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# CHAPTER 1 – INTRODUCTION TO THE PROGRAM MANUAL

## A. Purpose and Use of the Program Manual (07/2014)

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 the Division 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 Director of Operations. If an answer is still not clear, designated staff 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 the Glossary of Abbreviations, Definitions of Program Terms and other reference material, is included in the Appendices.

## 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 3 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

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

   a. Location of NCPs, their employers, income and assets

   b. Establishment of paternity

   c. Establishment and adjustment of child support obligations (upward or downward)

   d. Establishment of health care coverage orders

   e. Enforcement of child support and medical support obligations, and

   f. Collection and disbursement of child support payments including court ordered medical support payments for a specific dollar amount

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 State Parent Locator Service (SPLS) Unit which provides these services.

3. Non-IV-D (NIVD) Services

   The following NIVD services are available to persons who do not want full IV-D services or are ineligible for them:

   a. NIVD Income Withholding under Virginia Code § 20-79.1 and § 20-79.3

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

   These services are handled by Central Registry staff in Home Office. See Non-IV-D Cases for further information.

**B. Rules for Providing Child Support Services (05/2016)**

1. IV-D services are available upon application for services if the applicant:

   a. is a parent, guardian, or an agency having legal custody of a child,

   b. is a caretaker with physical custody of a child,

   c. is a legal parent having neither legal nor physical custody of a child, or

   d. is a putative father (PUTF) who asserts that he is the biological father of a child and is seeking to establish his status as the child's legal father.

2. Service recipients receiving TANF or IV-E FC benefits are automatically eligible for child support enforcement services. A separate child support application is not required.

3. Service recipients receiving Child Care Subsidy benefits are automatically eligible for child support enforcement services. A separate child support application is required.

4. Child support services may be requested for children under 18 years of age.

5. 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, or

   c. the child is severely and permanently mentally or physically disabled, unable to live independently and living in the home of the CP. The disability must have existed prior to the child reaching the age of majority. The Division may file to seek support even if an order was not previously established. See Establishment and Modification of Orders Due to Child's Disability.

6. 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 the Division sets the case up with the applicant shown as both "client" and "child."

7. If the Division is enforcing a case and learns that the payee no longer has physical custody of the child, proceed as follows:

   a. Court Orders:

      When an application has not been received from anyone else, and the order on the case was entered by a court, see Change of Physical Custody of a Child When Support is Ordered by a Virginia Court for guidance.

   b. Administrative Support Orders (ASO)

      When the order is an ASO and an application for child support services has not been received from a person other than the obligee or obligor and no referral from LDSS has been received, attempt to contact the CP by using all means available. Send the CP a *Notification 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. See Change of Physical Custody of a Child for Whom Support is Ordered.

8. A CP 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). In this situation, the CP may elect to complete the *Change of Payee Temporary Request* form.

   It is recommended that this form be used when the time period for redirection of payments is anticipated to be no more than approximately 6 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 6 month time frame. The case should be re-evaluated at that time to determine if an application for services from the temporary payee should be requested 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 signed in the presence of a Notary Public.

9. If an out-of-state order does not specify that the order continues past age 18, the Division 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.

10. Upon receipt of an application, the Division must pursue all legally responsible NCPs as well as PUTFs of each child for whom application was made. Applicants may not elect for the Division to pursue one legal parent but not the other when both are noncustodial, or choose not to pursue a parent or PUTF of any child in a IV-D case.

11. If a Division client (CP or NCP) needs language translation services, refer to the Language Interpretation and Translation Services Contract.

(04/2013) (07/2014)

**C. Instate and Intergovernmental Cases (05/2016)**

1. Acceptance of child support services is a condition of eligibility for TANF or Title IV-E FC (also referenced as IV-E FC). The local Department of Social Services (LDSS) refers these cases to the Division unless the LDSS decides that good cause exists.

2. Eligibility for services continues for the service recipient without the need for an application when the TANF or IV-E FC closes.

   a. While an application is not required, financial information is needed to establish or adjust a support order.

   b. Eligibility continues until the CP states in writing or verbally that services are no longer desired.

3. Persons receiving public assistance in another state may not directly apply for services from the Division.

   a. The child support agency in the state where the public assistance recipient lives may refer the case to the Division for services. The case will be set up and handled in Virginia as a NTANF case with the other state's IV-D agency as the applicant.

   b. See Central Registry and Interstate Rules for information about interstate cases.

4. An application for services is required from applicants not receiving public assistance except when the case is transferred from a Virginia court to the Division on or after October 1, 1985.

5. Agencies who have obtained custody of a child may apply for child support services, including the following agencies in Virginia:

a. The Department of Juvenile Justice (DJJ)

b. The local Departments of Social Services, and

c. Private agencies with custody of a child.

6. Child Care Subsidy Cases

a. All NADC clients of the Child Care Subsidy Program approved on or after April 1, 2016 must receive child support services as a condition of eligibility. LDSS refers these cases to the Division (unless LDSS decides that good cause exists. In addition, the child care subsidy client must complete an *Application for Child Support Enforcement Services*.

b. All NADC clients who began receiving services prior to April 1, 2016 will be referred to the Division during their annual redetermination of the child care subsidy program. The child care subsidy client must complete an *Application for Child Support Enforcement Services* at that time.

c. The case type for these cases should be NADC.

7. 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 the Division for the applicant. Refer to Central Registry and Interstate Rules for information about interstate cases.

8. Nonresident Cases

a. Individuals or custodial agencies may apply directly to the Division for services without going through the IV-D agency in the state where they are located.

b. As a general rule, the Division must provide services to nonresident applicants on the same basis that 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.

9. An international child support case is a case where one parent lives with the child in a foreign country and the other parent lives in Virginia or one parent lives in Virginia with the child and the other parent lives in a foreign country.

a. An individual who lives in a foreign country is eligible to receive IV-D services if:

   1) the individual submits an *Application for Child Support Enforcement Services* directly to Virginia, or

   2) the foreign child support agency submits a Uniform Interstate Family Support Act (UIFSA) package to Virginia.

b. The UIFSA package serves as an application when it comes from a foreign child support agency. Treat a request for services from a foreign child support agency the same as a request received from a child support agency in another state.

c. 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 NIVD and are forwarded to the court for action.

d. Refer to Chapter 6, Reciprocal Enforcement, for instructions on how to process international cases.

10. The Division does not establish spousal support orders or initiate court action to establish spousal support orders.

    a. The Division 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).

    b. The Division 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.

    c. If the case meets case closure criteria, see Reasons for Case Closure.

## D. The Application Process (06/2016)

1. An application package must be made easily accessible to the public. An application package consists of the *Child Support Enforcement Services Application*, *Statement of Payments Received*, the *Electronic Funds Transfer Information and Authorization* and the *Child Support and You* brochure.

2. Procedures for providing an application are as follows:

a. When an application request is made in person provide the requestor with the application package that day.

b. When an application request is received in writing or by telephone, mail the application package within 5 business days of receiving the request.

c. Indicate the date the application was requested and the date the form was provided in the right corner of the first page of the application.

d. The application is considered filed on the day the completed and signed *Child Support Enforcement Services Application* is received by the Division.

3. Applying for services in TANF, Foster Care, and Child Care Subsidy cases

a. The LDSS provides public assistance applicants a copy of the *Child Support and You* brochure when they apply for TANF.

b. TANF and IV-E 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 via the IV-A/IV-D interface.

c. For non IV-E foster care cases, including those funded through the Children's Services Act (previously known as the Comprehensive Services Act), the LDSS foster care service worker submits the *Interim Application for Child Support Enforcement Services (Foster Care Only)* or *Child Support Enforcement Services Application.*

d. For Child Care Subsidy cases, the Child Care worker will submit the *Referral to Division of Child Support Enforcement* form when the case is approved for child care subsidy benefits. The referral packet is sent either by courier, mail, or fax to the appropriate District Office. In addition, the Child Care Subsidy client is required to complete and submit the *Child Support Enforcement Services Application*.

4. Applying for services in NIVD cases

a. Home Office staff will send **NIVD** customers an application packet that includes the *Child Support Enforcement Services Application*. The packet also contains a *Statement of Payments, Electronic Funds Transfer Information and Authorization*, and the *Child Support and You* brochure. The completed application will be sent to Home Office staff who log it and set the IV-D case up in the automated system. The file will then be sent to the appropriate District Office through interoffice mail.

b. Access and Visitation Sub-grantees will provide potential Division customers with the *Child Support Enforcement Services Application*.

c. Family Strong Re-Entry customers will receive the *Child Support Enforcement Services Application*.

5. The Department of Juvenile Justice

   The Department of Juvenile Justice submits the *Child Support Enforcement Services Application for the Department of Juvenile Justice*.

6. The Court

   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 Division's Call Center to have an application package mailed to him/her. The Call Center mails the application.

7. Provide non-TANF parents residing in Virginia an application package upon request.

   a. The applicant completes the appropriate sections of the *Child Support Enforcement Services Application* and the *Statement of Payments Received*, signs and returns to the Division with the necessary documents (*i.e*., copies of court orders, etc.) to the District Office. If there are no attachments, accept the application and begin working the case. Contact the court to obtain a copy of the court order if one exists.

   b. Applications received in the Home Office are sent to the appropriate District Office.

8. Minor parents, including a putative father (PUTF), may apply for services for their children.

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

   b. A child (minor or emancipated) may apply for services to establish or collect his or her "own" child support with a court order outlining the amount of arrears owed to the child (which may or may not have been previously ordered to be paid to one of the child's parents or a caretaker), and specific payments of either current support or arrears that are to be made to the child.

9. In cases where there are 2 children with the same parents and 1 child is on TANF and 1 child is not on TANF, the child not on TANF will not receive Division services unless the CP applies for services. Set up the case for the child not on TANF as a NTANF case.

10. Applicants for "locate only" services complete the *Application for Location Information* and mail it to the Virginia SPLS in the Home Office.

11. Parents or caretakers who have physical custody of a child and who are not receiving TANF or IV-E FC benefits may apply for child support services without being named in an existing support order. Refer to Change in Physical Custody for guidance.

12. Agencies in Virginia with children in their custody may apply for services. Use the same process as NTANF applicants residing in Virginia.

13. Intergovernmental Cases

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

    b. The UIFSA forms package serves as the application for child support services when it comes from a IV-D agency in another state. Refer to Central Registry and Interstate Rules for more information.

14. 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's Division of Child Support Enforcement for services without going through the child support agency in the state where they live.

    b. Mail these applicants the application package and the *Nonresident Application Cover Letter*.

    c. The nonresident applicant completes the appropriate sections of the *Child Support Enforcement Services Application* 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 IV-E FC in that state. Refer to the Intergovernmental Reference Guide (IRG) to obtain the Central Registry's telephone number in the other state,

        2) set the case up on the automated system if the nonresident applicant is not receiving child support enforcement services, TANF or IV-E 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, or

        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 the 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.

15. NCP Applications

    a. The Division receives applications for services from NCPs using the same application handling procedures as with any other application for the same services.

        1) For obligated cases, the NCP completes the *Statement of Payments* Received.

        2) For unobligated cases, if the noncustodial PUTF 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.

    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. For obligated cases, provide the CP with a copy of the NCP's *Statement of Payments Received* to review.

    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. Update the automated system to indicate that both parties have applied for Division services.

    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. If it is suspected that there is potential for family violence in a NTANF case,, including if the NCP or CP brings it to your attention, it may be appropriate to set the Family Violence Indicator (FVI) in the automated system.

16. The application fee for child support services is $1.00 for NTANF customers. The Division pays this fee for applicants for child support enforcement services.

17. A new *Child Support Enforcement Services Application* is required when a former NTANF service recipient wants to reopen his or her NTANF case.

a. A $25 fee will be charged for services when an applicant reapplies for child support services within 6 months of the applicant requesting case closure with a closure reason of CDIS. This is effective for cases closed October 1, 2007 and forward. If an applicant requests case closure and the case type will change to ARRP, no fee will be due if the applicant requests the current support of the case to be reopened within 6 months of requesting closure.

b. If another party requests the same case to be reopened within 6 months of the applicant requesting closure, no reapplication fee is due because this would be a new application.

c. No $25 re-application fee will be charged on DJJ and State and Local Foster Care (SLFC) cases. All state agencies are exempt from the reapplication fee.

(11/2015)

**E. Timeframes for Case Initiation Activities (04/2016)**

Within 20 days of receiving an application or a referral from the LDSS, the Division will:

1. Create a case file and a case record in the automated system.

   a. Stamp the application with the date received.

   b. Check the automated system to see if a case exists for the NCP or if any of the participants have Division cases. Participants have one participant record, no matter how many cases they are associated with in the automated system.

   c. If a case does not already exist, create a case record in the automated system.

2. Solicit additional necessary information from the applicant/recipient or other sources when needed to take further action on the case;

3. Change the payee on court-ordered cases to the Division if the order is payable to the CP;

4. Initiate verification of information when needed;

5. Confirm the system suggested referral unit to refer the case to the appropriate processing unit.

**F. Case Initiation (06/2016)**

1. Child support cases are initiated in different ways depending on the case type. A case may be initiated through applications or agency referral by LDSS.

2. Case initiation ends when all information is obtained which prepares the case for the next processing status: location, establishment, collection, enforcement, or closure.

3. Staff must document case events if a party indicates on the *Child Support Enforcement Services Application* 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*.

5. Case Types

   a. ADC - CP or dependent is active to TANF in ADAPT category 215. Information needed to build these cases crosses the IV-A/IV-D interface or comes from a hard copy form 501.

   b. 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. These cases are referred to the Division by LDSS. The information needed to build these cases crosses the IV-A/IV-D interface.

   c. ADCU – CP is active to TANF in ADAPT category 17. Information on this case type will cross the interface, and will change all of the CP's existing related cases to ADCU. Division will not receive the case with the NCP actually in the home; however, this may already be an existing case in the Division's automated system. In this situation, the existing case must be reviewed. If a TANF arrearage exists, the case type should be changed to ARRP and the case coded unworkable.

   d. SLFC - Child is receiving non-IV-E foster care. CP is the social service department that has custody of the children. Application for this case type is made by LDSS using an application or hard copy 501.

   e. NADC – Non-ADC, or NTANF. CP is not actively receiving TANF (case type ADC or ADCU). The CP may be a parent or other caretaker, a public or private agency or another IV-D intergovernmental agency seeking services. Application is for full child support services.

   f. 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.

   g. ARRN - The IV-D case is only open for the collection of arrears owed to the CP; 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.

   h. LOCO - This case type is only available for use by the Central Registry. It identifies cases submitted by other states for locate-only services. The SPLS will set up and handle properly referred cases as locate-only cases.

i. NIVD – Non-IV-D. This case type identifies cases in which the Division does not provide IV-D services. Generally these are cases sent from the court for the purpose of distributing and disbursing payments. These cases are processed by Central Registry staff. These may be child support, spousal-only (instate or intergovernmental) or non-UIFSA interstate cases.

1) Intrastate cases are cases in which the CP and NCP are within the jurisdiction of the Commonwealth of Virginia.

2) 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 Central Registry and Interstate Rules.

(10/2014) (11/2015)

**G. Steps in Manually Establishing a Case (05/2016)**

1. TANF cases, Title IV-E foster care cases and cases that are closing to TANF, are referred to the Division and established automatically in the automated system by the ADAPT system. All other cases come to the Division by application and must be manually set up, including applications from individuals (NADC), non-IV-E foster care referrals from LDSS (SLFC), Child Care Subsidy case referrals from the Division of Child Care and Early Childhood Development (NADC), and referrals from the Department of Juvenile Justice (NADC). Other written requests received by the Division 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.

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 10 months following the month in which the initial TANF payment was issued. A new 10 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.

   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*. Division staff must ensure that the "TANF CAP CHILD" block on the child support application is checked.

3. To set up a TANF Family Cap case in the automated system:

   a. Division staff must update the TANF Family Cap indicator on the child's participant screen in the automated system. This field defaults to a "No" and must be changed to a "Yes" for TANF Family Cap cases.

b. Once the TANF Family Cap indicator field is updated to a "Yes" in the automated system, it remains a "Yes" even when the child's custody changes. For example, the child may move to grandmother's house and be eligible for TANF, the TANF Family Cap indicator on the child's participant screen continues to reflect a "Yes".

c. For tracking purposes, a relationship type "CAPD" 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 a TANF Family Cap child. Any subsequent child(ren) born to the same parents, who meet the definition of TANF Family Cap child(ren) should be added to the TANF Family Cap child case in the automated system.

e. For a child on parent's TANF case:

1) 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 #.

2) Set up a new case in the automated system as a NTANF case type. Note that the applicant already has a TANF case in the automated system with other children. Do not add the TANF Family Cap child to the existing TANF case. This may cause the automated system to have 2 cases with the same CP and NCP, but with different children.

a) For a TANF Family Cap case, enter the child's IV-A Client ID # in the IV-A ID # field in the automated system. Without a IV-A ID #, a "Yes" cannot be entered in the TANF Family Cap indicator field in the automated system.

b) Change the indicator in the TANF Family Cap field to a "Yes". The automated system creates a CAPD event at the child participant level when the indicator is changed.

c) When the TANF Family Cap indicator is "Yes" and the participant type is "CHLD," set the relationship type to "CAPD" in the automated system.

f. Child on caretaker's TANF case:

1) If the TANF Family Cap child was added to the automated system when the parent previously applied for NTANF services, the child's TANF Family Cap indicator should already be set to a "Yes". Once the TANF Family Cap indicator field is updated to a "Yes" in the automated system, it remains a "Yes" even when the child's custody changes.

a) When the child is added to another caretaker relative's TANF case, the TANF case will pass to the automated system via the interface. The interface process will either

build the caretaker relative's TANF case in the automated system or add the child to the caretaker relative's existing TANF case in the automated system.

b) No updates are necessary to the caretaker relative's TANF case in the automated system. Do not use CAPD as the relationship code on the caretaker relative's TANF case.

2) If the TANF Family Cap child's parent did not previously apply for NTANF services and the child is not already in the automated system as a participant:

a) 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.

b) If the child is capped in ADAPT on another case, change the child's TANF Family Cap indicator in the automated system to a "Yes".

g. Enter a request in the EBQS to obtain a copy of a birth certificate if needed for a child who was born in Virginia.

h. If there is insufficient information to work a case in the automated system,

1) contact the CP for additional information about the NCP, or

2) if a court order exists and the order is not received with the application, contact the court for additional information.

(01/2014) (12/2014)

**H. Automated Referrals of TANF and IV-E Foster Care Cases to DCSE (IV-A/IV-D Interface) (04/2016)**

1. TANF and IV-E FC cases will be automatically created in the automated system via the IV-A/IV-D interface if accurate and sufficient data is passed from IV-A. Eligibility staff in the LDSS sends the Division information about the NCP in TANF and IV-E 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 IV-E FC cases are on VACIS.

a. Set up a case file within 20 days of receipt of the automated referral.

b. Review all worklists daily, 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.

c. Review the 501 Notes screens, for additional information on PUTFs 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 the automated system with the information passed from IV-A, such as, address, employer, insurance, and support order data.

    e. If the number provided for either party as the SSN is determined to be a pseudo SSN or an ITIN (Individual Taxpayer Identification Number), remove the number from the SSN field in the automated system. Only social security numbers should be recorded in the SSN field in the automated system.

