01)
02 – GENERAL TESTIMONY FOR UIFSA (09,08,05)
03 – INTERSTATE CASE PROBLEM LETTER (09,08,06)
04 – INTER. PROVISION, IV-D SERVICES (09,08,08)
05 – ORDER TRANSMITTAL (09,08,11)
06 – PATERNITY AFFIDAVIT (09,08,12)
07 – UNIFORM SUPPORT PETITION (09,08,13)
08 – ADMINSTRATIVE SUBPOENA (09,08,14)
09 – NOTICE OF INTERSTATE LIEN (09,08,15)
10 – DET OF CONTROLLING ORDER (09,08,16)
11 – REGISTRATION STATEMENT (09,08,17)
12 – ENFORCE TRANS – INITIAL REQUEST (09,08,18)
13 – ENFORCE TRANS – SUB ACTION (09,08,19)
14 – ENFORCE TRANS – REQ ASST/DISCVY (09,08,20)

ADMINISTRATIVE HEARINGS DOCS (09,09)

01 – ADMINISTRATIVE APPEAL RULING (09,09,01)
02 – ADMINISTRATIVE HEARING DECISION (09,09,02)
03 – NOTICE OF DCSE APPEAL HEARING (09,09,03)
04 – SUMMARY OF FACTS FOR APPEAL (09,09,04)
05 – WAIVER, FORMAL SERVICE OF PROC (09,09,05)
06 – ADMIN HEARING DECISION – UIFSA (09,09,06)

PAYMENTS/FINANCIAL DOCS (09,10)

01 – AFFIDAVIT ON CHECK ENDORSEMENT (09,10,01)
02 – REQ OF COPY OF CANCELLED CHECK (09,10,02)
03 – RETURNED CHECK LETTER (09,10,03)
04 – OVERPAYMENT NOTIFICATION (09,10,04)
05 – REDIRECT LETTER TO AP/CMU (09,10,05)
06 – REPL CHECK ACKNOWLDGMNT LETTER (09,10,06)
07 – RET CHCK FOR COMPLETION LETTER (09,10,07)
08 – EMERGENCY STOP PAYMENT REQUEST (09,10,08)

09 – NOTICE OF FEE PAYMENT DUE (09,10,09)

CASE MAINTENANCE DOCUMENTS (09,11)

01 – BANKRUPTCY CHECKLIST (09,11,01)
02 – CONTACT LETTER TO NON-TANF CP (09,11,02)
03 – CONTACT LETTER TO TANF CP (09,11,03)
04 – PAYMENT RECORD LETTER (09,11,04)
06 – CLOSURE INTENT NOTICE (09,11,06)
07 – NOTIFICATION OF ACTION BY DCSE (09,11,07)
08 – FREEDOM OF INFORMATION RESPONSE (09,11,08)
09 – COOPERATION/NONCOOPERATION LETTER (09,11,09)
10 – AFF/CERT OF NON-DISCLOSURE (09,11,10)
11 – IMPT NOTICE ABOUT CHILD SUPPORT (09,11,11)
12- INTENT TO CLOSE NIVD CASE (09,11,12)
13- NOTICE OF CHANGE IN STATUS (09, 11, 13)

INTERSTATE CASE PROCESSING (10)

01 – INTERSTATE AGREEMENT TABLE (10,01)
02 – MULTI-STATE INTERSTATE LOCATE (10,02)
03 – INCOMING CSENET TRANSACTIONS (10,03)
04 – VIEW OUTGOING TRANSACTIONS (10,04)

FCR, ASSETS, LOCATION SERVICES (11)

01 – FCR INFO & FCR INFO QUERY/LOCATE REQ (11,01)
03 – NDNH INFORMATION (11,03)
04 – FIDM INFORMATION (11,04)
05 – DMV MATCH INFORMATION (11,05)
06 – GIF BOAT INFORMATION (11,06)
09 – LONGSHOREMEN INFORMATION (11,09)
10 – VIRGINIA POWER INFORMATION (11,10)
11 – CONCEALED WEAPONSS PERMIT INFO (11,11)
12 – COMPUTERIZED CRIMINAL HIST INFO (11,12)
13 – DEATH RECORDS INFORMATION (11,13)
14 – DEPT OF HUMAN RESOURCE MGMT (11,14)
15 – VIRGINIA INMATE RELEASE INFO (11,15)
16 – DEPT OF HEALTH PROFESSIONS (11,16)
17 – CHILD SUPPORT LIEN NETWORK (11,17)
18- CELL PHONE INFORMATION (11, 18)
20- FCR/SVEVS INFORMATION (11,20)
21- MEDICAL COVERAGE INFO (11,21)
22- INSURANCE DATA MATCH (11,22)
23 – NCP LOC/ASSET SUMMARY – PART ID# (11,23)
24 – NCP LOC/ASSET SUMMARY – WRKR ID# (11,24)

(Revised 2007)

F. Interviewing Principles and Techniques

Resource Manual Contents

A. General

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 the 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.

B. Identification Requirements

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 License 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 10 for procedures on how to access the social security number using a control number.

C. Advance Preparation

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.

D. Safety Precautions

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.

E. Conducting an In-Person Interview

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 2, 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.

F. Safeguarding Information

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.

G. Verbal Abuse at the Interview

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.

H. Physical Abuse at the Interview

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.

I. Verbal Abuse during a Telephone Interview

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.

J. Concluding the Interview

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.

Resource Manual Contents

G. Schedule of Monthly Basic Child Support Obligations
(Virginia Code § 20-108.2)

COMBINED MONTHLY GROSS INCOME	NUMBER OF CHILDREN: ONE	TWO	THREE	FOUR	FIVE	SIX
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	326	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

COMBINED MONTHLY GROSS	NUMBER OF CHILDREN:

INCOME	ONE	TWO	THREE	FOUR	FIVE	SIX
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
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

COMBINED MONTHLY GROSS **NUMBER OF CHILDREN:**

INCOME	ONE	TWO	THREE	FOUR	FIVE	SIX
4450	606	944	1181	1331	1452	1553
4500	612	954	1193	1344	1467	1569
4550	618	963	1204	1357	1481	1584
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
6700	827	1283	1604	1809	1974	2109
6750	830	1288	1610	1817	1982	2118
6800	834	1293	1617	1824	1990	2127

COMBINED MONTHLY **NUMBER OF CHILDREN:**

GROSS INCOME	ONE	TWO	THREE	FOUR	FIVE	SIX
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
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

COMBINED MONTHLY **NUMBER OF CHILDREN:**

GROSS INCOME	ONE	TWO	THREE	FOUR	FIVE	SIX
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%		

H. UIFSA Notice Requirements

Section	Actor	Recipient(s)	Type of Notice	Time Frame
20-88.48(A)	Responding Tribunal	Petitioner	Where/When Petition Was Filed	None Specified
20-88.48(E)	Responding Tribunal	Petitioner Respondent Initiating Tribunal	Copy of Order	Promptly
20-	Support Enforcement	Petitioner	Copy of any	Within 2 days of

88.50(A)(4)	Agency		Written Notice Received from an Initiating, Responding, or Registering Tribunal	Receipt of the Notice
20-88.50(A)(5)	Support Enforcement Agency	Petitioner	Copy of any Written Communication from Respondent or Respondent's Attorney	Within 2 days of Receipt of the Communication
20-88.50(A)(6)	Support Enforcement Agency	Petitioner	Notice that Jurisdiction Cannot be Obtained over the Respondent	None Specified
20-88.64:1	Employer of Obligor	Obligor	Copy of Income Withholding Order Regarding Obligor	Immediately Upon Receipt of the IWO
20-88.64:5	Obligor	Support Enforcement Agency Providing Services to Obligee; each employer that received IWO; Support Enforcement Agency designated to receive payments from IWO	Notice of Contest	None Specified
20-88.70(A)	Registering Tribunal	Nonregistering Party	Notice of Registration	When Order is Registered
20-88.71(A)	Nonregistering Party	Registering Tribunal	Notice of Contest of Registration	Within 20 Days After Notice of the Registration
20-88.71(C)	Registering Tribunal	Parties	Notice of Date, Time, and Place of Hearing	None Specified
20-88.77:2)	Party Obtaining Modification of Order	Issuing Tribunal that had CEJ and Every Tribunal Where Earlier Order has Been	Certified Copy of Modified Order	Within 30 Days After Issuance of Modified Order

		Registered		

I. Locality Codes

Following are the numerical codes that are used in Virginia under the FIPS system to designate cities and counties within the Commonwealth of Virginia:

The Virginia FIPS codes are:

CODE	COUNTY/CITY NAME
001	Accomack
003	Albemarle
510	Alexandria City
005	Alleghany
007	Amelia
009	Amherst
011	Appomattox
013	Arlington
015	Augusta
017	Bath
019	Bedford
515	Bedford City
021	Bland
023	Botetourt
520	Bristol City
025	Brunswick
027	Buchanan
029	Buckingham
530	Buena Vista City
031	Campbell
033	Caroline
035	Carroll
036	Charles City
037	Charlotte
540	Charlottesville City
550	Chesapeake City
041	Chesterfield
043	Clarke
560	Clifton Forge City
570	Colonial Heights City
580	Covington City
045	Craig
047	Culpeper
590	Danville
049	Cumberland
051	Dickenson

053	Dinwiddie
595	Emporia
057	Essex
059	Fairfax
600	Fairfax City
610	Falls Church City
061	Fauquier
063	Floyd
065	Fluvanna
067	Franklin
620	Franklin City
069	Frederick
630	Fredericksburg City
640	Galax City
071	Giles
073	Gloucester
075	Goochland
077	Grayson
079	Greene
081	Greensville
083	Halifax
650	Hampton City
085	Hanover
660	Harrisonburg City
087	Henrico
089	Henry
091	Highland
670	Hopewell City
093	Isle of Wight
095	James City
097	King and Queen
099	King George
101	King William
103	Lancaster
105	Lee
673	Lexington City
107	Loudoun
109	Louisa
111	Lunenburg
680	Lynchburg City
113	Madison
683	Manassas City
685	Manassas Park City
690	Martinsville City
115	Mathews
117	Mecklenburg

119	Middlesex
121	Montgomery
125	Nelson
127	New Kent
700	Newport News City
710	Norfolk City
131	Northampton
133	Northumberland
720	Norton City
135	Nottoway
137	Orange
139	Page
141	Patrick
730	Petersburg City
143	Pittsylvania
735	Poquoson City
740	Portsmouth City
145	Powhatan
147	Prince Edward
149	Prince George
153	Prince William
155	Pulaski
750	Radford City
157	Rappahannock
159	Richmond
760	Richmond City
161	Roanoke
770	Roanoke City
163	Rockbridge
165	Rockingham
167	Russell
775	Salem City
169	Scott
171	Shenandoah
173	Smyth
175	Southampton
780	South Boston City
177	Spotsylvania
179	Stafford
790	Staunton City
800	Suffolk City
181	Surry
183	Sussex
810	Virginia Beach City
185	Tazewell
187	Warren

191 Washington
820 Waynesboro City
193 Westmoreland
830 Williamsburg City
840 Winchester City
195 Wise
197 Wythe
199 York
900 Central Registry (Interstate/Locate)

J. DIRECTORY OF LICENSING AGENCIES

Name of Agency/ Board	Address of Agency/Telephone Number of Agency/Contact	Type of License
ACCOUNTANCY, BOARD OF	9960 Mayland Dr. Suite 402 Henrico, VA 23233 boa@boa.virginia.gov	Certified Public Accountants (Individual & Firms)
AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF	Office of Pesticide Services 102 Governor St.,1st FL Richmond, VA 23219 Liza Fleeson, Program Manager (804) 371-6559 Liza.fleeson@vdacs.virginia.gov	Pesticide Applicator
ALCOHOL BEVERAGE CONTROL, DEPARTMENT OF	Supervisor of Records Management PO Box 27491 Richmond, VA 23261 Jack Ragsdale, License Manager (804)213-4681 IRMHLP@virginia.gov	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	1100 Bank St., 12th FL. Richmond, VA 23219 786-4000-Listen to menu options Director: Leon Baker	Compliance Agents Private Security (Individual &Firms)
EDUCATION,	Office of Licensing	Teachers

DEPARTMENT OF	P O Box 2120 Richmond, VA 23218-2120 Director, Mark Allan (804) 371-2471	
HEALTH PROFESSIONS, DEPARTMENT OF	6603 W Broad St. Richmond, VA 23230-1712	
Audiology & Speech Language, Board of	(804) 367-4630 9960 Mayland Dr.,Suite 300 Henrico, VA 23233 Audbd@dhp.virginia.gov	Audiologists Speech Pathologists
Counseling, Board of	(804) 362-4610 coun@dhp.virginia.gov	Professional Counselor Substance Abuse Counselor Trainees
Dentistry, Board of Dental Faculty	(804) 367-4538 denbd@dhp.virginia.gov	Dental Hygienists Dental Teachers Dentists
Funeral Directors & Embalmers, Board of	(804) 367-4479 fanbd@dhp.virginia.gov	Embalmer Funeral Director Funeral Service Provider Funeral Service Trainer
Medicine, Board of	(804) 367-4680 medbd@dhp.virginia.gov	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) 367-4515 nursebd@dhp.virginia.gov	Nurses Aide Practical & Registered Nurse

Longterm Care Administrators, Board of	(804) 367-4595 ltc@dhp.virginia.gov	Administrator
Optometry, Board of	(804) 367-4508 optbd@dhp.virginia.gov	Optometrist
Pharmacy, Board of	(804) 367-4956 pharmbd@dhp.virginia.gov	Pharmacist
Physical Therapy, Board of	(804) 367-4674 ptboard@dhp.virginia.gov	Physical Therapist
Psychology, Board of	(804) 367-4697 psy@dhp.virginia.gov	Psychologist School Psychologist

Name of Agency/ Board	Address of Agency/Telephone Number of Agency/Contact	Type of License
Social Work, Board of	(804) 367-4441 socialwork@dhp.virginia.gov	Associate Social Worker Licensed Clinical Social Worker Licensed Social Worker Registered Social Worker
Veterinary Medicine, Board of	(804) 367-4497 vetbd@dhp.virginia.gov	Veterinarian Veterinary Technician
MOTOR VEHICLES, DEPARTMENT OF	P.O.Box 27412 Richmond, VA 23269 (804) 497-7100	Commercial Drivers License Passenger Commercial Trucks Third-Party Testers Third-Party Examiners
PROFESSIONAL AND OCCUPATIONAL REGULATION, DEPARTMENT OF	9960 Mayland Dr., Suite 400 Richmond, VA 23233 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 apelscidla@dpor.virginia.gov	Architects Professional Engineers Land surveyors 3A and 3B Certified Interior Designers Landscape Architects
Asbestos Licensing and	(804)367-8595 alhi@dpor.virginia.gov	Asbestos

Auctioneers Board	(804)367-8506 auctioneers@dpor.virginia.gov	Auctioneers (Business) Auctioneers (Individual & Business) Auctioneers (Individual Registration)
Barber Board	(804)367-8509 barbercosmo@dpor.virginia.gov	Barber (Individual) Barber Shops Barber (Teaching)
Contractors, Board for	(804)367-8511	Class A and B Select option 1 from the automated menu
Cosmetology, Board for	(804) 367-8509 barbercosmo@dpor.virginia.gov	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) 367-8595 geology@dpor.virginia.gov	Geologists
Hearing Aid Specialists, Board for	(804) 367-8509 hearingaidspec@dpor.virginia.gov	Dealers
Lead Certification, Board for	(804) 367-8595 alhi@dpor.virginia.gov	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@dpor.virginia.gov	Opticians