3. If no NCP address or NCP employment information is provided, initiate automated locates.

4. If an NCP address is located, update the address in the automated system. Record where the address was found in the notes section.

5. Check "Referral Supplement" data provided by the IV-A agency. If order information is provided, contact the CP and/ or the court for a copy of the order so that the order can be added to the system.

6. The LDSS also provides the Division with information to facilitate location of the NCP or PUTF. Transfer this information manually from the NCP 501 Notes screens (UNA and UNB), to the NCP Supplemental page in the automated system.

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 the Division 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 completed *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 with proof of payments, if there is a discrepancy.

    a. If the NCP does not respond within 10 days or the NCP disputes the arrears but cannot provide documentation to show that the debt is incorrect, add the arrears according to the *Statement of Payments Received*. Provide both parties with a payment/arrearage record. The NCP may appeal various enforcement actions taken by the Division and may appeal to court if not satisfied with the results of the administrative hearing.

b. If the NCP provides proof of payments that appears to be valid, attempt to resolve the dispute by contacting the CP. If the CP agrees with the revised information, have the CP complete a new *Statement of Payments Received*. If the dispute cannot be resolved, refer the matter to court and do not add the arrears until the court determines the amount.

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 the automated system.

12. When a TANF case closes with a general discontinuance closure code (AF21) the automated system transitions the case type from ADC to NADC.

    a. The automated system generates the *Transition Letter*. This document gives a CP the choice to opt out of continuing services with the Division.

    b. If a CP elects to receive services or does not contact the Division, the case type remains NADC.

    c. If a CP elects not to receive services, review the case for arrears. If no arrears are owed to the Commonwealth, close the case. Refer to Reasons for Case Closure.

13. When a TANF case closes with a non-general discontinuance closure code (AF20) the automated system 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 Reasons for 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.

14. When IV-E FC cases close, the automated system 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.

## I. Setting Up a NTANF Case

1. The following procedures are used to set up all NTANF cases:

   a. intake staff review the application package to ensure it 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. If the applicant 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 *Statement of Payments Received*, send a copy of the applicant's *Statement of Payments Received* to the non-applicant.

   a. If the non-applicant is the NCP, send the *Contact Letter to Noncustodial Parent*, and instruct the NCP to review the payments and respond within 10 days with proof of payments if there is a discrepancy.

      1) If the NCP does not respond within 10 days or the NCP disputes the arrears but cannot provide documentation that the debt is incorrect, add the arrears according to the *Statement of Payments Received* provided by the CP. Provide both parties with a payment/arrearage record. The NCP may appeal various enforcement actions taken by the Division and may appeal to court if not satisfied with the results of the administrative hearing.

      2) If the NCP provides proof of payments that appears to be valid, attempt to resolve the dispute by contacting the CP. If the CP agrees with the information provided, have the CP complete a new *Statement of Payments Received*. If the dispute cannot be resolved and the case worker has reason to believe that the proof of payments provided by the NCP is valid, refer the matter to court to have the arrears addressed. Do not add the arrears until the court determines the amount.

   b. If the non-applicant is the CP, send the *Contact Letter to Non-Applicant Custodial Parent*, instructing the CP to review the NCP's *Statement of Payments Received* and respond within 10 days if there is a discrepancy. Enclose a blank *Statement of Payments Received* for the CP to complete.

      1) If the CP does not respond within 10 days, add the arrears according to the NCP's *Statement of Payments Received*.

      2) If the CP responds with a completed *Statement of Payments Received*, and there is a discrepancy, attempt to resolve the dispute by contacting the NCP.

a) If the NCP is unable to provide proof of payments, add the arrears based on the *Statement of Payments Received* completed by the CP. Provide both parties with a payment/arrearage record. The NCP may appeal various enforcement actions taken by the Division and may appeal to court if not satisfied with the results of the administrative hearing.

b) If the NCP provides proof of payments that appears to be valid, contact the CP with the new information. If the dispute cannot be resolved and the case worker has reason to believe the proof of payments provided by the NCP is valid, refer the matter to court to have the issue of the arrears addressed. Do not add arrears to the automated system until the court determines the amount.

c) For an intergovernmental case, provide the NCP with the arrears and order information provided by the initiating state via the *Contact Letter to Noncustodial Parent*, prior to adding the arrears. If the NCP does not respond within 10 days, add the arrears provided by the initiating state. If the NCP disputes the arrears contact the initiating state to assist in resolving the dispute prior to adding the arrears to the system.

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 the automated system to add these arrearages separately. If, in the meantime, a court order was issued addressing the arrearages and interest, use the court ordered amount; and

   b. calculate the arrearages based on the support obligation for the period when the case was closed 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 the automated system to add these arrearages. Refer to 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 in the automated system. If a case exists,

   a. update the case information, and

b. do not assign a new locality code.

8. If a closed case exists in the automated system 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 in the automated system 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*, along with the NCP's *Statement of Payments Received*, and a blank *Statement of Payments Received.*

11. Send the *Notification of Action Taken by DCSE* informing the CP of the case number.

12. Enter all available information on the automated system. If the SSN of a parent is not known or the parent does not have a SSN, leave the field blank in the automated system. Do not enter a pseudo SSN or an ITIN (Individual Taxpayer Identification Number).

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 IRG 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, the automated system will automatically enter the child's 18th birthday as the emancipation date, and no further action is required.

14. Set the 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 or 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 the provision of medical support, and is different from the indicators (Y, N, or C) that are coded on the order screen, and affect the *National Medical Support Notice (NMSN).*

15. The automated system automatically sets the Charge Interest Indicator to <Y> and the interest rate at 6% (current judgment rate) based on Virginia law.

16. If the Virginia support order specifies an interest rate different from the judgment rate, change the interest rate in the automated system 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 the automated system 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 Reference Guide, Section F, Support Details, or

    b. if the support order was issued in another state and that state does not charge interest (refer to the IRG), manually change the Charge Interest Indicator to <N>.

17. When the NCP is the applicant, follow the same procedures outlined for setting up a NTANF 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.

18. Document the automated system 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.

## J. Department of Juvenile Justice Cases (11/2015)

Under the Code of Virginia, when a child is placed in the custody of the Department of Juvenile Justice (DJJ), DJJ is required to apply for child support services with the Division of Child Support Enforcement. To comply with the requirements of the law, DJJ and the Division established an interagency agreement that provides guidance for DJJ case establishment and processing.

1. DJJ completes the *Child Support Enforcement Services Application for the Department of Juvenile Justice*. The application is sent to the Division's Intergovernmental Services Team (IST) in Home Office for processing.

2. Exceptions to DJJ submitting an application for a case are:

    a. The juvenile is 18 years old or more at the time of commitment to DJJ.

    b. The juvenile's length of commitment is less than 90 days with DJJ.

    c. The juvenile's parent is a TANF recipient (parent specific).

    d. It is anticipated that the juvenile's parent will be incarcerated for the period of the juvenile's commitment (parent specific).

    e. The father of the juvenile is "Unknown."

3. Home Office Responsibilities

    a. DJJ applications are received by the IST.

    b. The IST:

        1) Reviews the application and determines if the referral is appropriate.

            a) A case will not be established in the automated system if it meets one of the exceptions as listed in item 2.

b) If the application is for one of the exceptions as listed in item 2, the IST returns the application to DJJ.

2) Sets up the cases on the automated system.

a) A separate application is required for each parent; however, if one of the parents meets the criteria as specified in item 2 above, the Division may only receive one application for services. The application(s) also have a DJJ number associated with the juvenile.

b) A new participant number is established for DJJ as the CP that is specific to each family unit. The establishment of family unit specific participant IDs for DJJ assists DJJ with payment identification.

c) The field name for DJJ is established as follows

LAST NAME Juvenile Justice
FIRST NAME Dept. of

d) DJJ's participant type is CLIENT/CP. The participant relationship type is GUAR.

e) The CP mailing address to be used for DJJ is:

ATTN: ACCOUNTING UNIT- CASHIER
P.O. BOX 1110
RICHMOND VA 23218-1110

To ensure that payments are appropriately identified by DJJ, Payee code 3 and the child's DJJ ID # must be added.

f) Case Type NADC

g) Locality FIPS is entered as the DJJ Hearing FIPS

h) Once a case is established on the automated system, the IST forwards the case to the appropriate District Office.

(1) Cases are assigned based on the locality FIPS of the court that committed the child to DJJ.

(2) The FIPS code assigned to a case should not be changed by the District Office based on the NCP's address and DJJ cases are not to be transferred between District Offices even if the child's commitment location changes.

i) If there is already a case or cases for the juvenile on the automated system, refer to Change of Physical Custody regarding documentation.

j) Provide the DJJ with the Division case number(s) by sending a *Notification of Action Taken*. The DJJ number should be included on the Notification of Action Taken.

k) If a NIVD case is received directly from the court, set up a NIVD case and request an application and child's information sheet from the DJJ.

4. District Office Responsibilities

a. Upon receipt of the case, District Office personnel review the case to take the appropriate actions, including locate, paternity establishment, order establishment, and Change of Physical Custody.

b. If the Division learns that a child is no longer in the custody of DJJ, take the following actions:

1) If an *Application for Child Support Services* is received; the child is now an active participant on a TANF, foster care or IVE foster care case; or the NCP advises that the child has been released or is now in his or her physical custody and the Division has not received a *Release from Custody* notice from DJJ, contact the IST Coordinator in Home Office at 804-726-7451 with a request for verification as to whether or not the child has been released. Do not attempt to contact DJJ directly. Once the child's release has been verified, proceed with the appropriate actions as indicated in items 2 a-c below.

2) Upon receiving a *Release from Custody* notice from DJJ, take the appropriate case actions as indicated below

a) For unobligated cases where paternity is not an issue, determine if a debt is owed to the DJJ. If debt will be established, change the case type to ARRN.

b) For cases where paternity is an issue and there is no pending action to establish paternity, such as a court hearing with the results of genetic testing pending, or if it is not appropriate to establish debt owed to the state, review for closure. See Case Closure Steps.

c) For obligated cases, close the current support extension at the appropriate time. If arrears are owed, change the case type to ARRN and review case for appropriate enforcement actions. If arrears are not owed, take the appropriate steps to initiate case closure.

## K. Child Care Subsidy Cases (05/2016)

As a condition of eligibility (22 VAC 40-661.70), all NADC clients who begin receiving Child Care Subsidy benefits on or after April 1, 2016 must cooperate with the Division in the establishment of paternity and collection of support payments, unless the Child Care Subsidy program determines that good cause exists. Child Care recipients who begin receiving services prior to April 1, 2016 will be referred to the Division during the annual eligibility redetermination or when a child is added to the

case.

1. The LDSS Child Care case worker will complete the *Referral to Division of Child Support Enforcement* form. Until the Child Care interface is implemented, the Division will receive a referral packet that consists of the referral form and any additional information regarding the NCP, including the Division's case number if the case is already identified as a Division case. The packet will be sent by courier, mail, or fax to the appropriate District Office. The referral packet will be sent within 30 days of the case opening with Child Care.

2. In addition to the Division receiving a referral packet, the Child Care Subsidy recipient has been advised to submit a completed *Child Support Enforcement Services Application* if he or she does not already have a case with the Division. The Child Care client has 10 days after they have been approved for the Child Care Subsidy benefit to submit an application to their local Division of Child Support Enforcement office.

3. District Office Responsibilities

   a. Once the *Referral to Division of Child Support Enforcement* is received from the LDSS and the *Child Support Enforcement Services Application* is received from the Child Care recipient, set the case up on the automated system. The case type is NADC. Place the referral packet in the case file for offices that have paper files. For offices that are imaging case files, image the referral packet.

   b. If the referral is received from LDSS and the Child Care recipient has not submitted the *Child Support Enforcement Services Application* and there is no case for the parties in the automated system, set the referral aside in a separate file and wait until the application is received to establish the case on the automated system.

   c. If a Child Care Subsidy recipient submits the completed *Child Support Enforcement Services Application* before the Division receives the referral from the LDSS, follow the current process for setting up a NADC case on the automated system. Once the Division receives the referral packet from LDSS, place the referral packet inside the case file. For offices that are imaging case files, image the referral packet.

   d. If the Child Care Subsidy recipient fails to submit a Child Support Enforcement Services Application within 30 days after the Division receives the referral, return the referral to LDSS. Make sure to advise the LDSS why you are returning the referral.

   e. Once the case is set up on the automated system or if there is already an open Division case, the District Office staff should notate case events that the case is a Child Care Subsidy case.

## L. Family Violence Indicator (07/2014)

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 NIVD 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 the Division is notified of a family violence situation.

a. If a party's application states that a protective order exists but the party cannot produce the document or that he/ she feels that he/ she and/or the child(ren) would be at risk of emotional or physical harm, ask the party to sign an *Affidavit/Certification of Nondisclosure* and enter the ND code. This document should also be provided at any time while the Division case is open and a party notifies the agency that they and/or the child(ren) are at-risk of physical or emotional harm but do not have a protective order.

b. The at-risk party completes the top portion of the document and has his/her signature notarized. Staff complete the lower portion of the document.

c. Enter the FVI on the participant record when a party (CP, NCP, or PUTF) signs and returns the *Affidavit/Certification of Nondisclosure*. Document case events with the nondisclosure information.

d. Retain the original in the case file for in-state cases. Send the original along with the referral to the other state in an interstate case. Retain a copy in the case file.

e. 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.

f. 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.

   1) Redact any reference to the location of the at-risk party on documents. Photocopy the document after redacting the information and provide the photocopy of the document to the other party.

   2) When a court petition is generated from the automated system, 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 the Division 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.

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

   1) An ACP case may be received by direct application from a CP or from the Department of Social Services (DSS).

a) If an ACP participant submits an application for services directly to the Division, he/she must provide a copy of the ACP authorization as confirmation of participation in the program. The District Office should make a copy of the card for the case file.

b) Most ACP cases received by the LDSS will not be referred to the Division as they would be considered good cause cases and would meet the criteria for non-referral.

2) The ACP helps victims of domestic violence who have recently relocated to a new address unknown to their abuser keep their new address confidential. The program became effective statewide July 1, 2011.

3) The ACP is administered by the Office of the Attorney General of Virginia (OAG). The OAG serves as an agent for acceptance of service of legal process on behalf of the participant. Participants may also use the substitute address as their legal address for receiving state and local services and as their mailing address for first-class mail. The physical address of each participant is available only to:

a) the OAG's office,

b) employees involved in the operation of the ACP

c) law enforcement officers

4) The ACP participants residential address will not be recorded in ADAPT or SPIDeR and will not be provided to the Division.

5) An Information Sheet for Agencies and a sample of the ACP authorization card can be reviewed at: http://oag.state.va.us/files/ACP_Info_sheet_for_Agencies.pdf

h. If a protective order is later produced, manually enter the protective order code.

i. Only set the FVI on adults. The automated system will attach the FVI to all children associated with the CP, including children on multiple cases.

2. The automated system 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 the automated system reveals a removal disposition code, the date represents the date the FVI was removed from the person's record.

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 PUTF, 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.

(09/2012)

**M. 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 (SSA) 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 been declared eligible to receive SSI benefits only. This is based on long-term disability and no income or assets against which enforcement may be taken. Refer to Reasons for Case Closure.

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

**N. 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 NIVD cases to the Central Registry. The Central Registry sets up cases on the automated system and sets up paper files for orders and correspondence. Various NIVD services are available. Refer to NIVD Cases.

**O. 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 or imaged 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 take the following actions:

   a. Phone 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 telephone;

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 support 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.

**P. Change of Physical Custody (11/2015)**

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, ensure that a case is set up for both the mother and the father to pay support, unless the mother or the father is the new custodian.

3. Ensure that case events are appropriately documented on the newly opened case(s) as well as the case(s) for the previous CP(s). The caseworker for any open cases involving the same child(ren) should be notified of the change of physical custody.

4. Refer to Chapter 4, Change of Physical Custody of a Child for Whom Support is Ordered when the existing order is an ASO, and refer to Chapter 8, Change of Physical Custody of a Child Wen Support is Ordered by a Virginia Court when the existing order is court ordered, for procedures.

(11/2014)

**Q. Redirecting Support Payments (07/2013)**

1. Redirect support to the Division 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 the Division. Attempts are also made to change the payee from the Division to the CP/obligee when the case closes to IV-D services and NIVD services are not requested. Refer to Reasons for Case Closure.

2. Generate the *Change in Payee Notice*. Mail the notice using certified mail, return receipt requested, or have the notice served by the sheriff or other process server. Refer to 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. The *Notice to Court of Change in Payee* cover letter must be provided with the *Change in Payee Notice*. This applies to Virginia court orders only. This document should be sent to the court when the case opens and when the case closes.

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 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 the Division, the NCP does not receive credit for payments paid to anyone other than the Division, or as otherwise directed by a court or another state's IV-D agency having jurisdiction in the matter. Refer to Receivables Maintenance

## R. Case Prioritization and Workable or Unworkable Coding (11/2014)

1. Every case is automatically assigned a priority of 1, 2, or 3 by the automated system based on the presence or absence of information about the NCP. The criteria for deciding the priority status are different for each 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 1 cases have an SSN and a DOB for the NCP.

2) Priority 2 cases have an SSN or a DOB for the NCP.

3) Priority 3 cases have neither an SSN nor a DOB for the NCP.

b. Paternity, Establishment, Enforcement and Collection Processing Status

1) Priority 1 cases have a residential or mailing address and current employer for the NCP.

2) Priority 2 cases have either an address or current employment for the NCP.

3) Priority 3 cases have neither address nor employment for the NCP.

c. Delinquency processing status

1) Priority 1 cases have an income withholding in place

2) Priority 2 cases have no income withholding, but do have information about a current employer for the NCP.

3) Priority 3 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 the automated system 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:

Cases requiring paternity determination cannot be unworkable. Once paternity has been resolved, cases that have or need a support order can be coded unworkable in the following situations:

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 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 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 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 code <UADC>.

e. Cases involving NCPs who receive or are eligible to receive SSI benefits, whether or not they are receiving monetary benefits, and have no income or assets from which to collect support. 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 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 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.

4. In general, cases should not be coded unworkable until it has been determined that all applicable actions have been taken. For further assistance in determining if an order can be established, see When Obligations are not Established. For further assistance in determining if an enforcement action can be taken, see Exceptions to Enforcement Action.

(12/2012) (07/2014)

## S. Case Transfer and Intrastate Assistance (04/2016)

1. Transfer a case 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 NIVD to IV-D or from IV-D to NIVD;

d. an application for services is received by a District Office that does not serve the locality of the applicant; or

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

2. Steps for Initiating Transfers

Within 5 business days of determining that a case needs to be transferred, take the following steps:

a. Review the automated system and paper files (if applicable) for completeness, update all necessary screens, generate any needed documents (such as *Notification of Action Taken*); enter the new locality code and confirm the referral in the automated system.

b. Document case events with the date of transfer and reason for transfer.

c. Review the automated system to determine if related cases need to be transferred.

d. For interstate cases, 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. The automated system automatically recommends assignment of the case to the appropriate staff in the receiving office.

h. The automated system generates a worklist to the new staff who should confirm the reassignment.

i. The automated system records a cross-locality transfer in case events 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 Case Events.