Pilots, Board for Branch	(804) 367-8514 branchpilots@dpor.virginia.gov	Harbor Pilots
Polygraph Examiners	(804) 367-6166 polygraph@dpor.virginia.gov	Examiner
PROFESSIONAL AND OCCUPATIONAL REGULATION, BOARD FOR	(804) 367-8506 OR 367-8512 BPOR@DPOR.VIRGINIA.GOV	
Professional Boxing and Wrestling, Board for	David Holland, Program Administrator (804) 367-0186 boxing@dpor.virginia.gov	Boxing and Wrestling
Real Estate Appraisers	(804)367-2039 reappraisers@dpor.virginia.gov	Appraiser (Business & Individual)
Real Estate Board	(804)367-8526 reboard@dpor.virginia.gov	Associate Brokers Firms Inactive Broker Inactive Salesperson Principal Brokers Salespersons Sole Proprietors
Soil Scientist and Wetland Professional, Board for	(804)367-8506 Bpssandwp@dpor.virginia.gov	
Waste Management Facility Operators, Board for	(804)367-8595 wastemgt@dpor.virginia.gov	
Waterworks & Wastewater Works Operators, Board for	(804)367-8595 waterwasteoper@dpor.virginia.gov	

STATE CORPORATION COMMISSION	Tyler Building-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. Sccinfo@scc.virginia.gov	
Securities and Retail	P.O. Box 1197	Broker (Dealer)
Franchising, Division of	Richmond, VA 23218 ATTENTION: (Name of License Type)	Broker (Dealer- Agent) Franchisors Investment Advisor
	(804) 371-9187 Representative Ask to be transferred to the section for type of license needed.	Investment Advisor Issuer Agents Registered Exemptions Securities
Insurance, Bureau of	P O Box 1157 Richmond, VA 23218 (804) 371-9741	Agent Company Premium Finance Company
VIRGINIA STATE BAR, Membership Department	707 E Main St Suite 1500 Richmond, VA 23219-2800 (804)775-0530 membership@vsb.org	Attorneys (Social Security Number or Birthday Required to Obtain License Number)

K. OCSE Pre-Offset Notice

CHILD SUPPORT ENFORCEMENT DIVISIONCHILD SUPPORT ENFORCEMENT DIVISION
DEPARTMENT OF REVENUE MS 01550W 7TH AVE 4TH FL
550 W 7TH AVE 4TH FL ANCHORAGE AK 99501-6699
ANCHORAGE AK 99501-6699PHONE(S): 907.269.6900
INSTATE 800.478.3300

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.

L. FMS Offset Notice

DEPARTMENT OF THE TREASURY
FINANCIAL MANAGEMENT SERVICE
P.O. BOX 1686
BIRMINGHAM, ALABAMA 35201-1686

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*}TOPTrace Num:
Acct Num:
Amount this Creditor:
Creditor: Site:
PURPOSE: {*Child Support*}

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.

U.S. Department of Treasury
Financial Management Service

800.304.3107
Telecommunications Device for the Deaf (TDD) 866.297.0517

PAYMENT SUMMARY
PAYEE NAME: PAYMENT DATE:
PAYMENT BEFORE REDUCTION: PAYMENT TYPE:
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).

M. Key to Military FEINs (Federal Employer Identification Numbers).
Each branch of the military in the United States has a unique FEIN, as follows:

Active Duty Army FEIN is 359990000
Army Reserve Duty FEIN is 351819323
Active Duty Air Force FEIN is 849990000
Air Force Reserve Duty FEIN is 849980000
Marine Corps - Active Duty and Reserve Duty FEIN is 539990000
Active Duty Navy FEIN is 349990000;
Navy Reserve Duty FEIN is 341586724
Retired Military Pay (FEIN is 340727612)
DoD civilian personnel (FEIN is 311575142 or FEIN 530197006)

N. Worldwide Military Locator Services

1. Army Active Duty
   NOTE: The United States Army is no longer providing this service.

2. Navy World Wide Locator
   Bureau of Navy Personnel
   (PERS 312F)
   5720 Integrity Drive
   Millington, TN 38055-3120
   (901) 874-3388

3. Air Force Active Duty
   HQ AFMPC/RMIQL
   550 C. Street West, Suite 50
   Randolph AFB, TX 78150-4752

(210) 652-5775

4. Commandant of the Marine Corps
Headquarters, U.S. Marine Corps
Code MMSB-10
Quantico, VA 22134-5030
(703) 640-3942 or 3943

5. Coast Guard
U.S. Coast Guard
Personnel Command
2100 2nd Street, SW
Washington, DC 20593
(202) 282-8000
Fax (202) 267-4985

NOTE: The Coast Guard World Wide Locator has duty stations for active duty personnel.

To locate active duty personnel only: Send an e-mail with the NCP's full name to:

C G Locator: ARL-PF-CGPSCCGlocator@uscg.mil

O. Information That Can be Obtained Through the SPLS (State Parent Locator Service)

SPLS Request

Military Affiliation	**Address that can be obtained**	**With whom request should be made through SPLS**
Active Duty Military/Reservist	Military Unit Address	DOD
Civilian Employees	Civilian Address listed with DOD	DOD
Retired Military	Civilian Address where retirement check is forwarded to	DOD
Veterans Administration Benefits	Civilian Address where VA benefits check is going to.	Veterans Administration

P. Sheriff's Offices Whose Jurisdictions Cover Military Bases in Virginia

Military Installation	Sheriff's Department
Camp Pendleton	Virginia Beach
Defense Supply Center Richmond	Chesterfield County
Fort Belvoir	Fairfax County
Fort Langley-Eustis (Joint Base)	Newport News
Fort Lee	Prince George County
Fort Monroe	Hampton
Fort Myers	Arlington County
Fort Pickett	Nottaway County
Fort Story	Virginia Beach
Langley Air Force Base	Hampton
Marine Corps Base Quantico	Prince William County
Naval Air Station Oceana	Virginia Beach
Naval Amphibious Base Little Creek	Virginia Beach/Norfolk***
Naval Station Norfolk	Norfolk
Naval Support Facility Dahlgren	King George County
Naval Weapons Station Yorktown	York County
NSA Northwest Annex	Chesapeake
Oceana Dam Neck Annex	Virginia Beach
Surface Combat Systems Center, Wallops Island	Accomack County
United States Coast Guard Hampton Roads	Portsmouth

***Part of the base is located in Virginia Beach, and part in Norfolk.

Q. Waiver of Service members Civil Relief Act Form

Virginia Division of Child Support Enforcement:
50 U.S.C. App. § 521: WAIVER OF SERVICEMEMBER CIVIL RELIEF ACT
(Pertaining solely to default judgments)

I, _____, am active duty with the Uniformed Services of the United States of America. I fully understand that I have certain rights and privileges as an active duty service member. I understand that an administrative order cannot be entered against me in my absence (a default judgment) unless I choose to waive this right under 50 App. U.S.C. § 521.

The _____ District Office of Child Support Enforcement for the Commonwealth of Virginia is conducting the following: _____
_____
_____
_____

It is understood that this waiver does not apply to any other action that the Virginia Division of Child Support Enforcement may initiate in the future. This waiver does not affect my ability to appeal this administrative action under the laws of Virginia.

Having been fully advised and having participated in the administrative process, I certify that I hereby knowingly and voluntarily waive this right regarding a default judgment under 50 App. U.S.C. § 521 for the purpose of the above specified administrative proceeding.