3. 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 CP is incarcerated, unless a third party has custody of the dependent(s) or

c. the NCP in an incoming intergovernmental case is incarcerated.

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

a. To request the assistance of 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 as necessary.

3) Document case events with the type of assistance requested and the date the request was made.

4) Generate an *Intrastate Request for Assistance*.

5) Forward the duplicate paper file with the *Intrastate Request for Assistance* to the receiving district.

b. General rules for requests for assistance

1) District Offices involved in the request for assistance must provide status reports to each other concerning the case.

2) The responding district is responsible for responding to status inquiries from the CP or NCP.

3) The responding District Office is responsible for updating the automated system and case events.

4) The responding District Office must return the updated copied file to the initiating District Office within 5 business days after the required action on the case is completed.

5) The District Office responsible for the case must review the returned file, retain necessary documents and properly dispose of the copied file.

## T. Reasons for Case Closure (03/2016)

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 case closure code CNOA. *Closure Intent Notice* required.

2. When paternity has not been established, and cannot be determined because the PUTF has died, the paternity disposition code is entered as PNDE in the automated system. The case is closed when the Division has verified that the NCP or PUTF is deceased and has determined that the Division can take no further action, including a levy against the estate.

   Use case closure code CDIE. *Closure Intent Notice* required.

3. The Division 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 PUTF as the father of the child. Advise the CP to provide another name to DSS so that another PUTF can be pursued, refer to When the Putative Father is Excluded or

   c. a court determined that the PUTF 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

   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 case closure code CPAT. *Closure Intent Notice* required.

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 3 years, or

b. Insufficient information is available to initiate automated locate searches, and locate efforts have been unsuccessful over a one-year period.

Use case closure code CULO. *Closure Intent Notice* required.

5. To use this closure code when the youngest child on the case is under the age of emancipation, these conditions must render the NCP unable to pay support for the duration of the child's minority.

   The NCP has no income or assets that the Division can levy against or attach for support, and 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, 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. 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. SSI only cases must be reviewed for modification prior to case closure, if warranted.

   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. In an arrears only case, when the NCP is incarcerated and all children on the case have emancipated, additional criteria is required prior to closing a case using the CINS code. See Arrears Only Cases.

   Use 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.

      UIFSA petitions forwarded to a country in which there is no federal reciprocal agreement and that country will not accept Virginia's UIFSA petition may be closed.

   Use case closure code CNRE. *Closure Intent Notice* required.

7. The Division has used all applicable locate services for a Locate Only case. Refer to Location for location services.

   Use case closure code CLOC.

8. A NTANF 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.

   a. The request must be in writing, preferably using the *Request for Case Closure*. Use of the *Request for Case Closure* provides the Division staff with additional information that assists with the case closure process. The written request also provides the Division with documentation to substantiate the applicant/ recipient's request. If Division staff receive a written closure request that is not submitted on the *Request for Case Closure* or have reason to believe that the request for closure is fraudulent (i.e. submitted by someone other than the applicant/ recipient) staff must contact the applicant/recipient by phone or mail to verify the validity of the request prior to releasing case actions, and to obtain any additional information necessary for the closure process.

   b. If both parents are service recipients, and one requests case closure, inform the requestor that the case must remain open as the other parent is also an applicant/recipient. Refer to 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 the Division 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.

   c. Exceptions to CDIS closure:

      1) When both parents are NCPs and the applicant requests closure of the case of only one of the legal or potentially legal parents and wants to continue pursuing the other legal parent or PUTF, the applicant must close both cases or leave both cases open.

      2) When a NTANF applicant or recipient of IV-D services requests closure of his or her case and there is an assignment of arrears that accrued under a support order that are still owed to the Commonwealth (cases with AFDCA/I or CTNFA/I extensions with balances due), the applicant's case may not be closed however, the applicant's interests may be removed from the case.

         a) Close the current support extension (CSUP).

         b) Send a request to fiscal to zero all debt to the CP. Do not zero conditional arrears (CTNFA/I), or permanent arrears (AFDCA/I).

c) Once fiscal has made the adjustment, change the case type to ARRP and set the APPLICANT code to CREQ.

3) When a CP is under recoupment and payments are reimbursing the recoupment account on a regular basis, closure may not occur as long as the Division is actively collecting the recoupment. Additionally, if the NCP applicant is under a recoupment (e.g., to replace a bad check) and requests case closure, and the NCP has no other cases in which the Division is collecting support, the case may not be closed as long as the Division is actively collecting the recoupment.

Use case closure code CDIS.

9. When the LDSS finds good cause in TANF, IV-E FC, or non-IV-E FC cases, the Division may not continue efforts to secure support. For cases with a support obligation, the order will need to be terminated. Refer to Good Cause.

   Use case closure code CGCA.

10. The Division is unable to contact the NTANF applicant/recipient within a 60-calendar day period despite an attempt by at least 1 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 the Division'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 2 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 the Division's SDU procedures.) However, if the CP cannot be located, proceed with case closure as described below. Refer to Enforcement by Income Withholding 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 10a 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 9 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 2 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).

Use case closure code CUNC. *Closure Intent Notice* required.

11. In a NTANF case, staff document case events 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.

    Use case closure code CNON. *Closure Intent Notice* required.

12. In an incoming intergovernmental case staff document case events 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.

       Use case closure code CINT. *Closure Intent Notice* required.

    b. An initiating state has notified the Division that it has closed the case,

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

    c. An initiating state has notified the Division that the child support services in its intergovernmental case are no longer needed.

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

13. Non-IV-D Cases

    NIVD cases may be closed if no payment has been received on the case in 120 days and the NCP has no open IV-D cases. Once closed, these cases shall be re-opened if subsequent payments are received.

    Use case closure code CNVD.

14. Fee Only Cases

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

Note: 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. If the NCP has a federal tax fee only case amount the multiple cases and no money is applied to the case in question, the fee should be transferred to one of the cases with arrears and the federal tax fee only case should be closed.

15. Arrears Only Cases

When the NCP is incarcerated and all children on the case have emancipated, the CINS closure code may be used if:

a. the NCP has no income or assets that the Division can levy against or attach for support;

b. the NCP has not made any payments on any case within the last 12 consecutive months, which includes voluntary and involuntary payments (FTAX or STAX);

c. the NCP will remain incarcerated for an additional 12 months from the time of the caseworker's review of the case. When determining whether the NCP will be incarcerated for an additional 12 months, the caseworker cannot consider time already served. Instead, the count of the 12 month timeframe will begin with the date of the caseworker's review of the case.

Closure of an arrears only case may continue if a federal tax payment is reviewed and determined to be fraudulent, provided there have been no other payments made within the last 12 consecutive months. For more information about the automated hold that is placed on federal tax payments when an NCP is incarcerated, see the *System Enhancement Notice* dated 3/4/2014, entitled IRS Hold for Deceased or Incarcerated NCPs – Updated in SPARK.

Follow Case Closure Steps.

(07/2013) (09/2013) (01/2014) (07/2014) (09/2014) (12/2014) (03/2015)

## U. Special Circumstances that May Result in Case Closure Actions (06/2016)

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 PUTF 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 the automated system 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 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. Once notified of the death of the CP 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 from the PUTF(s) of such child(ren), and proceed with initiating genetic testing as needed or refer the case to court for paternity establishment. Refer to Paternity and 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 Exceptions Processing Unit, for instructions on case handling and payment distribution.

e. Once it is determined that custody is not at issue and that Division 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 the Division's services or will not cooperate, the case may be closed for one of the reasons set forth in 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 Commonwealth.

(09/2012)

## V. Case Closure Steps

1. The automated system 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 Reasons for Case Closure 1 through 6 and 10 through 12 listed earlier in this chapter, 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 the Division.

   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, the automated system 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 the automated system 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* also generates a Case Event entry, and a worklist item.

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. For closure reason 9 (an LDSS finding of good cause), if the case has a current support obligation, take the appropriate steps to terminate the current support obligation. For ASOs, refer to Termination of the ASO. For Virginia court orders, refer to Modification of Court Orders. For cases in which Virginia is the initiating state and the responding state issued the support obligation, request that the responding state cease enforcement actions and that the support obligation be terminated. Once all enforcement actions have been released, the case should be closed. The case should not remain open while waiting to have the Virginia court order or foreign support order terminated; however, the case should not be closed until the appropriate actions to have the support obligation terminated have been initiated.

9. 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

10. Adjust Subaccount Balances

a. Adjust subaccount balances to zero except when the arrearage is owed to the Commonwealth (also called "state debt").

b. Do not zero out arrears in subaccounts due the Commonwealth on TANF, IV-E FC, and uncollectible fee cases. The automated system will transfer these arrearages to a doubtful account as part of required discharge procedures. Refer to Receivables.

11. 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 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 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. This applies to Virginia court orders only. See the Redirecting Support Payments.

    d. Document successful service on the NCP and the type of service on the Case Event entry.

12. Update the automated system with the appropriate case closure reason.

13. If the Division's efforts to serve notice on the NCP to redirect support payments to the CP have been unsuccessful, the Division 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 Case Events and add 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.

14. Retain closed case records for a minimum of 3 years. Refer to Documentation Requirements and Record Retention.

**W. Closure of Department of Juvenile Justice Cases (11/2015)**

1. Based on the agreement between the Division and DJJ, DJJ cases may be eligible for closure 12 months after the child's release from custody or the child emancipates, whichever comes first.

2. Periodically, the Division's Home Office IT Operations Unit (IT Ops) creates a listing of DJJ cases that may be eligible for closure. The listing is sent to the Intergovernmental Services Team (IST) Coordinator to review. Once approved, IT Ops sends the listing to DJJ for review.

    a. Upon receiving the list from the Division, DJJ will identify those cases which should be closed because the 12 month period after release or emancipation has elapsed.

    b. DJJ returns the Request for Closure form for those cases to the Division and a final review by the IST Coordinator for approval is completed. Once approved, IT Ops sends the listing to all field offices via the District Manager.

    c. Upon receipt of the closure request from DJJ, District Office staff will take the following steps for obligated cases:

        1) For non-paying cases, follow case closure procedures for cases closing CDIS.

        2) If the Division is actively collecting payments on the case, the Division will notify DJJ that the case should remain open as long as arrears are being paid.

    d. A case with DJJ may be closed at any time if it meets one of the case closure criteria.

## X. Closure of Intergovernmental Cases

1. The Division 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, the Division 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 the Division to take the next step in providing services.

    c. Allow the initiating state 30 calendar days to furnish additional information, or to notify the Division when they will provide the information.

    d. If the initiating state does not provide additional information within 30 calendar days, or notifies the Division 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 the Division 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.

## Y. Automated Case Closure by the Automated System (07/2013)

An automated case closure initiative has been undertaken where the automated system identifies certain cases through searches and matches of available information. Once a case meets the appropriate criteria, the automated system 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, the automated system 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.

Non-IV-D cases that have not had a payment in 120 days and the NCP is not active on an open IV-D case, will automatically be closed by the automated system. The automated system will:

1. do a monthly match

2. close the cases with the CNVD closure code

3. create a case event

4. close the current support extension

5. adjust arrears and interest due to the CP to zero.

No documents or worklists will be generated

**Z. Documentation for Case Closure**

Document Case Events and add 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 Reasons for Case Closure. Cases closed without sufficient documentation may result in audit exceptions.

2. For requests by NTANF applicants or other IV-D agencies, the name of requester, date and type of request (verbal or written), and verification steps taken if the request was verbal must be documented.

(12/2012) (05/2013) (06/2014)

# CHAPTER 3 –PATERNITY

## A. Purpose of Paternity Establishment (07/2014)

Establish paternity for a putative father (PUTF) before taking action to establish a support order. The Division may establish paternity at any time before the child's eighteenth birthday.

## B. When to Take Action to Establish Paternity (11/2015)

1. Take action to establish paternity when

    a. the mother was unmarried at the time of the child's birth and paternity was not established

    b. the child was born of a marriage that was common law; or

    c. the mother is married and names someone other than the presumed father to be the biological father, or

    d. the father acknowledged paternity as a minor and now has an open child support case as an adult,

        1) have the father and the mother sign another *Acknowledgment of Paternity* (AOP), have it notarized and

        2) issue an ASO or file a court petition for support; or

    e. the father acknowledged paternity as a minor and is still a minor when his child support case opens

        1) petition the court to have paternity and support established, and

        2) request a guardian ad litem for the minor putative father.

Assess state debt and update the paternity disposition and date on the automated system according to the current AOP signed or the current Order Determining Parentage (ODP) issued by the court.

2. Do not take action to establish paternity

    a. if another state has established paternity. The other state's paternity establishment is due full faith and credit. The OCSE Intergovernmental Reference Guide should be checked to determine the laws governing the validity of a birth certificate issued in another state; or

    b. if the Division has determined that it would not be in the best interest of the child to establish paternity and the case involves incest or forcible rape or legal proceedings; or

    c. when DSS has made a finding of good cause on the case.

d. if paternity has already been determined by acknowledgment or court order.

e. if the child was born of a marriage that was bigamous, void or annulled; children born under these circumstances are legitimate. These cases do not need paternity established or to be taken to court.

3. If the father or mother challenges the legally-established AOP by filing a court petition, refer the case to Legal Counsel.

4. If the father who signed an AOP as a minor refuses to sign another AOP as an adult, refer the matter to court to establish paternity and support.

(11/2013) (07/2014) (04/2015)

**C. Methods of Establishing Paternity (03/2015)**

Establish paternity administratively by

1. obtaining a sworn *Acknowledgment of Paternity* from both parents. A man's name on a birth certificate is NOT sufficient evidence of paternity if the man and mother of the child are unmarried. An *Acknowledgment of Paternity* established administratively becomes binding and conclusive the earlier of

   a. 60 days after its signing, or

   b. the date an administrative or judicial proceeding establishing a support order for the child occurs.

2. scheduling voluntary genetic testing to affirm at least a 98% probability of paternity; or

3. petitioning the appropriate juvenile and domestic relations district court if unable to establish paternity administratively. See Judicial Actions for procedures on establishing paternity through courts.

**D. When Is Paternity Established (08/2016)**

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% probability of paternity; or

   c. the court enters an order establishing paternity.

2. When a review of **an obligated** case shows that **paternity was established administratively but** copies of the acknowledgment(s) from the CP and/or NCP are not in the **case** file:

   a. Search all available records to locate the acknowledgment(s) **including, as applicable,** the Virginia Paternity Establishment Program (PEP) database **and other states' records**. If found, place a copy **in the case** file.

   b. **If not found and the child was born in Virginia**, request an **Electronic Birth Query System** (EBQS) search in the **Division of Vital Records (DVR)** database through the EBQS web page. See Voluntary Statements of Paternity.

   c. If copies cannot be located,

      1) generate the *Acknowledgment of Paternity*,

      2) mail it to the appropriate parent(s) explaining that the Division 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). **The *Administrative Summons* must be signed by the District Manager.**

   d. 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 (07/2014)

1. Within 90 calendar days of locating the putative father,

   a. obtain a sworn *Acknowledgment of Paternity* and establish an ASO or

   b. arrange for genetic testing, either voluntary or ordered, and establish an ASO when paternity is established; or

   c. complete service of process necessary to establish paternity and a support order; or

   d. if service of process to establish paternity is unsuccessful, document unsuccessful attempts to serve process, or

   e. file a petition with the court for paternity establishment and the establishment of a support order if administrative action to establish paternity is unsuccessful. See 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% of all cases in 6 months; and

b. 90% of all cases in 12 months.

**F. Presumed and Putative Father Situations (11/2015)**

Do not take action to establish paternity if paternity has already been determined by acknowledgment or court order.

1. For children born in Virginia

   a. In cases where a presumed father exists (husband of the mother) and a putative father (PUTF) is named, it is not assumed that the presumed father is obligated to support the child(ren).

   b. Do not administratively establish paternity for the PUTF when there is a presumed father.

   c. In most cases, when there is a presumed father, pursue the PUTF instead of the presumed father by:

      1) Completing genetic testing or having the mother complete the *Affidavit Regarding Paternity* if the parties will not consent to genetic testing, and

      2) Filing a petition with the court once genetic test results verify the PUTF is the biological father or upon completion of the *Affidavit Regarding Paternity*.

   d. Do not pursue the PUTF if:

      1) The presumed father and mother are divorced. In these cases, refer the divorce decree to Legal Counsel for review and determination of the appropriate steps to be taken. All decrees should be referred when there is both a presumed and putative father, including those that list a child as being born of the marriage, those that state that no children were born of the marriage and those that do not mention children.

      2) The presumed father and mother have a pendente lite order. In these cases do not pursue the PUTF to establish paternity or a support order until the divorce is resolved. Pursue the presumed father.

      3) The presumed father and mother are still married and living together. In these cases, pursue the presumed father.

   e. If a case for both the presumed and putative fathers is open, close the case against the presumed father using the CDUP closure reason once the PUTF has been determined to be the biological father.

   f. If the presumed father pursues legal action independently or through the appeal process, and a court determines that he is not the father and is not to be responsible for the child's support,

pursue the named PUTF by administratively doing a genetic test or judicially by referring the case to court.

g. To add the biological father's name to the birth certificate send to Vital Records:

1) an *Order Determining Parentage (*ODP) signed by the court or

2) if the presumed father has been determined by the court not to be the biological father of the child, the biological father's Voluntary Agreement, the mother's *Acknowledgment of Paternity* (or the *Legal Guardian Affidavit*), and the genetic test results showing 98% or greater.

2. For children born outside of Virginia

Do not take action to establish paternity for a PUTF when another state has established the presumption of paternity.

(07/2014) (04/2015)

**G. Putative Father Applicant Situations**

1. When the noncustodial putative father (PUTF) applies for IV-D services in order to establish paternity of the child, the noncustodial PUTF is responsible for the cost of genetic testing in determining his paternity of the child.

2. In addition to the guidance provided in this chapter's sections addressing Steps in Establishing Paternity, Voluntary Statements of Paternity, and Genetic Testing, these actions are also needed in PUTF applicant situations. Explain to the applicant PUTF 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.

c. if he closes his case after paternity is established, the CP may apply for services. If the CP applies for services, the Division continues all efforts to establish a child support order.

3. When the CP does not agree that the applicant is the father of the child for whom an application was made,

a. inform the CP that she can request genetic tests to determine if the applicant is the biological father of the child, and

b. explain to the non-TANF CP that failure to voluntarily submit to genetic testing will result in the Division petitioning the court for a determination of paternity

c. refer TANF 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.

4. If the specialist determines in cross referencing cases that the CP already has a case with another PUTF for the child for whom the applicant has applied, the specialist pursues paternity establishment for the applicant and all PUTFs of the child simultaneously

## H. Incarcerated PUTF Situations (07/2014)

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

2. If a PUTF 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 PUTF 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 (08/2016)

1. Review all case records to determine what documentation is present and whether there are additional factors to consider, such as when

   a. there is more than one putative father (PUTF) named by the CP. Pursue paternity of all named PUTFs simultaneously, or

   b. the PUTF is also the PUTF on other cases in which paternity needs to be established, or

   c. the CP is the PUTF on the case and paternity needs to be established by genetic testing. Refer to the procedures in paragraph 6 of this section, or

   d. there is both a presumed and a putative father.

2. **Send** the *Administrative Summons*, **which must be signed by the District Manager**, to the PUTF and the CP to require them to appear at the **Division office (either the District Office or satellite office)**. If the CP is a minor, also send a copy of the ***Administrative 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 in the case record. However, proceed with administrative action if the information cannot be obtained or a parent does not appear. Document unsuccessful service of the *Administrative Summons* in Case Events. The CP does not have to be summoned if

a. **the CP's** signed **and notarized** *Acknowledgment of Paternity* (AOP) is **in the Division case file**, or

b. genetic testing will not be conducted on the day of the PUTF's interview.

3. If the CP does not appear after being summoned and does not call to reschedule,

   a. In public assistance cases:

      1) Administratively establish paternity if the CP's cooperation is not needed.

      2) If the CP's cooperation is needed to administratively establish paternity,

         a) refer the case for court action, and

         b) refer the case to the LDSS for non-cooperation.

   b. In Non-TANF cases, review to determine if case closure for non-cooperation is appropriate.

4. If the PUTF does not appear, prepare the case for court.

5. **If the CP and/or PUTF appears, see Release of Information in Interviews. Additionally,**

   a. Verify and update all information in the automated system.

   b. Give the PUTF and the mother a copy of the AOP and *Paternity Rights and Responsibilities Statement*. **The Division must** assure that the parties understand their rights and responsibilities **by providing them both written and oral statements of their rights and responsibilities, including the right to rescind within 60 days**. 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 PUTF and mother.

      3) Ask the parties to sign the statement **in the presence of a notary**.

6. When the CP is a PUTF referred by the LDSS for genetic testing, a referral form must be provided from the CP **PUTF** at the time of application that states a TANF application is pending. This form is required in order for the Division to pay the genetic testing fee. Follow these steps for processing the application:

   a. Set up the case in the automated system as a non-TANF case. The NCP may need to be listed as Unknown, depending on the information provided by the CP **PUTF**. Follow district office procedures for scheduling a motherless genetic test.

b. Have the CP **PUTF** sign the *Putative Father Consent* form to allow the Division 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 **PUTF** on the day the genetic test results are received and update 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 PUTF is found to be the biological father and the Division has not received the TANF case through the ADAPT interface system send the CP **PUTF** a notice requesting that he contact the case worker if he wishes to continue services with the Division. If he does not respond, follow case closure procedures for loss of contact. If the case remains open and the Division receives a referral through the ADAPT interface system, change the case type to TANF.

e. If the CP **PUTF** is found not to be the biological father, close this case with the closure code CPAT and follow case closure procedures.

## J. Voluntary Statements of Paternity (07/2014)

1. If the putative father agrees to voluntarily acknowledge paternity, print the *Acknowledgment of Paternity* (AOP). 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.

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 2 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 Electronic Birth Query System (EBQS) search in the Division of Vital Records (DVR) database for birth record information, use your ACF2 username (WEL Code) and password to access the EBQS web inquiry system known as the EBQS Web Application.

5. Once a response is received from DVR, Division staff will receive a work list that states "Retrieval VR Paternity Verification." Upon receiving this worklist, the worker should check case events. The EBQS information will be in the notes of the case event and on the web application page. Staff can retrieve the data from the web page by clicking on the View Returned Data button and entering their worker ID into the box. 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 AOP or other document(s) signed by each of the parents is required in the case file in the following situations:

   a. Virginia is the initiating state for an interstate case and is filing a UIFSA package with the other state;

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

   c. Paternity has 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 VPEP paternity database first if the child was born in or after March 2003 to see if an AOP 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 AOP through the EBQS database.

7. To search the VPEP paternity database for an AOP completed by a Virginia hospital for a child born after February 2003, log in using the specified password to the CSF PEP website. AOPs, which may be viewed and/or printed, can be searched by the following information:

   a. child's, mother's or father's name

   b. child's date of birth

   c. mother's or father's social security number

8. Either party has the right to rescind the AOP within 60 days of signing the acknowledgment unless an administrative or judicial proceeding establishing a support order has taken place earlier. If either party notifies the Division that they want to change their mind regarding the signing of the AOP, inform the party to contact the local health department or the DVR in Richmond, where copies of rescission forms are maintained.

9. The party should provide the Division with a copy of the *Rescission* form or a copy of the form may be viewed on VPEP's database. Upon confirmation of a valid rescission from DVR, proceed immediately with genetic testing procedures. If the results show that the putative father is not the biological father and another putative father has been named, file a petition to court to ensure that the birth record at Vital Records will be amended to add the legal father.

10. An individual wishing to set aside an AOP following the expiration of the rescission period must file a petition to disestablish paternity with the court. A copy of the AOP must be included in the

case file. Promptly refer the case to Legal Counsel once the individual has filed a court petition to disestablish paternity.

**K. Genetic Testing and Genetic Testing Lab Coordination (03/2015)**

1. Generate the *Voluntary Agreement for Genetic Testing* when

   a. the putative father (PUTF) will not acknowledge paternity, but will submit to genetic testing, or

   b. the mother of the child is deceased, her whereabouts are unknown, or she is a public assistance CP who is not cooperating with the Division.

   c. either party asks to rescind an *Acknowledgment of Paternity* (AOP) within 60 days of signing an acknowledgment, and confirmation of the valid rescission is received from DVR. If an administrative or judicial proceeding involving the child has taken place and an order for child support has been entered, the AOP is considered to be conclusive.

2. Have the PUTF sign the *Voluntary Agreement for Genetic Testing* and have the document notarized; in addition, have the mother or custodian of the child complete an AOP or *Legal Guardian Affidavit* as appropriate.

3. Have LabCorp or a LabCorp trained specimen collector obtain the genetic test specimens. You may generate the *Genetic Test Appointment Letter* for each person and schedule the genetic tests based on district office schedules if necessary.

4. Generate the *Paternity Certification Notice* on the day the results of the genetic testing are received.

5. Update the automated system with the results of the genetic testing.

6. Send a copy of the test results to

   a. the PUTF along with the *Paternity Certification Notice*,

   b. the CP along with the *Notification of Action Taken*, and

   c. the LDSS if the CP is on public assistance.

7. 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.

8. Genetic Testing Lab Coordination

The Division contracts with the Laboratory Corporation of America to provide genetic testing. The pricing schedule is $27 per individual tested and $23 per individual tested for Division staff collections.

a. Complete the Test Request Form required by the testing lab.

b. Follow up through LabCorp to ensure that the test results are returned within 12 days from the date that the last person had genetic testing. For interstate cases, results may be checked using the IdentiLink website.

c. 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.

d. LabCorp provides one certified original and one copy (not certified) of paternity test results on administrative genetic testing cases to district offices.

   LabCorp provides one certified original and a certified copy of paternity test results to district offices on all court genetic testing cases. If the LabCorp Client Authorization form directs the lab to send the original directly to the court or elsewhere, LabCorp will do so. Staff should ensure that the Client Authorization form has a complete address when the original and/or a copy are to be sent to a court or another entity.

   If additional copies of the paternity test results are needed, they can be obtained electronically via Genlink.

## L. Administrative Paternity Determinations (03/2016)

Following approval by the District Manager, send the Center for Support of Families (CSF) information about the paternity establishment when paternity is established through administrative means.

1. Voluntary acknowledgments of paternity

   a. An *Acknowledgment of Paternity* (AOP) becomes binding and conclusive within the earlier of 60 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 AOP may be set aside only by the court. If an individual has filed a court petition seeking paternity disestablishment, refer the case to Legal Counsel.

   b. Send the original of the AOP document or other sworn statement to CSF within 30 days after the acknowledgment becomes binding and conclusive.

   c. Keep a copy of each in the paper file.

   d. Provide a copy of the AOP 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 AOP from the mother or the *Legal Guardian Affidavit*, and

   c. the *Voluntary Agreement for Genetic Testing*.

**M. Judicial Paternity Establishment (11/2015)**

1. Take court action when

   a. the putative father 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 putative father has signed a sworn statement of paternity and attempts have been unsuccessful in obtaining a sworn statement from the mother,

   c. there is a presumed father as well as a putative father,

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

   e. the putative father is incarcerated on a felony conviction,

   f. the incarcerated putative father who has committed a misdemeanor has not voluntarily acknowledged paternity or has not voluntarily consented to genetic testing,

   g. the putative father 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. the putative father denies paternity and the child is in the custody of the Department of Juvenile Justice.

2. See Court Establishment of Paternity for procedures to petition the court for paternity establishment.

(07/2014)

**N. When the Putative Father Is Excluded (07/2014)**

1. Update the automated system 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 putative father 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 the Division within 10 days to submit the name and other identifying information on all likely fathers. The automated system creates a worklist to staff generating the letter.

      2) Send the letter to the public assistance CP along with the genetic test result.

      3) The automated system creates a worklist in 15 days. Check for the information requested from the CP.

      4) If the excluded putative father'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 putative father.

         a) the CP should be advised to provide another name to DSS so that the IVA/IVD interface process can begin.

         b) If a new name is not provided within 10 days of sending the *Contact Letter to TANF CP*, non-cooperation may exist.

   b. Non-TANF cases

      Generate the *Closure Intent Notice* and send it to the CP along with the genetic test results. See Case Closure Steps for procedures to close a case.

4. Continue pursuit of paternity action on other putative fathers named by the CP, if any.

5. If the genetic test excludes the putative father and the CP insists that the putative father 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. Generate a *Legal Services Case Referral* with the genetic testing results and send to Legal Counsel to review and determine if court action is necessary.

## O. Establishing Paternity in Intergovernmental Cases (08/2016)

1. Long Arm Jurisdiction

   a. Long arm jurisdiction allows a tribunal to assert personal jurisdiction over a nonresident without filing a UIFSA petition in the nonresident's state if one or more of the following occur:

      1) The NCP can be located and personally served in Virginia. This may include a nonresident who is temporarily in Virginia;

      2) 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* (AOP);

      3) The NCP lived in Virginia with the child;

      4) The NCP lived in Virginia and paid prenatal expenses or provided support for the child;

      5) The child lives in Virginia as a result of an act or directive of the NCP (e.g., 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);

      6) The NCP engaged in sexual intercourse in Virginia and the child may have been conceived by this act of intercourse;

      7) The NCP and CP maintained a matrimonial domicile within Virginia; or

      8) The NCP asserted parentage of a child in the putative father registry maintained in Virginia by the Department of Social Services.

      Long arm reasons 3 through 7 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.

   b. Determine whether long arm jurisdiction is available or appropriate.

   c. Using long arm will prevent the case from becoming an intergovernmental case.

      1) Generate the **AOP**.

      2) Obtain the mother's notarized signature on the **AOP**.

      3) Generate another **AOP** and send it to the putative father to sign and have notarized.

d. If successful in establishing paternity, send information about the paternity establishment to **Center for Support of Families (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 putative father lives.

a) Generate the **AOP**.

b) Obtain the mother's notarized signature on the **AOP**.

c) Generate the ***Affidavit in Support of Establishing Paternity***.

d) Generate the ***Child Support Enforcement Transmittal #1 – Initial Request* (Transmittal 1)** to request the other state to **establish paternity**.

e) Send the **Transmittal 1**, the **AOP** and the ***Affidavit in Support of Establishing Paternity*** along with any other documentation **and forms needed**, to the other state's IV-D agency. Refer to the Intergovernmental Reference 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 – Subsequent Actions* (Transmittal 2)**.

g) **Use the Transmittal 2 to** notify the responding state within 10 business days of any change in case status **or new information being received**.

h) If the responding state is successful in administratively establishing paternity, send the documentation substantiating the establishment of paternity to CSF. These documents **may** include:

(1) Virginia's AOP with appropriate signatures(s)

(2) The responding state's acknowledgment of paternity with appropriate signature(s) **and/or**

(3) The full genetic testing package, if paternity was established by genetic testing.

i) When a child is born in Virginia and another state adjudicates paternity through a court proceeding, domestication of the foreign paternity is required for the name of the

father to be entered on the Virginia birth certificate. To **domesticate the foreign paternity order**, the **specialist** must forward the ***Legal Services Case Referral*** along with the applicable documentation to the Division's Legal Counsel. See Domestication of a Foreign Paternity Court Order.

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 **AOP**.

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 **AOP**.

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 LabCorp.

c) Once the lab receives the request, it will schedule the genetic testing for the individual(s).

d) Within 5 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 the Division 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 **CSF or the Division of Vital Records if the child was not born in** Virginia.

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

(07/2014) (06/2015) (03/2016)

**P. Documentation (03/2016)**

1. Ensure the following are in the case record as applicable:

   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 Case Events (paternity evidence)

   e. Court order from another state in which paternity was adjudicated

2. The automated system documents Case Events automatically when documents are generated or dispositions are updated. Notes may be added to an entry.

**Q. Paternity Establishment Program (PEP) (03/2016)**

1. Hospital-based Paternity Establishment

   a. The Division's hospital based Paternity Establishment Program, known as PEP, is a program whereby unmarried couples are given the opportunity by hospital staff to voluntarily acknowledge the paternity of a child, shortly after the child's birth.

   b. Birthing hospitals are defined as

      1) hospitals with licensed obstetric-care units,

      2) hospitals licensed to provide obstetric services, or

      3) licensed birthing centers associated with a hospital. Birthing centers are facilities other than hospitals that provide maternity services.

   c. Hospitals, clinics or health care providers that are licensed by the state to provide maternity services are to provide unmarried parents the opportunity to establish the paternity of their child.

   d. The voluntary acknowledgment of paternity is documented using the *Acknowledgment of Paternity* (AOP). 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.

2. Center for Support of Families (CSF)

   The Center for Support of Families (CSF) contracts with the Division to do the following:

a. receives "Division File Copies" of the AOP from the hospital,

b. images AOPs for access by district offices,

c. remits a fee on behalf of the Division not to exceed $20 to the hospital for each correctly completed acknowledgment,

d. provides to participating hospitals:

1) written materials about paternity establishment,

2) AOPs,

3) Paternity Acknowledgment Rights and Responsibilities statements, and

4) training, guidance and written instructions regarding voluntary acknowledgment of paternity,

e. provides technical assistance with billing issues and non-standard situations, and

f. assesses each birthing hospital's program annually.

3. The contract administrator

a. serves as the primary point of contact with the Department of Health's DVR,

b. reviews CSF's invoices for reimbursement and payment, and

c. monitors the performance of the contractor.

4. District office staff

a. determines if a voluntary acknowledgment has been recorded in the CSF paternity database or through DVR and

b. seeks a support order on the basis of a recorded acknowledgment.

5. Hospital responsibilities

a. Provides every unwed mother an information packet containing the following materials:

1) Paternity educational materials

2) AOPs

3) Listing of the Division's offices and the areas they serve

b. Furnishes, at no cost to the Division/CSF, a Notary Public who will notarize the signatures of both the father and the mother on the AOP.

c. Assists each parent in completing an AOP.

d. Reviews each form to determine proper completion and notarization.

e. Gives each parent a copy of the completed, notarized form.

f. Weekly sends original AOPs with the birth record to the DVR.

g. Weekly forwards to CSF the following documents:

   1) “Division File Copies” or EBC (Electronic Birth Certificate System) generated copy of completed AOPs

   2) A Paternity Report listing the names of each parent of a child an AOP is submitted for, and the mother's city or county of residence in Virginia.

h. Directs any interested applicant to call the toll free VPEP hotline number at 1-866-398-4841.

# CHAPTER 4 –ESTABLISH, REVIEW AND ADJUST ORDERS

## A. Purpose of Establishing an Order (07/2014)

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 if the mother does not allege a putative father;

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). See Paternity.

## B. General Rules (07/2014)

1. Establish a child support obligation for all legally responsible parents except as described in When Obligations are Not Established. The Division does not establish spousal support orders or initiate court action to establish spousal support orders.

2. Within 90 days of locating the NCP or the putative father, the Division 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 Service of Process and Notarization.

3. Use administrative rather than judicial means to establish the order whenever possible. Administratively established child support orders have the same force and effect as support orders entered by a court. A court order, however, supersedes an ASO. Do not establish an ASO 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 ASO as a temporary measure whenever a court has assumed jurisdiction over a matter but has, for any reason, delayed a determination of child support.

5. Establish a child support order separately for each parent when both parents are noncustodial. Use one worksheet to determine each parent's obligation amount based on his or her respective share of the combined income. The presumptive minimum child support obligation is the statutory minimum, even if a parent's respective share of the combined income determines a lesser amount.

6. An administrative child support order is enforceable after the 10-day appeal period for the order has lapsed or immediately upon entry of a decision sustaining or amending the obligation amount following an administrative hearing. Refer to Appeals, Hearings, and Reviews for more information.

## C. Child Support Orders (07/2014)

Both ASOs and orders issued by Virginia courts have the following major provisions:

1. Identifying information including:

   a. name(s), date(s) of birth, and last 4 digits of the social security number of child(ren) for whom support is being sought;

   b. each parent's name, home address (and mailing address, if different), and telephone number;

   c. if known, the date of birth and last 4 digits of the social security number of each parent

   d. each parent's driver's license number; and

   e. each parent's employer name, address and telephone number.

   f. 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.

2. A child support order stating the

   a. amount owed for current support;

   b. amount of arrearage owed;

   c. frequency of support payments;

   d. date the first payment is due; and

   e. 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.

3. In deviating from the child support guideline, the order must state the guideline amount and provide a justification of why the deviation was made. ASOs incorporate the *Obligation Worksheet* and court orders incorporate the "Supplement to Support Order" to explain guideline deviations. Refer to Virginia's Child Support Guidelines and Deviation from the Child Support Guideline.

4. A provision for income withholding. Refer to Enforcement by Income Withholding.

5. A provision for health insurance. Refer to Medical Support Services.

6. A provision for unreimbursed medical and dental expenses. Refer to Determining the Monthly Child Support Obligation.

7. 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.

8. 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.

9. A modified ASO is effective the date 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. 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.

10. 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.

11. 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.

**D. Virginia's Child Support Guidelines (06/2015)**

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.

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);

   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, vision and/or dental insurance. Refer to Determining the Monthly Child Support Obligation;

   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.

2. Once the appropriate income and expense amounts are entered on the 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.

3. The Division 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.

   b. imputing income to a parent based on that parent's failure to provide verification of income upon request (for ASOs only) or voluntary unemployment or under-employment (for ASOs and court orders). Refer to Deviation from the Child Support Guidelines.

   c. a written statement of why the order deviates from the guidelines is completed by either the judge (for a court order) or Division 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.

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

## E. When Obligations Are Not Established (06/2015)

In some situations, there is no good legal basis to establish an order either administratively or through court action. These circumstances must be documented in the automated system.

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. good cause is in effect;

   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 only 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 (IV-E or non-IV-E) for the period the NCP received such public assistance;

   f. there is no child under age 18 for whom support is sought; except when:

      1) establishing a debt for reimbursement to the state. Dependent children over the age of 18 that were included in the public assistance grant are included in the debt to state obligation calculation; or

      2) the child is severely and permanently mentally or physically disabled, unable to live independently and living in the home of the CP. The disability must have existed prior to reaching the age of majority. These cases must be referred to court. See Establishment and Modification of Orders Due to Child's Disability.