Signature of Service member: _____ Date: _____

The signature must be witnessed by a notary or authorized military personnel

Commonwealth of Virginia
City/County of _____, to-wit:

I, the undersigned, a Notary Public, do hereby certify that this day, _____ , personally appeared before me _____, whose name is signed to the foregoing Waiver of Service member Civil Relief Act, and acknowledged the same.

_____
Notary Public

My Commission Expires: _____

R. PARTICIPATION IN ADMINISTRATIVE PROCEEDING ACKNOWLEDGEMENT FORM

I, _____, am on active duty with the Uniformed Services of the United States of America.

The _____ District Office of Child Support Enforcement for the Commonwealth of Virginia is conducting the following: _____
_____
_____
_____

I have fully participated in this administrative proceeding.

Signature of Service member: _____ Date: _____

Witness: _____

S. Summaries of Legislative Changes Affecting the Child Support Enforcement Program

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 acknowledgement 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 9, Section B., Methods of Service for Administrative Support Orders and other DCSE Documents) 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 are 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 kidnapping.

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 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 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 suspends 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 care 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 orders 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 from 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 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 long arm jurisdiction previously believed by some to apply only for court orders of support. Previously a few courts had interpreted the law to limit DCSE's authority to those cases in which the parties had maintained a matromonial domicile in Virginia.

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 and pay the cost for the dependent child or children. 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 the DCSE when the parent providing health care coverage for the children is terminated. Currently this notification is only required when the noncustodial parent is terminated.

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 (ICMP) 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.

2011

Increase the minimum payment a noncustodial parent must make pursuant to an agreement with DCSE in order to avoid suspension or obtain renewal of a driver’s license from 5% of the child support delinquency or $600 (whichever is greater);

Create a tiered payment approach regarding subsequent payment agreements in the event of default of the initial agreement;

In order to comply with a second payment agreement, require a payment of 5% or $1,200 of the child support delinquency (whichever is greater), and the specified time period is 7 years;

Require for subsequent agreements, a payment of 5% or $1,800 of the total delinquency (whichever is greater), and the specified time period is 7 years; or

The noncustodial parent completes or is successfully participating in an intensive case monitoring program for child support ordered by a juvenile and domestic relations district court, as determined by the court.

T. DCSE Documents: Distribution, Service, Copies

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	WORK LIST	BATCH	ON LINE	MANUAL	COPIES	DISTRIB.	TYPE OF SERVICE	CATEGORY
Acknowledgment Memo (non-IV-D)	Y	N	N	Y	N	1			INTERST.
Ack. Of Paternity	Y	N	N	Y	N	4	M, F, OVR, DO	N/A	EST.
Address Confidentiality Prog.-Memo to Court									
Admin. Appeal Request									HRGS.
Administrative Appeal Ruling	Y	**Y**	N	Y	N	NCP, CP, DO	3 HCR		HRGS.

DOCUMENT NAME	EVENT	WORK LIST	BATCH	ON LINE	MANUAL	COPIES	DISTRIB.	TYPE OF SERVICE	CATEGORY
Administrative Hearing Decision	Y	**Y**	N	Y	N	5	NCP, CP, DO, Atty, HCR	3	HRGS.
Administrative Hearing Decision (Out-of-State)	N	N	N	N	Y	3	NCP, CP, DO		HRGS.
Administrative Subpoena	Y	N	N	Y	N	1	Corp.	3	EST.
Administrative Summons	Y	**Y**	N	Y	N	2	CP, PF	2,3,4,5,6	EST.
Administrative Support Order	Y	**Y**	N	Y	N	2	NCP, CP	1,3,4,5,6	EST.
Administrative Review Decision	Y	**N**	N	Y	N	2	NCP, DO	3	ENF.
ASO-Replacement-DO Mgr use only									
ASO Termination	N	N	N	N	Y	3	NCP, CP, DO		ENF.
Advance Notice of Lien-Out-of-State Order	Y	**Y**	N	Y	N	2	NCP, CP	2	ENF.
Advance Notice of Lien (Virginia Court Order)	Y	**Y**	N	Y	N	2	NCP, CP	3, 4	ENF.
Affidavit/Certification of Nondisclosure	N	N	N	Y	N	2	Requesting party DO	NONE	CM
Affidavit in Support of Establishing Paternity	Y	N	N	Y	N	1 perchild	Other St. IV-D, Central Reg.	2	INTERST.
Affidavit on Check Endorsement	Y	**Y**	N	Y	N	2	Treasurer, Bank	NONE	FIN.
Agreement to Provide HCC-Waiver of Cost Requirement	**N**	**N**	**N**	**N**	**Y**				EST.
Agreement to Transfer Jurisdiction	N	N	N	N	Y				CM
Alternative Payment Arrangement Agreement	Y	N	N	Y	N	2	CP, NCP	2	
Answer to Status Request	Y	N	N	Y	N	1			INTERST.
App. for CSE Services	N	N	N	N	Y	1	DO	NONE	EST.
Application for Location Info.	N	N	N	N	Y				LOCATE

DOCUMENT NAME	EVENT	WORK LIST	BATCH	ON LINE	MANUAL	COPIES	DISTRIB.	TYPE OF SERVICE	CATEGORY
Assignment of Income	Y	N	N	Y	N	2			ENF.
Authorization to Request Or Obtain Information	N	N	N	N	Y				CM
Case Referral	N	N	N	N	Y	1	DO	NONE	LOCATE
Case Referral Checklist for Court Pleadings	N	N	N	N	Y		DO Case File		
Certificate and Order	Y	N	N	Y	N	5			INTERST.
Change in Payee Notice	Y	Y	N	Y	N	2	NCP, CP, Sheriff	3	CM
Change in Payee Temporary Request	Y	N	N	Y	N	2	CP, DO	2	CM
Change in Physical Custody	N	N	N	N	Y				CM

DOCUMENT NAME	EVENT	WORK LIST	BATCH	ON LINE	MANUAL	COPIES	DISTRIB.	TYPE OF SERVICE	CATEGORY
Change of Name/Address Request	N	N	N	N	Y		On Internet		CM
CSE Transmittal #1	Y	Y	N	Y	N	5	IV-D AGENCY	2	INTERST.
CSE Transmittal #2	N	N	N	N	Y	1	Other State IV-D Ofc.	2	INTERST.
CSE Transmittal #3	N	N	N	N	Y	1	Other St. IV-D Ofc., Cent. Ofc.	2	INTERST.
CS Payment Processing Procedures	N	N	N	N	Y				FIN.
Closure Intent Notice	Y	Y	N	Y	N	1	CP	2	CM
Coast Guard Allotment Request	Y	Y	N	Y	N	2	Desig. Gov Official		ENF.
Compliance Letter	Y	Y	N	Y	N	2	Employer	2	ENF.
Confirmation to Transfer Jurisdiction	N	N	N	N	Y				CM
Compliance Revisions W/holding of Earnings									ENF.
Conflict of Interest Guidelines-for DCSE Employees	N	N	N	N	Y		N/A	N/A	N/A
Consent Order of Support (Mod)	Y	**Y**	N	Y	N	3			ENF.
Consent Order of Support (Pat)	Y	**Y**	N	Y	N	3			**ENF.**
Consumer Reporting Agency Notice	Y	N	Y	N	N	1	NCP	2	CM
Cons. Reprt'g Agency Req. -10-Day Notice			Y						CM
Contact Letter to NCP	Y	Y	N	Y	N	2	NCP	N/A	CM
Contact Ltr to N-App. CP (DCSEP-774)	N	N	N	N	Y	1	CP	2	CM
Contact Ltr to N-TANF CP	Y	Y	N	Y	N	1	CP	2	CM
Contact Ltr to TANF CP	Y	Y	N	Y	N	1	CP	2	CM
Coop./Non CoopNotification	Y	N	N	Y	N	3	File,LDSS, CP	3	CM
Corp. Request-Cust. Info.	Y	Y	N	Y	N	1		2	LOCATE
Court Date Notice	Y	N	N	Y	N	1			CM