   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. 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.

b) Monitor these cases to ensure that the Division 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 Establish Paternity – Incarcerated Putative Father.

(05/2013) (07/2013) (12/2014)

**F. Minimum Orders (06/2014)**

1. When the application of the guideline formula would cause a parent to be obligated at less than the statutory minimum, disregard the guideline formula (obligation worksheet) and establish an obligation of the statutory minimum. The exceptions to the minimum obligation exist when the NCP's disability benefit paid on behalf of the child(ren) creates a lesser obligation or the NCP's disability payment creates a zero obligation. Refer to Determining the Monthly Child Support Obligation.

2. Do not prorate minimum orders between the parents. If both parents are noncustodial, the absolute minimum amounts are 2 orders for the statutory minimum, even if application of the guideline formula would cause either parent's obligation to be less than the statutory minimum. This does not apply for cases in which the NCP is the recipient of disability insurance benefits.

(09/2013) (11/2013)

**G. Determining Income (08/2016)**

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. Proof of expenses such as day care or health care must be provided in order to receive credit. Proof of day care would include items such as a letter from the day care facility or a notarized statement from a private provider, or receipts or printouts provided by the same. Proof of health care expense would include items such as check stubs showing the deduction (breakdown of expense amount may need further verification) or an itemized invoice from a private insurance provider. 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 Security Safeguards for Tax Information.

2. *Financial Statement*s provided by each parent are the basis for determining income and allowable expenses for calculating a child support obligation.

3. Obtain a *Financial Statement* from both parents with the following exceptions:

   a. Do not obtain statements from CPs who receive TANF.

   b. 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, vision and/or dental 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 financial information for both parents using any of the following methods:

   a. Generate an *Administrative Summons*, **which must be signed by the District Manager**, 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.

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

   c. Obtain financial information from employers' wage reports sent to VEC.

   d. Obtain financial information from the LDSS when either parent has applied for **SNAP**, 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 issued to secure the information. Proceed as instructed by Legal Counsel.

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

5. 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, **SNAP**, 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.

6. Gross monthly income derived from self-employment, a partnership, or a closely held business such as rental property is subject to reasonable business expenses.

   a. Self-employed parents are instructed on the financial statement to provide the most recent tax return to determine the self-employment tax paid. Review the tax return to determine if the parent, in addition to paying self-employment tax, claimed business expenses. If business expenses were claimed or if the self-employed parent does not provide the most recent tax return, refer the case to Legal Counsel. If the self-employed parent provides the most recent tax return and business expenses were not claimed, proceed to establish an ASO.

   b. Refer the case to Legal Counsel when either parent's financial statement reflects income from a partnership or closely held business.

7. 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, the automated system 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.

8. For all military service members, housing and subsistence allowances are included in the calculation of income as well as any educational benefits, specifically G.I. bill money, which is administered through the Veterans Administration. On an initial support order or modification, if the NCP and/or CP is receiving educational benefits, the case should be referred to court to

determine income. The service member's LES must be reviewed to verify the information provided. For further information, refer to Military Issues.

9. Convert income and expenses to a monthly amount by using the following conversion factors and round to the nearest whole cent:

   weekly x 52 ÷ 12
   biweekly (every other week) x 26 ÷ 12
   semi-monthly (twice monthly) x 2
   annually ÷ 12

10. Verify the parents' incomes listed on the *Financial Statement*s using any or all of the following:

    a. pay stubs (for the last 3 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)

11. 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.

(11/2013) (04/2014) (07/2014) (12/2014) (06/2015) (04/2016)

**H. Determining the Monthly Child Support Obligation (06/2016)**

1. Review both the case record and case 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 Split Custody or Shared Custody 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.

4. Complete the *Child Support Guidelines Worksheet*. The information to be entered includes the:

   a. number of children for whom support is being sought and for whom the NCP and CP share joint legal responsibility;

b. monthly gross income, which shall include all spousal support received from any source;

c. amount of monthly spousal support paid by either parent pursuant to an order or written agreement (*i.e*., a Separation Agreement that has not yet been incorporated in a divorce decree);

d. deduct one-half of the amount of self-employment tax paid by either parent from the gross monthly income when either parent provides the most recent income tax return and business expenses were not claimed.

   1) The *1040 U.S. Individual Income Tax Return* reflects one-half of the amount of self-employment tax paid by the parent. Refer to the adjusted gross income section of the 1040, line 27, which reads, "One-half of self-employment tax."

   2) Determine a monthly amount of the self-employment tax by averaging the figure obtained from the tax return over a 12 month period. Deduct this amount from the parent's gross monthly income.

e. 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.

   1) The parent(s) with additional dependents shall receive a deduction from their gross monthly income (GMI).

   2) The amount that is being paid pursuant to a child support order shall be deducted from the GMI.

      a) When additional dependents are residing with a legal parent, determine the amount to be deducted based on the number of dependents and the sole income of the parent applied to the Schedule of Monthly Basic Child Support Obligations.

      b) The Obligation Calculation 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 with the Division, the payment information can be obtained from the system. For cases not with the Division 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 *Child Support Guidelines Worksheet*. 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 *Child Support Guidelines Worksheet*. If the NCP cannot provide satisfactory proof of payments, the Division should not give the NCP credit for those payments.

f. the CP's work-related monthly dependent care expense, which:

1) does not exceed the cost of quality care provided by a state regulated center or individual;

2) includes any dependent care costs incurred for the child due to the employment of the CP; and

3) is paid by the CP or his/her spouse.

The NCP's willingness and availability to personally provide child care is not considered by the Division 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 the Division. A party may, however, request consideration of both by a court.

g. certain verified monthly costs for health, vision and/or dental insurance paid by either parent (or his/her spouse) for the child(ren) subject to that order. To determine the cost to be added to the basic child support obligation, the cost per person shall be applied to the child or children who are subject to the support order. If the per child cost is provided by the insurer, that is the cost per person. Otherwise, to determine the cost per person, the cost of individual coverage for the policy holder shall be subtracted from the total cost of the coverage, and the remaining amount shall be divided by the number of remaining covered persons. When completing guidelines in the automated system, enter costs for vision and dental insurance together. The cost of health insurance remains separate as only the cost of health insurance is used when determining if health care coverage is available at a reasonable cost and therefore should be ordered.

h. the monthly amount of a disability benefit paid to a child, in the name of or on account of either parent, is included as income to that parent. When each parent's share of the total obligation is calculated on the *Child Support Guidelines 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 $68.00 a month.

1) In some cases, lump sum payments are received by the NCP or the child(ren) to cover months of entitlement prior to the date the first ongoing check(s) are received. If this is the case, the arrearage may need to be established or adjusted.

a) For SSA disability benefits, verify the months covered by the lump sum payment using SVES.

b) VA benefits may be verified by written request to the VA. Submit the request for information to the Veterans Administration on State letterhead.

c) Using the above procedure, calculate a retroactive adjustment if applicable.

2) Any credit from this procedure must be applied to reduce arrearages that may have accrued, but cannot be applied toward any future arrearage, and cannot cause a credit balance or in any way contribute as the basis for a refund to the NCP.

3) Adjustments must be made in this situation if requested by the NCP. If no request has been made, the arrearage must be adjusted at the time district office staff takes action to enforce or review the obligation.

i. information regarding split custody if applicable.

5. The automated system displays the obligation of each parent, by percentage and actual total.

   a. Check for accuracy before saving. The Obligation Calculation can be used as a scratch pad before saving.

   b. Print the *Child Support Guidelines Worksheet* after confirming the data entered. *The Child Support Guidelines 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 the case record is documented to show how all figures on the *Child Support Guidelines Worksheet* other than those from the Schedule of Monthly Child Support Obligations were determined.

   c. The *Child Support Guidelines 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.

6. Complete a second *Child Support Guideline Worksheet* based upon the prior guidelines, if appropriate, using the same financial information listed above. Create a case event indicating the guideline has been run.

7. Generate the ASO.

   a. The monthly current support obligation amount and the unreimbursed medical/dental expense percentages calculated on the *Child Support Guidelines Worksheet* automatically transfer to the ASO.

   b. Based upon the updated guidelines effective 7/1/14, it might be necessary to complete more than one set of guidelines. With the initial ASO, this would only be necessary to determine debt to state that accrued through 6/30/14. With a modified ASO, if the NOPR was served prior to 7/1/14, use the prior set of guidelines to establish current support from the effective date (date NOPR was served on the nonrequesting party) through 6/30/14. Enter this amount on the ASO in the field for "prior current child support". When you enter an amount in this

field, the automated system will populate the from date with the service date recorded on the NOPR and add language to the current child support obligation (based upon current guidelines) to indicate that this obligation amount begins on 7/1/14.

c. Establish arrears, as appropriate. See Establishment of a Debt for Reimbursement to the State for an initial ASO. See Adjusting Administrative Support Orders for a modified ASO.

d. If an arrears balance is established in the ASO, establish a monthly payment towards arrears. The monthly amount should be 25% of current support or $65, whichever is greater.

e. Establish a medical support provision.

8. Serve or have the NCP waive service of the ASO along with of the PDF version of the *Child Support Guidelines Worksheet* on the NCP.

9. Provide a copy of the served ASO and PDF version of the *Child Support Guidelines Worksheet* to the CP when the NCP waives service of process or immediately after the ASO is received back with successful service of process.

10. The appeal period for the ASO is 10 days. For NCPs this is 10 days from the date of service. For CPs this is 10 days from date of delivery in person or 15 days from the date of mailing which allows 5 days for mail delivery.

    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. 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.

11. Document the case event created when the ASO was generated with the date of service and type of service upon receipt of the served ASO.

12. Enter the support order on the automated system immediately upon receipt of the worklist that appears 15 days following the date of service of the ASO unless an appeal is pending. Ensure that arrears, if any, are added to the system at this time. Maintain a copy of the ASO and the PDF version of the *Child Support Guidelines Worksheet*(s) in the case file.

(03/2015) (06/2015)

## 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 2 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. The automated system 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 for instructions on completing the ASO.

## J. Shared Custody (07/2014)

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 guidelines;

2. if filing a Motion to Amend, draft guidelines must be prepared and placed in the file that show a minimum 10% and $25 change. Guidelines should be prepared using CivilWare and may need to be prepared in consultation with legal counsel.

Document the automated system (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 Judicial Actions.

## K. Support Orders for IV-E and Non-IV-E Cases (12/2014)

1. Division 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 the Division, within 5 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 the Division, within 5 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 developed for the purpose of prompt notice to the Division so that a case can be set up on the automated system 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 the Division within 5 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.

4. If Division 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 Division 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 Division court day, or

   c. refer the matter of establishing support to the Division.

6. All child support orders must be established using the child support guideline described in Determining the Monthly Child Support Obligation. This requires the use of both parent's incomes in calculating their respective shares of the support to which the child is entitled. Complete separate guidelines and separate orders for each case. If financial information for only one parent is available, calculate the support obligation for that parent. If a case is referred to the Division 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 Division 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. Complete separate guidelines for each case so that the court may enter an order for each case.

8. When the judge enters a support order, the order may retroactively establish support effective from the date the custody was awarded. Debt should not be established for any period during which good cause existed.

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 the Division and also sends copies of any court orders to the Division.

    a. Upon receiving an automated referral from the LDSS, establish a IV-E FC case type on the automated system.

    b. Upon receiving a manual referral via the *Interim Application for Services (Foster Care Only)* from the LDSS, establish an SLFC case type on the automated system until full information on the case is received via the *Absent Parent Deprivation/ Paternity Information* form.

12. Ensure that the automated system is documented to show the basis for the Division's actions to set up a case and establish an order.

13. Once an order has been established for either a IV-E or non-IV-E case, it is not necessary to terminate the support obligation and establish a new obligation when the case type changes, i.e. the child goes from non-IV-E foster care to IV-E foster care or the reverse. The order payable on the IV-E or non-IV-E case is valid until the child is no longer in foster care.

## L. Assessing Obligations for Parents Whose Children Are in Foster Care or Live in Different Homes (12/2014)

1. Assess each NCP for all of the children by completing separate guidelines for each case. Use one worksheet for each case to determine each parent's obligation amount based on his/her share of their combined income.

2. The ASO includes each child, applicable to a case, for whom a child support obligation is due when the children have the same parents, but the children reside in different homes with different caretakers.

3. Complete a separate ASO for each parent, and each case.

4. Document Case Events for each case.

(07/2013)

**M. Deviation from the Child Support Guidelines (03/2015)**

1. The Division may administratively deviate from the guideline under the following circumstances.

   When either parent is found to be voluntarily unemployed or fails to provide financial information upon request, it may be appropriate to impute income to that parent. Imputing income to a parent is determining what that parent reasonably could be expected to earn. The Division deems a parent voluntarily unemployed when he or she quits a job without good cause or is fired for cause.

   a. When either parent fails to provide financial information upon request, impute income to establish current support for an ongoing obligation by using an average of any earning information on file for the last year. If there is no earning information on file for the last year, count zero income for the parent when computing the obligation.

   b. For an unemployed parent, use unemployment benefits. If the parent is not receiving unemployment benefits and is voluntarily unemployed, impute income to establish current support for an ongoing obligation by using an average of any earning information on file for the last year. If the parent is not receiving unemployment benefits and there is no earning information on file for the last year or the parent is involuntarily unemployed, count zero income for that parent when computing the obligation. If it is documented in the case file that the parent is voluntarily unemployed and it is believed that the resulting obligation would be unjust, consult with management to determine if court referral would be appropriate. Earnings for the last year may be determined by requesting the parent's last several months' pay stubs, last W-2 forms or last income tax return or by using VEC wage information.

   c. Loss of income due to incarceration is not a basis for a reduction; therefore, in reviewing existing support obligations, the most appropriate amount of income to be imputed to the currently incarcerated 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.

2. Do not impute income for the following classes of individuals:

   a. A CP when one or more of the child(ren) on the order is(are) under the age of 13 or is(are) age 13 or older and 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.

3. Complete the *worksheet* and confirm it, indicating if there is a deviation due to imputed income.

4. Print and document the worksheet listing the factor(s) used to rebut the presumptive amount, including how income imputed to the parent was determined. If the worksheet is generated in iAPECS, maintain the PDF version only.

5. Give each parent a copy of the worksheet. If the worksheet is generated in iAPECS, provide the PDF version only. After the ASO is served and the order is entered on the automated system, enter the appropriate rebuttable reason for the deviation on the Support Order screen.

(11/2013) (06/2014) (07/2014) (09/2014) (02/2015)

## N. Establishment of a Debt for Reimbursement to the State (08/2016)

Payment of TANF and IV-E FC benefits creates a debt to the Commonwealth of Virginia owed by the NCP. Payments in connection with SLFC (non-IV-E) cases also create a debt owed by the NCP. A debt is owed to the Department of Juvenile Justice (DJJ) by the NCP when DJJ obtains custody of a child.

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 **TANF** or **the child was in foster care or** in DJJ **custody**, no separate obligation for debt to the state is established. **If the order is payable to someone other than the CP receiving TANF, the foster care agency or DJJ, immediately begin change of physical custody procedures. See Change of Physical Custody of a Child for Whom Support is Ordered.**

b. If an order to pay child support did not exist **at the time that the CP received TANF or the child was in foster care or in the custody of DJJ, obligate the NCP for the period using the child support guidelines, without exceeding the amount of TANF paid. Dependent children over the age of 18 that are included in the TANF grant are included in the obligation.**

**c. Only establish a debt to the state in DJJ cases if the application reflects:**

1) that the NCP **received written notice** 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 **DJJ received** the child at that facility.

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 **TANF** 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 percent **obligation of each party** 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 **TANF** 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 **TANF** paid, establish a debt for the total amount of **TANF** paid.

d. In computing the debt, the Division may use the gross monthly income of the parents averaged over the period of time that **TANF** was paid or the child was in **foster care or in** DJJ custody. If no evidence of income exists for the period to be assessed, establish the debt based upon the statutory minimum. The Division should use the appropriate set of guidelines in effect at the time that the **TANF** was paid or that the child was in **foster care or in** DJJ custody which may result in the use of multiple guidelines.

e. Arrears should be assessed for the entire month in TANF and IV-E cases, even if TANF or IV-E benefits were not paid for the entire month, **for all prior months**. If both a non-IV-E and IV-E case are open, debt should not be prorated between the 2 cases but should be assessed in full to the IV-E case for that month.

**f. When establishing a debt for reimbursement to the state in an initial ASO,**

**1) If current support is not being established, establish the debt through the last day of the month for the last month in which the TANF was paid or the child was in foster care or in DJJ custody.**

**2) If current support is being established, establish the debt through the day prior to the date of generation of the ASO, prorating the debt for the current month.**

g. Petition the court to decide whether to establish a debt when a case in which TANF or IV-E FC was paid before the month in which the NCP reached the age of 18.

h. The debt owed to DJJ is based on the child support guidelines.

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

**Do not establish a debt for reimbursement to the state:**

a. **When** no TANF was paid **or the child was not in foster care or in DJJ custody**.

b. **For** TANF paid **or periods the child was in foster care or in DJJ custody** prior to the month that paternity was established.

c. **When** a court has specifically ordered that no arrearage exists or that arrearage may not be collected for a particular period addressed by the court.

d. For any period before July 1, 1988.

e. **For any period** before July 1, 1995 **for non-IV-E FC**.

f. **On** a TANF **or DJJ** case, **for any** 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.

g. **On** a **foster care** case, **for any** period that the NCP received any form of public assistance (including TANF, Medicaid, **SNAP**, or energy assistance) for the benefit of minor dependent children. This is applicable whether the NCP is in the SFU or the AU.

h. **For any** 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 **the ability to pay** support.

i. **For any** period that good cause existed in TANF and **foster care** cases.

j. **When the DJJ application does not indicate that** the NCP **received written notification** that **support would be owed from the date of receipt of a child at the DJJ Reception and Diagnostic Center and/or** the date **that DJJ received** the child.

4. Document the automated system 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).

(06/2014) (12/2014)

## O. Retroactive Liability For Support

When to Establish Retroactive Liability For Support

1. In establishing an initial order in Non-TANF cases where no public assistance has been paid to the family and no child has been in the custody of DJJ, arrearage is calculated retroactively to the date the initial ASO was sent to the sheriff or other process server for service on the NCP (whether or not that ASO was actually served). Note that unsuccessful service by certified mail

of an initial ASO does not preserve a period for which the Division may establish retroactive child support.

2. 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 nonrequesting party.

**P. General Rules for Review and Adjustment (06/2016)**

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. A reason is not required with an informal request if the existing order was entered under guidelines which have been amended and the updated guidelines show a significant change.

   c. Update the automated system with the appropriate code for the type of request 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 (a reason is not required if the existing order was entered under guidelines which have been amended and the updated guidelines show a significant change).

   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 IV-E 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. The automated system 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 by determining no adjustment is needed or by ensuring a modified order is entered unless there is a written request to stop the review from the requesting party, and not opposed by the non-requesting party, or the Division 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 the Division 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 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 (a reason is not required if the existing order was entered under guidelines which have been amended and the updated guidelines show a significant change); or

   d. locating the nonrequesting party, whichever is later.