DOCUMENT NAME	EVENT	WORK LIST	BATCH	ON LINE	MANUAL	COPIES	DISTRIB.	TYPE OF SERVICE	CATEGORY
Custodial Parent Health Care Info	Y	Y	N	Y	N	1	CP	2	Enf.
Daily Paym't Trans. Report (C1 Remote Deposit)	N	N	N	N	Y				FIN.
Daily Paym't Trans. Report Fees (C2-Fee Payments)	N	N	N	N	Y				FIN.
Daily Paym't Trans. Report (C3 Cash Receipts Only)									FIN.
Dear Customer ltr.-attach to Application and Statement of Paym'ts Received	N	N	N	N	Y				FIN.
Demand for Payment of Child Support	Y	Y	Y	Y	N	1	NCP	2	ENF.
Doc. Transfer Cover Sheet --Benefit Prog. Form—Transfers case from LDSS to DCSE—ONLY ON SPARK									
Doc. Verification Request-Fed. form ; use w/immigration ltr									
Emergency Notice of Withdrawal of Passport Denial	N	N	N	N	Y				ENF.
Employee Disclosure Referral	N	N	N	N	Y				ENF.
Employer Info. Request	Y	**Y**	N	Y	N	1	Employer	2	LOCATE
Fact Sheet for Medicaid Enrollees-LDSS USE ONLY-developed by/with Benefit Prog. and DMAS-2007									
Final Notice of Payment in Error	Y	N							FIN.
Final Notice to Pay Past Due CS/Arrearages									
Financial Statement	Y	N	N	Y	N	1	NCP, CP	2	EST.
Freedom of Information Response	Y	**Y**	N	Y	N	1	Person Requesting Info.	2	CM
Gen. Info. Relating to the Review of Court-Ordered Support	N	N	N	N	Y				ENF.
General Testimony for URESA	Y	N	N	Y	N	5	IV-D Agency	7	INTERST.
Genetic Test pertinent. Letter	Y	**Y**	N	Y	N	2	PF, TANF, CP	2	EST.

DOCUMENT NAME	EVENT	WORK LIST	BATCH	ON LINE	MANUAL	COPIES	DISTRIB.	TYPE OF SERVICE	CATEGORY
Genetic Testing Order	Y	Y	N	Y	N	2	NCP, CP	1,3,4,5,6	EST.
Health Insurance Order Release	Y	**Y**	N	Y	N	2	Employer		ENF.
Important Notice Child Support	Y	N	Y	N	N	1	NCP	2	ENF.
Income Withholding for Support (formerly ONWI)	Y	**Y**	Y	Y	N	3	Employer, NCP, DO		ENF.
Inquiry to Licensing Authority	N	N	N	N	Y				ENF.
Interim App. for CSE Services (FC Cases)	N	N	N	N	Y				?
Interstate Case Prob (Central Registry)	Y	**Y**	N	Y	N	1			INTERST.
							.		
Interstate Request for Provisions of IV-D Svcs	Y	N	N	Y	N	1		2	INTERST.
Jurisdiction Consent Form									INTERST.
Legal Guardian Affidavit	N	N	N	N	Y				CM
Legal Svcs Case Referral	Y	Y	N	Y	N	1			CM
Ltr to Foreign Country---Central Registry use only----------N/A									
Lien for Support Debt	Y	**Y**	N	Y	N	3			ENF.
Lien for Support Debt Release	Y	**Y**	N	Y	N	3			ENF.
Locate Data Sheet	Y	**Y**	N	Y	N				INTERST.
Locate Req. Ltr to U.S. Citizenship/Immig. .		**Y**							LOCATE
Long Arm Jurisdiction Affidavit									INTERST.
Med. Only Info Transmittal	N	N	N	N	Y				ENF.
Military Allotment t	Y	Y	N	Y	N	2	Desig. Gov. Official	3,6	ENF.
Mother's Aff. of Paternity	N	N	N	N	Y				EST.
DOCUMENT NAME	**EVENT**	**WORK LIST**	**BATCH**	**ON LINE**	**MANUAL**	**COPIES**	**DISTRIB.**	**TYPE OF SERVICE**	**CATEGORY**

Motion/Order to Amend Order				Y	N				
Motion for Show Cause				Y	N				
Motion to Approve Proposed Modified ASO					Y				
Nat'l Med Support Notice									ENF.
Nondisclosure Agreement	N	N	N	N	Y	------	------	-----	GEN.
Nonresident Application Cvr Letter	N	N	N	N	Y				CM
Non IV-D Report--- Informational purposes only-this is a Web based report									
Notice of DCSE Appeal Hearing	Y	Y	N	Y	N	4	NCP, CP, FCR, ATTY	2	HRGS.
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	INTERST.
Notice-Eman. Of Depend.			N	Y	N				EST.
Notice of Enrollment in DEERS			Y						
Notice of Fee Payment Due	N	N	N	Y	N				FIN.
Notice of Full or Partial Release of Ord. to W/hold	Y		N	Y	N	1	3,6		ENF.
Notice of Full or Partial Release of Ord. to W/hold-Insurance Assets	Y		N	Y	N	1	3,6		ENF.
Notice-Intent to Pet. Court Suspend Occ.,Prof. License	N	N	N	N	Y				ENF.
Notice-Intent to Suspend Driver's License	Y	Y	Y	Y	N	1	NCP		ENF.
Notice of Lien	Y	N	N	Y	N	2	CP, NCP	2	ENF.

DOCUMENT NAME	EVENT	WORK LIST	BATCH	ON LINE	MANUAL	COPIES	DISTRIB.	TYPE OF SERVICE	CATEGORY
Notice of Payment in Error									FIN.
Notice of Proposed Review	Y	Y	Y	Y	N	2	CP, NCP	1,3,4,5,6	ENF.
Notice of Recoupment									FIN.
Notice-Results of Financial Review of ASO	Y	Y	N	N	N	2	NCP, CP	2	ENF.
Notice-Results-Financial Review-Court Supp. Order	Y	Y	N	N	N	2	NCP, CP	2	ENF.
Notice-Results of Review of Incarcerated NCP	N	N	N	N	Y				ENF.
Notice to Court of a Change in Case Status									ENF.
Notification of Action Taken by DCSE	Y	N	N	Y	N	1	CP	2	CM
Notif.-Possible Occ. License Suspension	N	N	N	N	Y				ENF.
Obliga. Wrksheet-APECS				Y	N				EST.
Obliga.Worksheet-Shared-Court Form-in Warehouse	N	N	N	N	Y				EST.
Obliga.Worksheet-Sole Court Form-in Warehouse	N	N	N	N	Y				EST.
Obliga.Worksheet-Split Court Form-in Warehouse	N	N	N	N	Y				EST.
Occ. Lic. Suspension 1ST Notice	N	N	N	N	Y				ENF.
Order to Deliver	Y	Y	N	Y	N	2	Holder of Assets, DO	3	ENF.
Order to Deliver-Ins. Assets									ENF.
Order to Withhold	Y	Y	N	Y	N	3	Holder of Assets, DO	3, 6	ENF.
Order to Withhold Insurance Assets									ENF.
Order to Withhold (Joint Acct)	Y	Y	N	Y	N	3	Holder-Assets, Jt. Acc't Holder, DO	3, 6	ENF.
Order Transmittal	Y	N	N	Y	N	5			INTERST.
Parentage Test Order-Court form				Y					EST.

DOCUMENT NAME	EVENT	WORK LIST	BATCH	ON LINE	MANUAL	COPIES	DISTRIB.	TYPE OF SERVICE	CATEGORY
Passport Issuance Trking Ltr-Fed.form									LOCATE
Pat. Acknowledge-Rights & Responsibilities Statement	N	N	N	N	Y	1	NCP		EST.
Paternity Cert. Notice	Y	N	N	Y	N	1	PF, NCP	3	EST.
Payment Agreement Occ. or Prof. License Suspension	N		N	Y	N				ENF.
Payment Agreement-Pre DMV Suspension	Y	N	N	Y	N	1	NCP		**ENF.**
Payment Agreement-Post DMV Suspension	Y	N	N	N	N	1	NCP		**ENF.**
Petition for Support (Civil)	Y	Y	N	Y	N	4			ENF.
Payroll Deduction Order for Supp.-court form									
Postmaster Verif. Request	Y	Y	N	Y	N	2	Post Office		LOCATE
Private Agencies-to CP	N	N	N	N	Y				CM
Private Collection Agencies	N	N	N	N	Y				CM
Qrtrly Statement of Acc't			Y	Y					FIN.
Reapplication Fee									FIN.
Registration Statement	Y	N	N	Y	N	2-3	NCP, CP, Court	2,3,4,5,6,7	INTERST.
Release of Income Withholding Order				Y	N				ENF.
Repayment Options			Y		N				FIN.
Replacement Check Acknowledgment Letter	Y	N	N	Y	N	1	Check Maker	2	FIN.
Report of Search	Y	N	N	Y	N	1			LOCATE
Request for Case Closure	N	N	N	N	Y				CM
Request for Copy of Canceled Check	Y	Y	N	Y	N	1	Treasurer	2	FIN.
Request for Info from the Court	N	N	N	N	Y	1	Requesting Party	2	NON-IVD

DOCUMENT NAME	EVENT	WORK LIST	BATCH	ON LINE	MANUAL	COPIES	DISTRIB.	TYPE OF SERVICE	CATEGORY
Request for Modification	N	N	N	N	Y	1			FIN.
Request for Payment Transfer/Refund	N	N	N	N	Y	1			FIN.
Request for Review and Adjustment	N	N	N	N	Y				ENF.
Return Check for Completion Letter	Y	N	N	Y	N	1	Payor	2	FIN.
Return Check Letter	Y	Y	N	Y	N	3	DO, CSU, Check Maker	2	FIN.
Return Check Letter-Emplr									FIN.
Rev. and Adj. Notif. Right to Req. Review									CM
Review and Adj. Termination Notice									ENF.
Review Request Denied	Y	N	N	Y	N	1	Requesting Party	2	ENF.
Second Notice of Payment in Error									FIN.
Seizure & Sale (Cancellation Notice)	N	N	N	N	Y				ENF.
Seizure & Sale Checklist	N	N	N	N	Y				ENF.
Seizure & Sale (DMV Notice)	N	N	N	N	Y				ENF.
Seizure & Sale (Fieri Facias Cover (Ltr)	N	N	N	N	Y				ENF.
Seizure & Sale (Fieri Facias Request)	N	N	N	N	Y				ENF.
Seizure & Sale (First Lien Holder Notice)	N	N	N	N	Y				ENF.
Seizure of Property (Intent Notice)	N	N	N	N	Y				ENF.
Seizure & Sale (Sheriff Follow-Up Ltr)	N	N	N	N	Y				ENF.
Service of Process Cvr Ltr									
St. Inc. Tax/Lottery Win'gs Intercept Letter to NCP	Y	N	Y	N	N	1	NCP	2	ENF.

DOCUMENT NAME	EVENT	WORK LIST	BATCH	ON LINE	MANUAL	COPIES	DISTRIB.	TYPE OF SERVICE	CATEGORY
Statement of Payments Received (DCSEP-816)	N	N	N	N	Y	1	DO	NONE	EST.
Stop Payment Request Affidavit (DCSEP-834)	N	N	N	N	Y				FIN.
Subpoena Duces Tecum	Y	Y	N	Y	N	3		6	???
Summary of Facts for Appeal	Y	N	N	Y	N	4			HRGS.
Supplemental ASO (DCSEP-788)	N	N	N	N	Y				ENF.
Support Collections Notice to CP	Y	N	Y	N	N	1	CP		FIN.
Tax Intercept Letter Re: Excess Money	Y	Y	Y	N	N	1	NCP	2	FIN.
Thrift Savings Plan-Fed form									ENF.
Transition from TANF to Non-TANF Letter	Y	N	Y	N	N	1	CP	2	CM
Transition Ltr for Suspended TANF Cases									CM
Uniform Support Petition	Y	N	N	Y	N	5			INTERST.
USAO Prosecution Cklist	N	N	N	N	Y				ENF.
USAO Prosecution Referral	N	N	N	N	Y				ENF.
USAO Prosecution Referral Update	N	N	N	N	Y				ENF.
Vendor Payment Intercept Notification	Y	N	Y	N	N	1			ENF.
Voluntary Agreement for Genetic Testing	Y	N	N	Y	N	2	PF, DVR	2	EST.
Waiver of Formal Service of Process	Y	N	N	Y	N	2	NCP	2	CM
Withholding of Income (Notice of Proposed Action)	Y	Y	N	Y	N	4			ENT.

U. Records Retention Schedule for DCSE Closed Case Files:

The records retention requirements for the Division's closed case files are set forth in Specific Schedule no. 765-002 of the Library of Virginia. That schedule includes four series of records, as follows:

Records Series and Description	Series No.	Scheduled Retention and Disposition
Closed Case Record: Obligated Legal Parent The series documents cases in which paternity has been established and a support order exists but there is no means of collecting support money. This series may include but is not limited to: application for child support services, acknowledgement of paternity, case worker notes, and custody papers.	100132	Retain 2**0** years after last child on court order has reached the age of 19 then destroy in compliance with No.8 on the schedule cover page. Code of VA Section 8.01-251
Closed Case Record: Obligated Paid in Full This series documents cases in which legal parents have met their obligation, no current support order exists, and no debt is owed. This series may include but is not limited to: application for child support services, acknowledgement of paternity, caseworker notes, custody papers, lien notices, and affidavits of non-disclosure.	100133	Retain **5** years after case closes then destroy in compliance with No. 8 on the schedule cover page.
Closed Case Record: Unable to Est. Paternity This series documents cases in which the department is unable to identify or locate the legal parent. This series may include but is not limited to: application for child support services, caseworker notes, and acknowledgement of paternity	100135	Retain **3** years after case closes then destroy in compliance with No. 8 on the schedule cover page.
Closed Case Record: Unobligated Legal Parent This series documents cases in which the department is unable to establish a child support obligation order for the legal parent. This series may include but is not limited to: application for child support services, caseworker notes, and custody papers.	100134	Retain **10** years after last child on court order has reached the age of 19 then destroy in compliance with No. 8 on the schedule cover page.

The retention requirements for the Division's administrative and general records are set forth in the General Schedules of the Library of Virginia, which are available at the web site of the Library.

Library of Virginia Retention Schedule

1) Specific Schedule 765-002 - 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 765-002 that the retention period for closed cases regarding obligated and unobligated legal parents is **20 and 10 years (respectively)** after the last child turns 19 according to the State Records Center **(SRC)** Schedule shown below. 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.

Following are instructions for warehousing:

Infolinx

Infolinx is a Web-based box and schedule management system administered by the Archives, Records, and Collection Services division at the Library of Virginia.

Log in to Infolinx at https://infolinx.lva.virginia.gov

State employees may use Infolinx to search agency Specific Schedules. Both state and local employees should continue to use the online search when referencing General Schedules.