5. The review process includes

   a. sending and serving, when applicable, the notice that a review will be conducted,

   b. conducting the review,

   c. deciding whether to adjust or not adjust an ASO or to refer or not refer a court order for modification in accordance with Virginia's child support guideline,

   d. sending the post-review notice, when applicable, and

   e. ensuring that a modified order is entered, when applicable, and

   f. updating the automated system appropriately.

6. The Division periodically sends the *Notification of Right to Request a Review* on obligated cases where the support order is at least 3 years old and current support is still due (charging on the automated system) to notify the NCP and the CP of their right to request a review of the support obligation.

(09/2012) (06/2014) (03/2015) (03/2106)

**Q. General Rules for Review and Adjustment – NCP receiving Social Security Benefits (09/2013)**

The Division will initiate a review and adjustment for an NCP that is receiving Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI) or a combination of SSDI/ SSI.

1. The automated system will generate a *Notice of Proposed Review* (NOPR) to the NCP and CP, along with a *Financial Statement* for both parties to complete and return when the RQSS Review and Adjustment request type is added to the automated system either by a match received in the automated system or by the worker updating the Benefits Indicator. If the NCP has multiple cases, the documents will generate on all cases.

2. Since the Division is the requesting party, and the review for modification will likely benefit the NCP, the documents will be served on the CP.

3. 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.

4. For an NCP with multiple cases, all cases should be in the review and adjustment process simultaneously.

5. Follow procedures already in place for conducting a review for ASOs and court orders. The ASO is effective on the date the NOPR 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.

6. The outcome of a review conducted on a SSA case may result in a current support order lower than the statutory minimum. For a case with an ASO, conduct the review as follows:

   a. SSI only cases

      1) When completing the *Obligation Calculation Worksheet* select Sole Income Is SSI for the appropriate parent, on the bottom of page 1. Cases in which the NCP receives only SSI, the obligation will be zero current support. Because the NCP is receiving only SSI, the Division cannot collect on arrears; however, set the arrears in the modified order. The case can be processed for closure based on CINS after a new order is entered, if warranted, and properly served. The automated system must be documented regarding the verification of no other assets or other income.

      2) The worker will select the statement on the ASO under the heading CALCULATION: exempts the noncustodial parent from the presumptive minimum monthly child support obligation because he/she is a recipient of Supplemental Security Income (SSI) with no evidence of potential for paying child support.

   b. SSDI only and combination SSDI/SSI cases

      1) Give the NCP credit for the monthly derivative benefit the child receives based on the NCP's disability. Because of this credit, when the *Obligation Calculation Worksheet* is

completed for cases in which the NCP receives only SSDI or a combination of SSI and SSDI, the current support obligation may be reduced to an amount less than $0, between $0 and the statutory minimum, or greater than the statutory minimum.

2) The specialist completes the obligation calculation worksheet by adding the child's derivative benefit payment to the NCP's income; then deducts the benefit amount the child receives. The deduction of the child's benefit reduces the NCP's current support obligation. If the worksheet calculation results in a current support obligation less than $0, the automated system is programmed to default to $0. When the worker prepares to generate the ASO, the current support obligation from the obligation calculation worksheet, which may be $0.00 or an amount over $0.00, will display on the ASO.

3) The worker will select the statement on the ASO, under the heading CALCULATION: includes disability insurance benefits paid monthly to the child from the parent's disability compensation. The NCP's monthly support obligation is reduced by the monthly benefit that the child (ren) receives due to the parent's disability. In no case shall this result in a negative current child support obligation.

4) The option for Income Withholding will be pre-selected but can be removed.

5) If a $0.00 current support order is established based on the NCP receiving SSDI or a combination of SSI and SSDI, and there are arrears and/or state debt still due on the case, the payment on arrears will be $65.00 per month. If a current support obligation is calculated between $0.00 and the statutory minimum, the ASO is generated for the appropriate current support amount plus $65.00 per month as a payment on arrears/state debt if applicable.

7. When the Division receives notice that the NCP is the recipient of SSA benefits and the order on a case is a Virginia court order, the following will occur:

   a. The case worker does not have to wait for the return of the *Financial Statements* to process the *Motion to Amend* (MTA). Once the district office receives the completed financial statements, place in the case file for court reference.

   b. Immediately file a (MTA) with the appropriate court. The fact that the NCP is now the beneficiary of SSA benefits qualifies the case for review for modification.

8. A credit may need to be applied against arrearages on a case if the child received a lump sum payment due to the approval of retroactive benefits for the NCP.

   a. When the order on the case is an ASO credit should also be applied to arrears on the case if the benefit the child receives is more than the monthly support obligation calculated based on the review and modification. This credit is applicable from the NCP's social security disability entitlement date until the new order is entered. Credit will not be applied to arrears on a case prospectively if the child's derivative benefit payment is more than the new

obligation amount. The maximum credit that can be applied to a case may take the arrearage balance to $0.00. A credit applied to a case cannot result in a credit balance on the account.

b. For court orders, apply credit as ordered by the court.

(05/2013)

**R. General Rules for Review and Adjustment - Incarcerated NCP (06/2014)**

1. If an NCP requests a review and the Division determines that the NCP is incarcerated at the time the request is made, conduct the review as follows:

   a. If the existing order was entered under guidelines which have been amended and the updated guidelines show a significant change, conduct the review.

   b. If 1.a does not apply, and 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.

   c. If an incarcerated NCP requests a review for any other reason meeting a criterion outlined in Deciding Whether to Conduct the Review, conduct the review. Calculate the obligation by imputing income to the NCP based on voluntary unemployment. Refer to the discussion 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 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 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 3 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 the discussion 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 the Division 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 on imputing income for further information. If the criteria for a change in the child support obligation are met, consult with Legal Counsel.

**S. Deciding Whether to Conduct the Review (06/2015)**

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 IV-E 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 (a reason is not required if the existing order was entered under guidelines which have been amended and the updated guidelines show a significant change); or

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

c. If an order was established under the prior guidelines, and a review is requested, the change of guidelines is considered a special circumstance. Another special circumstance is not required to conduct a review.

1) Using the guideline worksheet completed at the time the current order was established,

a) determine the combined adjusted monthly gross income of the parties

b) determine the combined monthly basic child support obligation

c) compare this amount with the combined monthly basic child support obligation that would be due under the updated guidelines for the combined adjusted monthly gross income determined in 2.a.

2) If the amounts show a difference of at least 10% (higher or lower) and a change of at least $25 per month, grant the review. See Appendix 4.01 for a table of income amounts that result in a change of at least 10% and $25.

3) Granting the review may or may not result in a new order being issued or a Motion to Amend being filed as current income information should be collected. Proceed with the review and adjustment process for Administrative Support Orders or Court Orders.

4) If the amounts do not show a difference of at least 10% (higher or lower) and a change of at least $25 per month, deny the review using RD36 unless another special circumstance qualifies the case for a review or 36 months have elapsed since the order was last entered, adjusted or reviewed.

3. Do not conduct the review if

a. current support is no longer owed;

b. either party cannot be located. Refer to 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 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 6 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 or IV-E FC 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. the case is a Non-IV-D case;

   1) Send the Non-IV-D requesting party a *Review Request Denied* letter.

   2) Include an application packet for IV-D services with the letter.

g. 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; or

h. a special circumstances review is requested due to a voluntary loss of employment of the parent making the request and imputation per Deviation from the Child Support Guidelines would be appropriate and show no change in income.

4. Update the automated system 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.

(06/2014)

**T. Special Circumstances Criteria for Earlier Review (06/2015)**

1. The Division may conduct a review every 36 months at its option or when requested by either parent or another child support agency. The Division 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%. 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, the Division should determine if the increase or decrease is at least 25%. 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%; a statement from the child care provider should be provided. When possible, the Division should determine if the increase or decrease is at least 25%. 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%. The last 3 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, the Division should determine if the increase or decrease is at least 25%. 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, refer to Deviation from the Child Support Guidelines to determine if imputation is appropriate.

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 payment history in the automated system 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.

j. the existing order was entered under guidelines which have been amended and the updated guidelines show a significant change. No documentation from the requesting party is required.

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. A reason is not required if the existing order was entered under guidelines which have been amended and the updated guidelines show a significant change.

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, the Division should attempt to verify the allegation. For example, if the requesting party alleges that the other party has received an increase in pay, the Division should contact the other party's employer to verify income. If the Division 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% 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 the automated system 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.

(06/2014)

## U. 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 the Division, terminate all review and adjustment activities and update the automated system with the appropriate non-review code.

   b. If the review is being terminated by the requesting party, update the automated system with the non-review code, and then send the *Review and Adjustment Termination Notice. T*he nonrequesting party may ask that the review continue. The nonrequesting 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 nonrequesting party at that time, terminate all review and adjustment activities, and update the automated system with the non-review code.

      2) If the nonrequesting 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 the Division to proceed with the review.

## V. Review *Administrative Support Orders* (06/2016)

1. Generate and send a *Notice of Proposed Review* (NOPR) with a *Financial Statement* to the NCP and CP.

   a. Do not include a *Financial Statement* with the NOPR 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 NOPR must be served on the nonrequesting 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 return receipt requested. Provide notice to the requesting party by first class mail. Refer to Methods of Service.

   c. Document the date the NOPR was served.

2. Use appropriate financial information obtained from both parties and other sources, including existing financial information available in the case record, as necessary, to conduct the review

following the procedures outlined in the earlier discussions of Determining Income and Deviation from the Child Support Guidelines.

3. After reviewing the financial information provided by the parties and available from other resources, enter the information required to calculate the obligation onto the 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. If the NOPR was served prior to July 1, 2014, complete 2 guideline worksheets. The first should be completed using the prior guidelines (in effect through 6/30/14) and the second should be completed using the current guidelines (effective beginning 7/1/14).

4. Determine if an adjustment to the obligation is needed.

   a. An adjustment is needed if a material change in circumstances has occurred. If the obligation was calculated based upon both the prior and current guidelines, an adjustment is needed if a material change of circumstances has occurred on either set of guidelines. A material change in circumstances has occurred if

      1) the difference between the existing monthly child support obligation amount and the new obligation amount is at least 10% (higher or lower) of the existing obligation amount, and

      2) the change in the monthly child support obligation is at least $25 per month.

   b. Do not adjust the obligation if the above conditions do not exist.

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

(06/2014) (04/2016)

**W. Adjusting Administrative Support Orders (04/2016)**

1. If a material change of circumstances has occurred, within 30 days of serving the *Notice of Proposed Review (NOPR)* on the nonrequesting party, issue the modified ASO. If the ASO is being issued based upon a NOPR served prior to 7/1/14 and 2 sets of guidelines were used (both the prior guidelines in effect through 6/30/14 and the current guidelines effective 7/1/14), manually enter the monthly obligation that resulted from the prior set of guidelines and is due through 6/30/14 on the ASO in the field for "prior current child support". Ensure that the ASO reflects the total arrearage (principal, interest, and fees) owed through the end of the month preceding the month that 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. Ensure that medical support is addressed in the order. Refer to Medical Support Services, for more information on adding a health care obligation to the order.

2. Serve the modified ASO or have the NCP waive service. Mail a copy of the served 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 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. Enter the obligation information onto the automated system after the appeal period has expired. When adding the modified order to the automated system, 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 nonrequesting party.

   b. If the ASO reflects 2 support amounts ("current child support" and "prior current child support"), the "prior current child support" should be recorded in the notes section of the order and not recorded in the current support extension.

(06/2014)

## X. Modifying Court Support Orders (04/2016)

1. If the court order does not specify that the award amount deviates from the guideline, and the court will accept the Division filing the *Motion to Approve Proposed Modified Order*:

   a. Serve the *Notice of Proposed Review* on the nonrequesting party. Provide notice to the requesting party via first class mail.

   b. 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. In shared custody cases, prepare draft guidelines using CivilWare and retain a copy of the completed guideline worksheets in the agency file. (Shared custody guidelines may need to be completed in consultation with legal counsel.)

   c. Decide if a material change of circumstance has occurred. A material change of circumstance has occurred if the difference between the existing child support amount is at least 10% (higher or lower) of the existing obligation amount, and the change in the monthly obligation is at least $25 per month.

   d. 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.

e. If a material change of circumstances has occurred, within 30 days of serving the Notice of Proposed Review (NOPR) on the nonrequesting party, 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)* which shall state "If no arrearages are due, the Department has no authority to remedy any overpayment that may occur as a result of a review. Such overpayment shall be resolved by the custodial parent and the noncustodial parent." under "It is further ORDERED that:" on page 3.

4) The *Obligation Calculation Worksheet*

5) A Notice for each party to be served.

f. 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.

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.

g. 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.

h. Enter the obligation information into the automated system within 5 days of receipt of the order. When adding the modified order to the automated system, 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 the Division filing the *Motion to Approve Proposed Modified Order,* or if the District Manager or designee determines it would be more expedient:

a. Provide notice to both the requesting and nonrequesting party by sending the *Notice of Proposed Review* by first class mail.

b. 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. In shared custody cases, prepare draft guidelines using CivilWare and retain a copy of the completed guideline worksheets in the agency file. (Shared custody guidelines may need to be completed in consultation with legal counsel.)

c. Decide if a material change of circumstance has occurred. A material change of circumstance has occurred if the difference between the existing child support amount is at least 10% (higher or lower) of the existing obligation amount, and the change in the monthly obligation is at least $25 per month.

d. If a material change of circumstance has not occurred, send the parties the *Notice of the Results of Financial Review of Court Support Order*.

e. If a material change of circumstance has occurred, immediately prepare a *Motion to Amend*. If neither party resides in the jurisdiction of the court which entered the most recent order, prepare a *Motion to Amend* to Transfer Jurisdiction which should be filed simultaneously with the *Motion to Amend* for Modification.

f. Notify the parties that a motion to amend has been filed with the court by sending a *Notification of Action Taken* to the CP and a *Contact Letter to Noncustodial Parent* to the NCP.

g. Enter the obligation information into the automated system within 5 days of receipt of copy of the order. When adding the modified order to the automated system, place an end date on the current order without changing the start date.

h. If a *Motion to Amend* to Transfer Jurisdiction was filed simultaneously with the *Motion to Amend* for Modification, and the court only acted on the *Motion to Amend* to Transfer and not the *Motion to Amend* for Modification, then the Division should monitor the case to ensure that the *Motion to Amend* for Modification is either transferred to and heard by the new locality or re-filed in the new locality as appropriate.

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 to reflect that the order was reviewed but no modification occurred. Use MDRR; order due for review (36 Month Review Requirement). This update will reset the last review date on the review and adjustment screen on the automated system, which will restart the 3 year review period.

(12/2012) (04/2013) (07/2014) (03/2015)

**Y. Review and Adjustment Interstate Support Orders (07/2013)**

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 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 and of receipt from the requestor of information necessary to conduct the review.

   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 5 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 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 Central Registry and Interstate Rules.

   h. Enter the obligation information into the automated system within 5 days of receiving a copy of the order.

## Z. Change of Physical Custody of a Child for Whom Support is Ordered (06/2016)

When the Division receives a referral from an LDSS or a *Child Support Enforcement Services Application* from a person other than the obligee named in the order claiming to have physical custody of the child, handle as follows:

1. In all cases where the support order was entered by a court, refer to Change of Physical Custody of a Child When Support is Ordered by a Virginia Court.

2. For cases with ASOs, mail the *Change of Physical Custody* within 10 days to both parties to the ASO notifying the parties of receipt of an application for services from a different caretaker, and to afford the parties named on the ASO an opportunity to dispute the new applicant's custody claim.

3. If 1 of the parties named on the ASO responds challenging the custody as claimed by the applicant:

   a. In a Foster Care case or TANF case, refer the matter to the LDSS, and continue case handling (including review of the parents' financial and medical support obligations) with the current obligee as payee, or

   b. attempt to contact the parties in a non-assistance case regarding the current physical custody of the child(ren) and what custody arrangements are planned for the foreseeable future. If the obligee on the ASO and the new applicant both claim physical custody of the child(ren), refer the matter to court. File a *Petition for Support (Civil)* with the proper court to obtain a new current support order payable to the appropriate CP. Continue to send payments to the obligee as shown on the ASO until the matter is resolved by the court.

   c. If the court orders support to be paid to a new custodian, terminate the existing ASO. Complete the *Termination of Administrative Support Order*, setting the amount of arrears, if any. Close the current support under the existing ASO. If arrears exist, change the case type to ARRN or ARRP.

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 support obligations for both parents.

   a. Terminate the original ASO(s) and set the arrears. Refer to Termination of the ASO. 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. There should be new cases for both the mother and the father to pay support, unless the mother or the father is the new custodian.

   c. 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 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, evaluate both parents' financial information to determine the support obligations. Both parents' financial circumstances must be evaluated in calculating the support obligation.

d. Determine each parent's obligation by completing the *Child Support Guidelines Worksheet* on each case. Impute income to either parent who has failed to provide financial information (including parents whose location is unknown) or who has been determined to be voluntarily unemployed. Refer to the discussion on imputing income.

e. Issue an ASO to each parent as appropriate. Upon proper service and expiration of the administrative appeal period, update the automated system with new obligation amounts.

5. When either NCP (the mother or the father) lives in another state, file a UIFSA action in the other state to establish an order against the out of state NCP. The Division 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.

6. If the child's foster care case transitions from non-IV-E to IV-E or from IV-E to non-IV-E, the support remains due until the child is no longer in foster care and can be placed on either case type. It is not necessary to terminate the support order and establish a new order.

(11/2013) (09/2014) (11/2014) (12/2014)

**AA. Termination of the ASO (03/2016)**

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 and NCP have reconciled.

   b. The NCP has physical custody of this/these child(ren).

   c. The child has been adopted.

   d. Parental rights have been terminated.

   e. The NCP is deceased and there are no assets.

   f. A caretaker has physical custody and an ASO needs to be established payable to the new CP.

   g. LDSS has determined good cause.

   h. The court has issued an Order Determining Parentage reflecting that the NCP is not the father of this/these child(ren).

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.

b. Continue collection of a debt owed to the Commonwealth of Virginia and/or to the CP, if warranted, 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 *Termination of ASO* in the paper file.

8. Create a Case Event entry documenting the termination of the ASO.

(11/2013) (09/2014)

**BB. Emancipation - Child Support Obligation (06/2015)**

1. The automated system defaults a participant's emancipation date to the participant's eighteenth birthday when the participant is identified as CHILD on a case.

2. The automated system 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.

3. When the *Notice of Emancipation of Dependent* is generated:

a. The automated system creates a case event that contains the child's name and date of birth.

b. The automated system generates a worklist for 20 calendar days after the document is mailed to check for a response from the CP and to take any necessary court action.

c. If the CP returns the information requested and indicates the child is still attending school full-time, not self-supporting, and continues to live in the CP's home, update the Emancipation Date field on the Participant Data screen with the child's emancipation date.

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

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

4. When the youngest child emancipates, determine if arrears accrued more than 10 years ago, have not been set by the court within the last 10 years and will not be paid in full within 10 years, based upon recent payment history. If the case meets these criteria and does not otherwise qualify for closure (i.e. long-term incarceration):

a. For ASOs, issue a new ASO to establish the arrears and a payment towards the arrears.

b. For court orders, file a *Motion to Amend* requesting the court set the total arrears balance and an ongoing payment towards to include both current support and arrears in accordance with §§ 20-60.3 and 63.2-1916. However, if the NCP is not making regular payments, a *Motion for Show Cause Summons* to enforce and establish arrears may be appropriate instead of a *Motion to Amend*.

For the motion to amend use the following language:

The undersigned moves that the above order be changed, amended, and/or modified as follows:

THAT THE COURT ESTABLISH THE ARREARS AND A PAYMENT TOWARDS THE ARREARS.

For the following reason(s):

CURRENT SUPPORT HAS TERMINATED. THE COURT PREVIOUSLY SET PAYMENT TOWARDS THE ARREARS OF $____ WHILE CURRENT SUPPORT WAS IN EFFECT. (Use if the court has previously set a payment towards the arrears.) or

CURRENT SUPPORT HAS TERMINATED. THE COURT HAS NOT PREVIOUSLY SET A PAYMENT TOWARDS THE ARREARS. (Use if the court has not previously set a payment towards the arrears.)

5. 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 the Division (for an ASO).

6. 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.

7. If the emancipation of a dependent terminates the current support order, close and zero out the current support extension/subaccount after the automated system charges current support once following the emancipation date.

8. 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 Enforcement by Income Withholding.

9. Initiate case closure if the emancipation of a child terminates the current support order, and no arrears exist. Refer to Case Closure.

10. 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 request, refer to Establishment and Modification of Orders Due to Child's Disability.

(11/2014) (03/2015)

## CC. Handling Cases with Lost *Administrative Support Orders* (04/2016)

The ASO, along with proof of service, should always be maintained in the case file. If the current ASO is lost and is needed for judicial or interstate action, then:

1. Notify a supervisor once it is confirmed that the ASO is missing.

2. Use due diligence to locate a copy of the ASO.

   a. Determine whether the ASO has ever been registered with any court.

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

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

   d. Determine whether the case file has ever been archived at the State Library.

   e. Determine whether either party has a copy.

3. The supervisor shall document all efforts to locate the missing ASO in Case Events.

4. If the ASO is not located, issue and serve a new ASO, establishing as appropriate, current support per guidelines, the arrears that accrued under the missing order, and a payment towards arrears. If current support needs to be established, serve the *Notice of Proposed Review* on both parties and use the latter date of service as the effective date of the new ASO.

## DD. Procedures for Dealing with Errors in *Administrative Support Orders*

If it is determined that an 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 the automated system. 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 the

automated system 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. General (10/2014)

1. The Division administratively enforces compliance with child support orders. The Division attempts to enforce current support and arrears through administrative actions before petitioning the court for enforcement, unless court action is more appropriate.

2. Enforce arrears using the following administrative enforcement remedies:

   a. Income Withholding

   b. Federal Offset Programs (including Passport Denial and Administrative Offset)

   c. State Tax, Lottery Winnings and Vendor Debt Set-off Program

   d. Consumer Reporting

   e. Suspension of Occupational, Professional, Recreational or Driver's License

   f. Liens

   g. Orders to Withhold and Deliver (including FIDM and CSLN)

   h. Seizure and Sale

   i. IRS Full Collection

   j. Administrative Intensive Case Monitoring

3. The Division also initiates actions to enforce cases judicially including bonds, foreclosures, show cause proceedings, and Federal Criminal Prosecution of NCPs . Refer also to Judicial Support Actions.

4. Other states may request Virginia to search various databases to uncover information regarding a child support obligor who is in arrears. The Division will search state databases and seize identified assets of delinquent obligors, using the same techniques as used in intrastate cases, upon the 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 NIVD Unit in Home Office. These cases are not referred to the District Offices.

5. Thoroughly document the case record any time that there is an exception to taking enforcement actions on a case.

(12/2012) (07/2014)

## B. Program Standards for Enforcement (07/2014)

1. When the NCP fails to pay in an amount equal to the support order amount for one month, the automated system identifies the case as delinquent.

2. Begin enforcement when the support order is identified as past due. 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. Cases are certified for federal and state income tax refund offset weekly.

3. When service of process is necessary before taking an enforcement action, make diligent efforts to complete service. When process is served, take enforcement action within 60 calendar days of identifying arrears or locating the NCP, whichever occurs later, or document unsuccessful attempts to serve process.

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. 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)

5. Issue an immediate Income Withholding Order when a new ASO is entered unless the CP and NCP, on a non-TANF case, sign an *Alternative Payment Arrangement Agreement*. 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 Enforcement by Income Withholding.

6. When an enforcement attempt is unsuccessful, review the facts to determine the reason for failure and decide when to take an enforcement action in the future.

7. Prior to referring a case for judicial enforcement (filing a *Motion for Show Cause Summons*), case documentation should reflect that all applicable administrative enforcement actions have been exhausted.

(04/2013)

## C. The Important Notice About Child Support (12/2015)

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 about Child Support* 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 the automated system, and

d. Have not received the document previously

2. The *Important Notice about Child Support* advises NCPs that

   a. The Division charges interest on arrears

   b. The Division may charge fees

   c. The customer may request a review of the amount of their current support order

   d. The types of enforcement actions the Division takes, such as

      1) Withholding 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) Consumer Agency reporting

      6) Denial or revocation of a passport, and

      7) Suspension of driver's, occupational and/or professional license(s)

3. The NCP receives this document before the Division

   a. Charges a fee other than for genetic testing or private service of process to the NCP

   b. Suspends an occupational, professional or driver's license

The *Important Notice about Child Support* also addresses payment information and the requirement to keep the Division updated with current contact information.

4. When the automated system generates the document, it also generates a Participant Event entry and updates the AP Supplemental Page.

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.*

**D. Enforcement and Minor NCPs (12/2015)**

1. Minor NCPs who meet compulsory school attendance laws are still required to pay child support when a support obligation has been established. However, 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.

   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 (12/2014)**

1. Do not enforce when:

   a. an NCP receives TANF for the benefit of other minor dependent child(ren), and the NCP is active to the public assistance grant; an NCP receives or received TANF-UP benefits; or an NCP receives General Relief (GR) cash benefits. The guidance for TANF applies whether the NCP is a member of the TANF Assistance Unit or the Standard Filing Unit (needs included as part of the household)

1) No support debt is incurred and no interest is charged while the NCP receives TANF for the benefit of other minor dependent child(ren) and the NCP is active to the public assistance grant; the NCP receives or received TANF-UP benefits; or the NCP receives General Relief (GR) cash benefits and the order on the case is an ASO.

2) Arrearages and interest continue to accrue while the NCP receives TANF for the benefit of other minor dependent child(ren) and the NCP is active to the public assistance grant; the NCP receives or received TANF-UP benefits; or the NCP receives General Relief (GR) cash benefits and the order on the case is a court order.

3) On NTANF cases, the CP may choose to pursue enforcement on his or her own during this period.

4) The case workable status should be changed to "UADC" for the time period that the NCP is the recipient of TANF for the benefit of other minor dependent child(ren); the NCP receives or received TANF-UP benefits; or the NCP receives General Relief (GR) cash benefits.

b. an NCP receives Supplemental Security Income (SSI, Title XVI) payments.

1) 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.

2) The Division does not take enforcement actions against an NCP that is receiving SSI benefits only; this prohibition includes judicial enforcement actions, such as the filing of a *Motion for Show Cause Summons*.

3) If the NCP is the recipient of SSI benefits only; the case workable status should be updated to "USSI".

4) The Division will enforce a case when an NCP is receiving a combination of SSI and SSDI benefits.

5) When an NCP has other income or assets available which could be levied against or attached for support and the NCP is receiving SSI benefits only; the Division should attempt to enforce against the other assets/income. No enforcement actions can be taken against the SSI funds.

6) If the NCP is the recipient of SSI benefits only, the case workable status should be updated to "USSI.

c. good cause exists. When the LDSS notifies the Division of a finding of good cause, steps should be taken to terminate the support obligation. Refer to Good Cause. Any arrears that accrued prior to the finding of good cause can be enforced when good cause no longer exists.

d. an NCP is ordered through an ASO to pay support for a child in Foster Care and the NCP receives public assistance benefits (including SNAP, Medicaid, or other similar benefits) for the benefit of minor dependent children or the NCP receives GR cash benefits; no support debt is incurred and no interest is charged while the NCP receives such assistance. The case workable status should be changed to "UADC" for the time period that the NCP is the recipient of public assistance benefits (including SNAP, Medicaid, or other similar benefits) for the benefit of minor dependent children or the NCP is the recipient of GR cash benefits;

e. an NCP is ordered by a court order to pay support for a child in Foster Care and the NCP receives public assistance benefits (including SNAP, Medicaid, or other similar benefits) for the benefit of minor dependent children or the NCP receives GR cash benefits. Arrearages and interest continue to accrue. The case workable status should be changed to "UADC" for the time period that the NCP is the recipient of public assistance benefits (including SNAP, Medicaid, or other similar benefits) for the benefit of minor dependent children or the NCP is the recipient of GR cash benefits.

2. If the NCP appears to have a long-term economic hardship, review the case to see if referral to Parents Striving for Success (PASS) or the Family Strong Re-Entry Program (FSRP) is appropriate. If referral to PASS or FSRP is not appropriate, refer the case to the District Manager for review and determination regarding enforcement of the case.

3. If the NCP appears to have a long term physiological or mental hardship, refer the case to the District Manager for review and determination regarding enforcement of the case.

4. If an NCP resides in a home that cares for residents with mental and/or physical disabilities and is not receiving SSI, SSDI or a combination of SSI/SSDI benefits, take the case to court. The court decides whether to enforce the order.

(12/2012) (05/2013) (08/2013) (07/2014) (10/2014)

**G. Spousal Support**

1. The Division 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.

   In a TANF case, spousal support does not have to be included in the same order as the child support. Redirect spousal support to the Division when the case is active to TANF. In a non-TANF case, the spousal support has to be included in the same order as the child support to qualify for federal income tax refund intercept. Other enforcement actions do not require the spousal support and child support to be in the same order.

2. The Division does not collect or enforce orders that are for spousal support only. If such services were 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 the Division 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. Cases in which the Division is enforcing both child and spousal support should be periodically reviewed to ensure that the case is only referred for passport denial if the child support arrears (including interest) meet or exceed the established threshold. Refer to Passport Denial.

5. If the case meets case closure criteria, refer to 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 2 types of bankruptcies: Chapter 7 and Chapter 13.

1. Chapters 7 and 13

   a. The automated system 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. Chapter 7

   a. Upon receipt of a notice of a Chapter 7 filing in which the Division has been listed as a creditor and in which the NCP owes an arrearage, the Bankruptcy Unit will update the automated system with the bankruptcy information on the Bankruptcy Information Page. 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 Page to show that the bankruptcy has been dismissed or discharged. The caseworkers and District Manager will receive email notification of the discharge/dismissal and advised that all enforcement actions may resume. The automated system automatically resume all usual automated collection measures.

3. Chapter 13 (includes Chapter 11 and 12 cases)

a. Upon receipt of a notice of a Chapter 13 filing in which the Division was listed as a creditor and in which the NCP owes an arrearage, the Bankruptcy Unit will update the automated system with the bankruptcy information on the Bankruptcy Information Page. 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 will contain the legal advice appropriate to the case.

c. Automated modifications of the IWO – EIWO to collect current support only should be processed by the automated system. 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 bankruptcy is dismissed or discharged, the Bankruptcy Unit will update the Bankruptcy Information Page to show that the bankruptcy has been dismissed or discharged. The caseworkers and District Manager will receive email notification of the discharge/dismissal and advised that all enforcement actions may resume. The automated system automatically reverses 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 appropriate bankruptcy courts.

4. Special Instructions Regarding Bankruptcy Cases

a. Case Closure: Before closing a pending bankruptcy case, please check with the Bankruptcy Unit to advise why the Division is seeking 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.

## I. Department of Juvenile Justice Cases (11/2015)

1. The Division takes all appropriate administrative and judicial enforcement actions for cases with DJJ as the CP. When taking judicial actions to enforce the case, do not serve DJJ.

2. When current support is no longer enforceable on a DJJ case (i.e. the child turns 18 or a child under 18 is no longer in DJJ custody) and arrears are still owed, the Division continues to enforce the case to collect the arrears. If the arrears are less than $500, the Division continues to pursue collection of this debt for a period of 12 months after the case becomes arrears only.

3. Based on the agreement between DJJ and the Division, obligated cases may be eligible for closure 12 months after the child's release from DJJ custody if the case is non-paying. However, if the Division is actively collecting support (e.g., IWO in place and money being received; federal tax intercept pending disbursement; Order to Withhold has been issued and holder of assets has responded indicating that funds are available, etc.) after 12 months from the child's release date, do not cease enforcement activities until the arrears are satisfied or there are no immediate attachable assets, whichever comes first. Refer to Closure of Department of Juvenile Justice Cases for additional guidance when closing obligated DJJ cases.

# II. ENFORCEMENT BY INCOME WITHHOLDING

## A. General (06/2016)

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

a. Supplemental Security Income (referred to as SSI or Title XVI payments). Note, however, that SSA Title II payments, including SSDI, if they result from credit for employment history, are subject to withholding.

b. Veterans' benefits that are based on credit for disability, and not employment.

c. Public assistance payments

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

e. Amounts above the limits for support garnishments set under the Consumer Credit Protection Act (CCPA)

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. The IWO must be issued within 2 business days of the receipt of the employment information when it is appropriate to issue one.

3. The employer provides the NCP with notice that the withholding order has been issued to the employer and that the withholding action has commenced.

4. The NCP has 10 days to contest the IWO. If the NCP wishes to contest the IWO, s/he must submit a written request to appeal the IWO within 10 days from the receipt of the notice. The only basis for the NCP to contest the IWO is mistake of fact. See Income Withholding for Support in Chapter 12.

5. When the NCP has more than one employer, serve the IWO on the employer that provides sufficient income to meet the total amount to be withheld. When the income from one employer is not sufficient to meet the total amount to be withheld, serve IWOs on other employers as necessary to withhold the total amount.

6. Send the IWO to the NCP's new employer if the NCP changes employers.

7. The NCP cannot stop the withholding by paying the overdue support.

8. IWOs by the Division can only be released by the Division.

9. IWOs 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, the Division can send a copy of the order to the employer.

(12/2015) (03/2016)

**B. Employer Responsibilities and Rights (06/2016)**

1. The IWO requires the employer to provide a copy of the IWO to the employee.

2. When the NCP changes employment, the employer is responsible for notifying the Division the name and address of the NCP's new employer, if known.

3. The employer may charge the NCP $5.00 for each reply or remittance sent to the Division.

4. The employer is subject to a civil fine of up to $1000 if it discharges, refuses to employ, or takes disciplinary action against the NCP because of the IWO.

5. The employer is liable for payments if it fails to deduct or remit the payments as ordered. If the NCP's principal place of employment is in Virginia, the employer must begin the withholding no later than the first pay period that occurs after service of the IWO and submit payment within the same working day of the pay date. When the employer fails to withhold and/or submit payment timely, staff should try contacting the employer by phone. If staff are unable to contact the employer or unable to resolve the situation, issue the *Compliance Letter*.

6. Employers are not liable for failing to honor the IWO unless the Division can show that the employer had actual notice of the withholding order. In instances where the Division is experiencing difficulty with the employer complying with the IWO, it may be necessary to have the employer served via certified mail, return receipt requested; sheriff; or private process server with the *Compliance Letter* and with a copy the IWO attached.

7. The employer may reject an IWO within 5 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 the Division other than by combined single payment without the employer's express written consent. This provision applies where the employer employs 10,000 or more employees.

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

8. The employer prorates among orders when there is more than one order for withholding support for an obligor for different families. 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. Any remaining amount is prorated among any accrued arrearages.

9. Employers with 100 employees or more, and all payroll processing firms with 50 clients or more, must remit payments by electronic funds transfer. Refer to Payment Processing for electronic funds transfer (EFT) information.

(12/2015)

**C. Employer Reporting (12/2014)**

1. Employers are required to report to the Virginia New Hire Reporting Center all new hires within 20 days of employment. The Virginia New Hire Reporting Center is operated under the authority of the Division.

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 data in the automated system on NCPs. The automated system 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. 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 2 business days of receipt of the NHRM worklist.

4. The district office takes action within 5 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 the automated system to ensure that they are correct. If the information is not on

the automated system, enter the information. If the information on the automated system is different, update the automated system with the correct information. It is not necessary to send any 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 the Division's toll-free employer hot line located in the DCSE Call Center.

c. A Call Center representative checks the automated system. If the employee's name is in the automated system, the Call Center representative will create a worklist, containing the employment information, to the appropriate specialist. The information will also be documented in Case Events.

d. Within 2 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 NCP is under an order to provide health insurance coverage; and

4) updates all appropriate fields with new employment and insurance information.

e. To modify the amount of the most recent withholding order, follow the steps in modification of income withholding.

**D. Consumer Credit Protection Act Limitations**

The total amount withheld from income for either the insurance premium, the support payment, or a total of the 2 may not be more than the amount allowed under the Consumer Credit Protection Act (CCPA). The automated system 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)

**E. The Monthly Amount to be Paid on Arrears (09/2014)**

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 on the support order screen in the court ordered arrears frequency amount field.

   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).

   c. Current support is considered still payable, even if no longer payable through the Division when:

      1) at least one child subject to the order has not emancipated, and

      2) the order has not been abated, suspended, or terminated.

      If current support is closed or terminated due to a change of physical custody, then as long as at least one child subject to the order has not emancipated, only the arrears payment should be collected on the arrears only case.

2. When Current Support Is No Longer Payable

   a. When a Virginia court order or ASO specifies an amount to be withheld for arrears, payments will continue at the most recent current support amount plus the specified arrears amount. However, if the court enters an order after all dependents have emancipated for an amount to be withheld for arrears, then only the court ordered arrears amount should be withheld.

   b. When a Virginia court order or ASO does not specify an amount to be withheld for arrears, payments will continue at the most recent current support amount plus 25% of that current support amount or $65, whichever is greater.

   c. For other state orders, payments should continue at the ordered arrears amount if one exists. Otherwise, payments should continue at the most recent current support amount.

   d. Current support is considered no longer payable when:

      1) all children are emancipated, or

      2) the order has been abated, suspended, or terminated.

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.

**F. 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. Refer to the User Guide for guidance when the parties use a written agreement other than the *Alternative Payment Arrangement Agreement.*

   d. Document Case Events to show that the parties agreed to an alternative payment arrangement when a written document is provided other than the automated system-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. Refer to the User Guide for guidance in updating this information on the automated system when a document other than the *Alternative Payment Arrangement Agreement* is used.

f. Document Case Events 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.

**G. Issuing the IWO (06/2016)**

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.

b. If the court did not issue an income withholding, the Division issues an IWO.