If you are a State Records Center (SRC) customer, you will use the system to:

- Enter all new boxes
- Track boxes and files your agency has stored at the SRC
- Request pickup and delivery of records; faxes and other paper forms will no longer be accepted
- Locate boxes that are eligible for destruction to help save on storage fees
- Print barcodes for new boxes
- Create detailed reporting on your records

Infolinx SRC Training

The following step-by-step directions will help you utilize Infolinx as a State Records Center customer.

- Creating a new box
- Creating new files
- Updating existing files or boxes
- Printing labels
- Searching for boxes or files
- Requesting boxes or files

V. United States Attorney's Offices and Their Relationships to DCSE District Offices

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

W. Clearinghouse # 96-DD-001: Payment Frequency/Amount for Arrears Subaccount

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
DIVISION OF CHILD SUPPORT ENFORCEMENT

DATE: **February 5, 1996** **CLEARINGHOUSE # 96-DD-001**

TO: **DCSE staff**

FROM: **Joseph S. Crane**

SUBJECT: **Payment Frequency/Amount for Arrears Subaccount**

EFFECTIVE DATE: Immediately

This directive establishes guidelines for entering the ordered payment frequency/amount for arrears on APECS.

Current practice in some cases is to enter the ordered payment frequency/amount from the Withholding of Earnings document or from the court order on to APECS arrears extensions. In a number of cases this practice is causing payments to distribute inappropriately. After careful review of this matter, a decision has been made to instruct Division staff not to complete the ordered frequency/amount fields on APECS for arrears extensions unless a court order specifically directs DCSE to distribute payments in a manner different from what the federal regulations dictate. This exception to the distribution rules must be addressed by the court and included in the language of the court order. If it is not, Division workers must leave these fields blank on APECS for arrears extensions. When left blank, APECS distributes the payments according to the established hierarchy of distribution.

When a court orders the noncustodial parent to pay a certain amount each pay period towards arrears owed to the custodial parent, this does not constitute an exception to the rule as addressed above. If there are AFDC arrears owed to the Commonwealth, the appropriate distribution is to satisfy the AFDC arrears first. If there are non—AFDC arrears owed on two separate cases, the appropriate distribution is handled through proration. In these cases, leave the frequency/amount fields blank on APECS for arrears (AFDCA and NPAAA) extensions. Document on APECS, for future reference, the court ordered frequency/amount for arrears payments in the notes to the Display Support Order screen or the Case Events.

A Withholding of Earnings is not a support order by itself. It is an instrument for collecting arrears that accrue due to a court order or an Administrative Support Order. It is appropriate to use the court ordered frequency/amount to be paid on arrears in completing the Withholding of Earnings. It is, however, not appropriate to enter the ordered frequency/amount from a Withholding of Earnings document on to arrears extensions on APECS.

Listed below are some general guidelines to follow; note the exceptions. There may be other situations that are not listed here. If you need assistance, you may contact Shawkat Rana at 804—692—2412.

1. A CASE HAS BOTH APDC AND NON-AFDC ARREARS - Do not enter an ordered frequency/amount on the arrears extensions. APECS will distribute payments according to established distribution hierarchy without this information.

2. AN NCP OWES AFDC ARREARS ON ONE CASE AND NON-AFDC ARREARS ON ANOTHER CASE; A SEPARATE MWE HAS BEEN ISSUED FOR EACH CASE — Do not enter an ordered frequency/amount on the arrears extensions on either case. The payments made by the NCP must be applied to satisfy the arrears owed to the Commonwealth before any non—AFDC arrears are paid.

EXCEPTIONS:

1. A COURT ORDER SPECIFICALLY STATES THAT NON-AFDC

ARREARS ARE TO BE PAID BEFORE ANY AFDC ARREARS – Enter the ordered frequency/amount in the NPAAA extension only on APE CS

2. A CASE HAS BOTH AFDC AND NON-AFDC ARREARS; THE COURT ORDER SPECIFIES AMOUNTS DUE FOR EACH ARREARS SUBACCOUNT
   - Enter the appropriate ordered frequency/amount for each extension (AFDCA and NPAAA).

X. CLEANUP OF EXISTING CASES

This directive is effective immediately and applies to all cases worked henceforth. When working a case, check on APECS to determine if the noncustodial parent is linked to another case. If the case being worked or if another case linked to the noncustodial parent has an ordered frequency/amount in the arrears extension on APECS, unless the EXCEPTIONS apply, remove the ordered frequency/amount from the arrears extension on APECS. To verify if the EXCEPTIONS apply, review the court order for that case. If the case belongs to another district, contact the case worker in the other district to verify if the EXCEPTIONS apply. If the EXCEPTIONS do not apply, coordinate the removal of the ordered frequency/amount from APECS with the appropriate case worker. Document on APECS, for future reference, the court ordered frequency/amount for arrears payments in the notes to the Display support Order screen or the Case Events.

We realize there are custodial parents who may be receiving arrears payments now, which they may not receive when this goes into effect. Custodial parents who inquire about this need to be informed that federal regulations require AFDC arrears be collected first. Let them know that we will start paying their arrears again after all AFDC arrears have been collected.

This directive replaces all previous issuances and responses to programmatic questions/answers on this subject. If you have any questions, please contact your regional program specialist.

JSC:SR
:\ordfreq.clh

Y. APECS Distribution Hierarchy

Virginia Option: Federal Tax Offset will reduce permanent arrears/interest, then conditional arrears/interest. **Updated 2/19/2010**

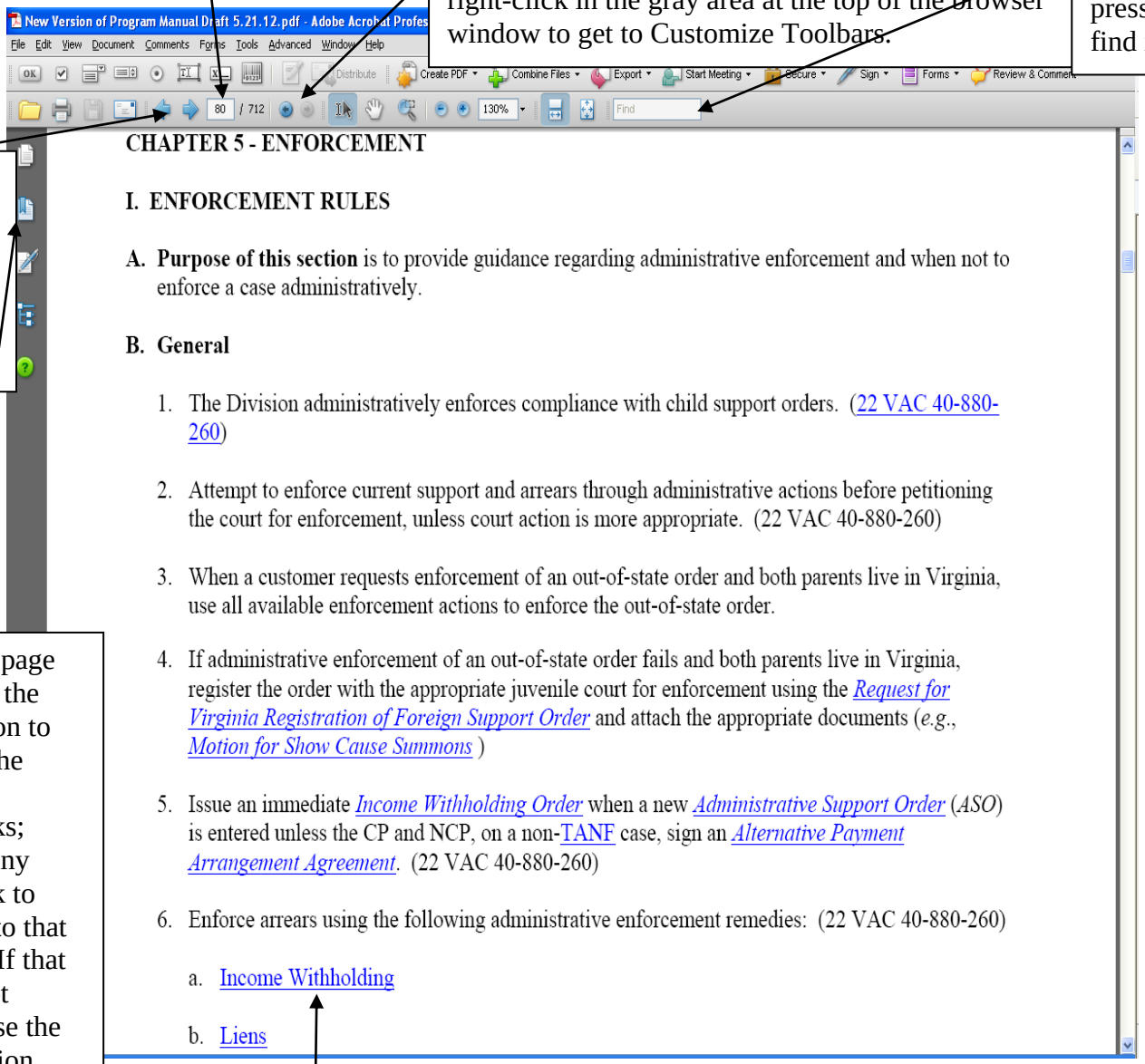
CURRENT ASSISTANCE CASE	FORMER ASSISTANCE CASE	NEVER ASSISTANCE CASE
CSUP Current Support	CSUP Current Support	CSUP Current Support
NPAAA Never Assistance	NPAAA Never Assistance	NPAAA Never Assistance
NPAAAI Never Assistance interest	NPAAAI Never Assistance interest	NPAAAI Never Assistance interest
CTNFA Conditional Arrears	CTNFA Conditional Arrears	MEDIA Medical Arrears
CTNFAI Conditional Arrears interest	CTNFAI Conditional Arrears interest	MEDIAI Medical Arrears interest
UNTFA Unassigned Pre assistance	UNTFA Unassigned Pre assistance	AFLG Legal Fees
UNTFAI Unassigned Pre assistance interest	UNTFAI Unassigned Pre assistance interest	AFSP Service of Process
AFDCA Permanent Arrears	AFDCA Permanent Arrears	AFBT Blood Test Fee
AFDCAI Permanent Arrears interest	AFDCAI Permanent Arrears interest	AFII Intercept Fee
TTNFA Temporary Arrears (If in existence)	UNDFA Unassigned During Assistance	AFCC Credit Card fee
TTNFAI Temporary Arrears interest (If in existence)	UNDFAI Unassigned During Assistance Interest	AFNF insufficient fund fee
UNDFA Unassigned During Assistance	FCARA Foster Care	OSTA Other State Arrears
UNDFAI Unassigned During Assistance Interest	FCARAI Foster Care interest	VLTY Voluntary
FCARA Foster Care	MEDIA Medical Arrears	***SPECIAL HIERARCHY FOR FEDERAL TAX OFFSETS ONLY***
FCARAI Foster Care interest	MEDIAI Medical Arrears interest	***SPECIAL HIERARCHY FOR FEDERAL TAX OFFSETS ONLY***
MEDIA Medical Arrears	AFLG Legal Fees	AFDCA/I - TANF Arrears/Int.
MEDIAI Medical Arrears interest	AFSP Service of Process	TTFNA/I-TANF Temp.Arrers/Int
AFLG Legal Fees	AFBT Blood Test Fee	UNDFA/I-Unassigned During Asst/Int.
AFSP Service of Process	AFII Intercept Fee	FCARA/I-Foster Care Arrears/Int.
AFBT Blood Test Fee	AFCC Credit Card fee	NPAAA/I-Non-TANF Arrears/Int.
AFII Intercept Fee	AFNF insufficient fund fee	CTNFA/I-Conditional Assigned Arrears/Int.
AFCC Credit Card fee	OSTA Other State Arrears	UNTFA/I-Unassigned Pre-Asst.Arrears/Int.
AFNF insufficient fund fee	VLTY Voluntary	
OSTA Other State Arrears		
VLTY Voluntary		

Z. Tips for Navigating in the Program Manual

Click on the arrow in the circle to go to your previous location; use this to return to a page after going to a new location with a hyperlink. If this arrow is not present, use the command Tools—Customize Toolbars to add it. You may have to right-click in the gray area at the top of the browser window to get to Customize Toolbars.

Type a page number to go to that page

Type a word or phrase to find, then press Enter to find it



Click on arrows to go to next or previous page

Click the page icon with the blue ribbon to open up the panel of bookmarks; click on any bookmark to navigate to that location. If that icon is not visible, use the menu option View—Navigation Panels—Bookmarks.

Click on any highlighted word or phrase to move to the hyperlinked location

If clicking on hyperlinks has no effect, the problem may be that the document is being viewed in PDF/A mode. In that case, in Adobe Reader or Acrobat, use the command Edit—Preferences—Documents—PDF/A View Mode —View Documents in PDF/A mode: —Never.

AA. Cross-References to Previous Version of Program Manual
1. From Previous Version to Current Version

Previous Chapter	**Current Chapter**
Glossary	Resource Manual
1 – Program Overview	1
2 – Confident/ Info Release	14
3 - Interactions with Local Agencies	Procedures Manual
4 - Interactions with Other Agencies	Procedures Manual
5 - Interaction with the Judicial System	8
6 - Documentation Requirements	13
7 - Docs & Record Retention	13
8 - Service of Process/Notarization	9
9 - Eligibility for Services	2
10 – Application Process	2
11 - Central Registry/Interstate	6
12 – Case Initiation	2
13 - Interviewing	Resource Manual
14 – Location	10
15 - Paternity	3
16 - Establishment, Review, and Adjustment	4
17 - Medical Support	7
18 - Receivables	16
19 - Enforcement Rules	5
20 - Enforcement by Wage Withholding	5
21 - Enforcement by Interception	5
22 - Enforcement by Consumer Reporting	5
23/A – Collection Agency & License Suspension	5
24 - Enforce Other Methods	5
25 - Appeals, Hearings, Reviews	12
26 - Judicial Support Actions	8
27 - Payment Processing	16
28 - Allocation/Distribution	16
29 - Disbursements	16
30 - Emergency Payments	[deleted]
31 - Adjustments	16
32 - Interest	16
33 - Reconciliation	16
34 - Recovery/Recoupment	16
35 - Fees	16
36 - Case Transfer	2
37 - Case Closure	2
38 - Non-IV-D Cases	15
39 – Cases Not Converted	[deleted]
[No existing chapter]	11 – Military Issues

2. From Current Chapter to Previous Chapter(s)

Current Chapter	Previous Chapter(s)
1 – Introduction to the Program Manual	1
2 – Case Opening, Closing, and Transfer	9, 10, 12, 36, 37
3 – Paternity	15
4 – Establishment, Review, and Adjustment	16
5 – Enforcement	19, 20, 21, 22, 23, 23A, 24
6 – Central Registry and Interstate Rules	11
7 – Medical Support	17
8 – Judicial Support Actions	5, 26
9 – Service of Process/Notarization	8
10 - Location	14
11 - Military Issues	[New]
12 - Appeals, Hearings, and Reviews	25
13 – Documentation Requirements/Record Retention	6, 7
14 – Confidentiality and Information Release	2
15 – Non-IV-D Cases	38
16 – Financial Operations	18, 27, 28, 29, 30, 31, 32, 33, 34, 35
Glossary (Part of Resource Manual)	Glossary
Resource Manual (Other than Glossary)	3, 4, 5, 13
Procedures Manual	[New; includes parts of many chapters]