2. Issuing the IWO

a. Implement an IWO

1) when support payments are past due in an amount equal to one month's support payment (delinquency criterion); 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 to reflect that the alternative agreement is no longer in effect; or

4) at either party's request even if no arrears are owed.

b. On-line Generation of the IWO

To generate an online IWO, refer to the User Guide. Once the IWO has been generated

1) Serve the NCP's employer by first class mail or by electronic means. If the IWO is sent using electronic means, follow up with the employer via phone to ensure that the IWO was received. If the employer does not honor the IWO, resend using formal service of

process. Refer to Methods 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 IWO.

2) A "WWEA-Withholding of Income" case event is created when the document is generated. The Process Served Date and the Method of Service entered on the document supplemental screen will be entered in the appropriate fields in the case events. This date will be the date the document is printed.

3) A 35-day worklist "WWE1-With of Income: Check for Compliance" is created when the document is generated. The worklist remains until a valid payment type is posted or there is no active employer record on the NCP's Participant Employment History.

4) The NCP's Participant Employment History reflects that an IWO is in place for that employer.

5) Send a *Notification of Action Taken* to notify the CP that the IWO has been issued.

6) If the employer rejects the IWO, document Case Events, correct the IWO, and return it to the employer.

c. Batch Generation of the IWO

The batch generation of the IWO is automated and does not require worker initiation; however, the worker can generate an IWO through batch processing.

1) A "WWEA-Withholding of Income" case event is created when the document is generated. This date will be the date the document is printed. The Process Served Date is generated as well and the Method of Service indicates that the IWO was served by first class mail.

2) All IWO documents generated through the batch process will be sent electronically to a vendor for mailing by first class mail.

3) A 35-day worklist "WWE1-With of Income: Check for Compliance" is created when this document is generated. The worklist remains until a valid payment type is posted or there is no active employer record on the NCP's Participant Employment History.

4) The NCP's Participant Employment History reflects that an IWO is in place for that employer.

5) If a copy of an IWO document generated through the batch process is needed, access this information via WebDocs.

6) For every IWO generated in batch, except for FC, SLFC and ARRP cases, a *Notification of Action Taken* will be generated.

7) Exceptions to the automatic generation of the IWO 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,

   e) a UADC or USSI unworkable code,

   f) an "I" in the interstate field,

   g) a blank income withholding field,

   h) case never had current extension built,

   i) no frequency amount entered on a current support extension, or

   j) arrears subaccount open with no balance due.

8) If an IWO is not generated in batch, workers will receive the NHRM worklist. When appropriate to issue the IWO, it must be issued within 2 business days of receipt of the NHRM worklist.

9) In addition to the new hire process, the automated system is searched to identify NCPs who have an employer linked to their Participant Employment History online and for whom the worker has indicated that they want a batch IWO generated. The "Print Withholding in Batch" 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.

d. 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.

2) Virginia has implemented the EIWO using the standardized electronic format. The Division will no longer send original, modified, amended, or terminated IWOs in a paper format to E-IWO employers. If a paper IWO is returned by an employer who indicates that they are an EIWO employer, then resend the IWO electronically.

3) The SDNH and NDNH batch function process new hire information reported by any of the employers participating in E-IWO.

4) The NCP's Participant Employment History includes an area for the caseworker to select Amendment or Termination.

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 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 the Division. 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. Staff must review the IWO3, IWO4, IWO5 and IWO7 worklists to determine the next appropriate action. The EIWO employer may also provide the Division with an update by mail, e-mail, fax or telephone.

   The EIWO acknowledgment, reject and termination worklist descriptions are:

   a) IWO1: NCP No longer at this employer

   b) IWO2: NCP Not known to employer

   c) IWO3: Duplicate IWO (Income Withholding Order)

   d) IWO4: Termination cannot be processed – no current IWO in place

   e) IWO5: Other reason

   f) IWO6: Terminated from this employer

   g) IWO7: Lump sum (has not been implemented by DFAS at this time)

(06/2015) (03/2016)

## H. When to Modify the IWO (06/2016)

1. Modify the withholding order when:

   a. the amount to be withheld does not include current support that is enforceable by the Division, but the Division will continue to collect arrears owed to the Commonwealth; or

   b. the amount to be withheld decreases because the arrears are paid and the Division will only collect current support. If the IWO in place was initially issued by a Virginia Court, a Motion to Amend will be needed. See Chapter 8; or

c. the amount to be withheld increases because the Division will collect additional arrears that have accrued. If the IWO in place was initially issued by a Virginia Court, a Motion to Amend will be needed. See Chapter 8; or

d. the amount to be withheld increases or decreases because a court or administrative order modifies the amount of current support or the specific amount to be paid on arrears; or

e. the amount to be withheld decreases because a dependent of a per child order emancipates; or

f. the whereabouts of the child or caretaker are unknown; the Division will not collect current support or CP arrears, but will collect arrears owed to the state.

2. When one of the conditions under which an IWO order needs to be modified:

a. 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.

b. Serve the NCP's employer by first class mail or by electronic means.

(12/2014) (03/2015)

## I. When to Release the IWO (06/2016)

1. Release the IWO when one of the following occurs

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

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

c. Legal Counsel informs the Division 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 an IWO is released occurs:

a. Generate the *Release of Income Withholding Order* document for online or batch generated IWOs. If the IWO is an EIWO, should be released via the EIWO termination process.

b. Serve the NCP's employer by first class mail or by electronic means.

## J. Unemployment Compensation Benefits (08/2016)

1. Unemployment compensation benefits are **withheld to pay child support**. The automated system runs a batch program each evening that

   a. **determines** which NCPs need to be submitted to **the Virginia Employment Commission (VEC)**;

   b. **recalculates** withholding amounts and percentages when there is a change in withholding amount or percentage;

   c. determine which NCPs need to be released **and**

   d. **submits the above information to VEC**.

2. **The automated system** criteria for submitting NCPs to the VEC for **withholding** of unemployment benefits are:

   a. obligated cases with open subaccounts, excluding fees;

   b. arrears-only cases that are past due in an amount greater than or equal to one month's support;

   c. at least one open workable case type excluding the NIVD and LOCO case types **(exception: limited services intergovernmental NIVD cases established specifically to withhold unemployment compensation for child support); and**

   d. the **Alternative Payment Agreement field indicates** that there is **not** an active *Alternative Payment Arrangement Agreement* in place.

3. The automated system automatically updates NCPs who have been submitted to VEC for **withholding** of unemployment benefits when

   a. total amount due changes,

   b. CCPA percentage changes **and/or**

   c. the **Alternative Payment Agreement field** is **modified.**

4. The automated system automatically releases NCPs who have been submitted to VEC for **withholding** of unemployment benefits when

   a. all applicable case types 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 **automated system is updated to release** the NCP,

e. a change has been made to the NCP's SSN **or**

f. the Alternative Payment Agreement **field indicates there is an *Alternative Payment Arrangement Agreement* in effect for the NCP's only case or for all of the NCP's cases.**

Procedures for releasing and including VEC withholding, excluding an NCP from submission and excluding and including a case from VEC withholding are discussed in the User Guide.

5. **For unemployment compensation benefits issued by other states, Division staff should consult the IRG to determine if an IWO can be issued directly or if a two-state process is needed.**

## K. Garnishing Federal Employees (03/2015)

1. Use the IWO to garnish pay of active or retired federal employees. This includes Public Health Commissioned Officers. For active duty and retired military service members, refer to Military Issues. For other federal employees, a list of designated federal agencies for processing income withholding for child support is available from OCSE.

2. The designated agency is to follow the law of the employee's official duty station state (or principal place of employment) regarding:

   a. When to begin withholding (if longer than 30 days),

   b. When to remit payment,

   c. CCPA limits,

   d. Allocating withholding across multiple child support orders,

   e. Administrative fee to the employee (if any), and

   f. Other terms that may apply based on state law.

3. 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.

## L. Income Withholding and the Veterans Administration (07/2014)

Veterans' Administration Disability Compensation Benefits, much like Supplemental Security Income (SSI) are exempt from income withholding. However, if an NCP is receiving VA disability compensation, DCSE may be able to collect child support through an apportionment. See Veterans Administration.

**M. Interstate Income Withholding (06/2016)**

1. UIFSA allows an IWO to be issued and sent to the NCP's employer in another state.

   a. Employer located in a state other than Virginia

      1) An IWO 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 IWOs regardless of whether Virginia has jurisdiction over the employer.

      4) Send the IWO to the employer. The IWO requires the employer to provide a copy of the IWO to the NCP.

      5) If the NCP contests the IWO, the NCP notifies Virginia of the contest. The NCP whose employer is in another state has the same IWO appeal rights as an NCP whose employer does business in Virginia. Refer to General information about the IWO and Income Withholding for Support.

   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.

      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 IWO directly from another state regarding such issues as

         a) CCPA 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 IWO to the

a) support enforcement agency providing services to the CP, or

b) person or agency designated to receive payments in the IWO, or

c) CP if there is no person or IV-D agency designated to receive payments.

(03/2016)

## III. ENFORCEMENT BY INTERCEPT PROCESSES

### A. Intercept Programs (06/2016)

The Division intercepts federal income tax refunds and administrative offsets to pay child support and spousal support arrears owed to the Commonwealth and to CPs. The Division 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. The Division certifies every case which meets the criteria for offset in an automated process

2. IT Operations and the EFT/EDI Tax Intercept Unit

   a. initiate files, reports, and automated updates to the automated system 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 or to remove subaccounts that do not qualify from certification;

   c. initiate refunds to NCPs for subaccounts that were certified in error or paid after certified.

### B. Security Safeguards for Tax Information (10/2014)

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

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

    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.

    c. Agencies that receive federal tax information directly from either the IRS or from secondary sources (e.g., the Social Security Administration) must have adequate programs in place to protect the data received.

2. Any staff having access to the Virginia Department of Taxation's Integrated Revenue Management System (IRMS) is required by state and federal law to protect the confidentiality of any and all information contained within the IRMS.

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; after verification of the CP's identity:

        1) You are allowed to disclose that a tax intercept payment has been received once the agency has received it. You may disclose the amount and date of the refund offset, including the source of the payment; this is the extent of the information you are allowed to provide to the CP. However, if there is someone else present during the discussion with the CP other than the NCP (e.g., CP's current spouse, attorney, friend, etc…), DCSE cannot use any reference to tax intercept as this would be improper disclosure. If someone else is present with the CP, you can use the terms "involuntary enforcement action" or "involuntary payment."

        2) You are allowed to provide the CP with the criteria used for certification for submission for the state and federal intercept programs, and

        3) If the payment is being held pending possible injured spouse claims (i.e. joint return) or possible fraudulent return, the CP may be told about the payment, but the reason for the hold may not be disclosed. You are allowed to indicate that the payment is being held pending possible adjustments to the amount of the intercept, and while most payments are released within 180 days it could possibly be held longer pending further review.

4) The information provided to the CP regarding the tax intercept payment may not be disclosed to an authorized representative of the CP, including someone with a Power of Attorney or the CP's legal counsel.

5) No other FTI pertaining to the NCP may be disclosed to the CP.

b. If a local or state law enforcement official calls and asks you to verify that a certain person has a certain SSN, you cannot provide this information. This information is confidential. Under limited circumstances, FTI may be disclosed to federal law enforcement officials. If you are contacted by federal law enforcement for information that is FTI, contact the Program Guidance Team at pgt@dss.virginia.gov for further guidance

c. 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.

d. FTI can be disclosed to another state's child support agency in interstate IV-D child support cases on a case by case basis. The disclosure, however, must only be for the purposes to accurately record and administer collections and distributions in IV-D cases in common. This disclosure only applies to other state IV-D agencies. It does not apply to Tribal IV-D agencies or international child support agencies

e. FTI payments may only be disclosed in court proceedings as long as all payment sources are removed from the child support payment record. It is permissible to distinguish payment amounts in the record as voluntary or involuntary. The agency is not allowed to use more than 2 designations (such as voluntary and involuntary or administrative and non-administrative) to distinguish payment amounts. Except as described here, FTI cannot otherwise be disclosed during court proceedings.

f. Any of the FTI received on an NCP maybe disclosed to that NCP, once you have verified the NCP's identity.

g. FTI data received as a result of the joint return may be disclosed to the other individual with whom the return was filed (i.e., spouse or former spouse) if the joint filer requests that information. You must verify the identity of the person making the request (joint filer) and should ask the person to submit the request in writing.

h. The NCP's FTI may not be disclosed to an authorized representative of the NCP, including someone with a Power of Attorney or the NCP's legal counsel. However, if there is someone else present during the discussion with the NCP other than the joint filer, if applicable (e.g., NCP's current spouse that is not a joint filer, NCP's mother, attorney, etc…) you cannot use any reference to tax intercept as this would be improper disclosure. If someone else is present with the NCP, you may use the terms "involuntary enforcement action" or "involuntary payment."

4. Failure to safeguard confidential tax information could be punishable as a Class 2 misdemeanor under the Code of Virginia § 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 non-restricted 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) Computers must be in a secure area with restricted access. During business hours, if authorized personnel serve as the second barrier between FTI and unauthorized individuals, the authorized personnel must wear picture identification badges or credentials.

      3) Maintain written instructions and procedures that identify staff who are authorized and those who are not authorized to have access to tax files.

      4) All case files, screen prints or other hard copy data containing FTI must be kept secure.

         a) With the exception of those DCSE employees responsible for conducting fiscal audits, DCSE staff should not print out information from the automated system containing FTI.

         b) Employees responsible for conducting fiscal audits can only print FTI for the purposes of an account audit and only when necessary. The employees authorized to printout FTI must strictly adhere to all of the provisions regarding the handling of FTI printouts as detailed in Receivables General.

   b. Security of Tax Information After Working Hours

      1) Lock all doors to areas containing tax information and exercise strict key or combination control. Combinations and keys must be given only to those individuals who have a frequent need to have access to the area. Combinations must never be written on a sticky-note, calendar pad or any other item.

      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 the automated system we have to secure the whole automated system and Ctrl-D database the same as we secure hardcopy FTI.

2) An employee cannot use his or her personal equipment to log into the automated system or Ctrl-D. A disc with FTI or the automated system 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 working at an alternate worksite must be provided with a way to communicate with managers or other agency members in the event of a security issue. Employees may use a landline, cell phone, email or other methods of communication as agreed upon with management to report security issues to the Division.

5) If staff are to have case files, screen prints, or other hard copy data at the alternate work site, the Division 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 Division 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.

7) Typically in alternate work site locations the requirements of a secure area with restricted access cannot be maintained; therefore, computer equipment must receive the highest level of protection practical, including full disk encryption. FTI should be protected with a minimum of 2 barriers; full disk encryption serves as one of the barriers. Keeping equipment locked up when not in use serves as a second barrier.

8) 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 the Division'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 as prescribed for in Receivables General.

8. Management must periodically review the tax information security safeguards for their effectiveness and compliance with the Division's security procedures.

9. Federal Tax Information does not include information provided by the taxpayer or third parties. If the agency gets returns or return information or Personal Identifying Information (PII) from a taxpayer or third party independently, the information is not considered FTI.

(04/2014) (05/2014)

**C. Federal Intercept (06/2016)**

1. All cases in which the NCPs meet the criteria for submission for Federal Tax Offset and Administrative 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, the Division also has the ability to increase the arrearage amount weekly on cases previously submitted.

3. Division staff can exclude a specific case or all cases attached to an NCP from submission for offset.

4. Division staff can to remove an NCP previously submitted for offset.

5. Division staff can to add an NCP back for offset when an NCP was previously excluded/removed from Tax Offset, Administrative Offset, Passport Denial and/or FIDM.

6. Division staff update the indicators via the Update Offset Indicators page and view the indicators via the Intercept Data page.

7. Criteria for automated certification of arrears to the IRS

   a. TANF, IV-E FC, and Non-TANF arrears subaccounts

      1) a legally established child or child and spousal support order

      2) the CP has or is receiving public assistance in Virginia or the CP 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 CP 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 the Division does not enforce, refer to Enforcement Rules.

a) Program Standards for Enforcement;

b) Enforcement and Minor NCPs;

c) Exceptions to Enforcement Action; and

d) Spousal Support.

b. TANF and IV-E 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. Non-TANF arrears subaccounts

1) The arrears owed by the NCP are at least $500.

2) Arrears cannot include fees or court costs.

3) The CP's current address is on the automated system.

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. 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. spousal support when the NCP is paying child support and spousal support to the CP (the same order must contain the spousal and child support obligation in Non-TANF cases); or

c. interest on support arrears; or

d. a specific dollar amount of medical support included in an order.

9. Refer to Holds for information on the automated system automatic holds regarding receipt of possible erroneous federal tax refund offsets based on fraudulent returns.

10. Refer to the discussion of Enforcement Rules for types of cases and subaccounts that do not qualify for certification to the IRS.

11. Automated Certification

    The automated system automatically submits new cases for the Federal Offset Program if any of the items listed in a-d below apply. OCSE holds all new cases for 30 days; this 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. The Division 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.

12. 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 are met

    a. The arrears are not enforceable.

    b. A judge orders that the arrears not be certified. The order may be entered before or after the arrears are certified.

    c. The Director of Operations 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. Spousal support for a non-TANF CP is not included in the same order as the child support.

    f. The Commissioner discharges the arrears.

13. IRS Intercept Pre-Certification Test File

    District Offices use the Unaccountable Report to take corrective action and update the automated system before the information is extracted to create the final certification file.

14. IRS Intercept Files

a. Refer to the current OCSE Action Transmittal for submission specifications and due dates

b. IT Operations 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 Deputy Commissioner/ 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 Deputy Commissioner/ Director to approve and sign

(3) Contact Point for OCSE Issued Pre-Offset Notice memo - Forward to the Deputy Commissioner/ Director to approve and sign.

(4) Federal Tax Offset Contact Form memo - Forward to the Deputy Commissioner/ 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 Deputy Commissioner/ Director to approve and sign.

4) Receive files from OCSE; prepare a written request for Division of Information Systems to process the files, update the automated system 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

15. Notice of Intention to Issue Pre-Offset Notices

IT Operations

a. Prepare request for OCSE to issue the notices. Forward the letter to the Deputy Commissioner/ 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.

16. EFT/EDI 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.

17. Pre-Offset Notice Address File

IT Operations and EFT/EDI Tax Intercept Units

a. Verify district office addresses, telephone numbers and locality codes.

b. Submit updated addresses to the IT Operations.

c. IT Operations updates this information on-line.

18. Final IRS Certification File

a. IT Operations

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 Case Events to explain why an NCP's arrears were removed from the certification file

2) Generate the Unaccountable File

3) Generate a worklist to the specialist for each case on the list.

c. District office staff use the information on the report to take corrective action.

19. Weekly Modifications and Deletions of the Certified Amount

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.

The Division'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 of the U.S. Department of the Treasury (DOF)at one time.

a. Modifications and deletions of the certified arrears and updates to the intercept module are automated 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 financial subaccount(s) is adjusted.

b. IT Operations, 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.

20. 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,

2) the name does not agree with the name on the IRS file,

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 the Division.

h. Generate the Collection/Adjustment/Address and Corresponding Name Change report and mail to the Division monthly.

i. Deposit the net payment via ACH in the Commonwealth's bank account weekly.

21. Notification to and from other states

The automated system 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.

22. Notification to the NCP

a. IRS Advance Notice

1) OCSE sends the Pre-Offset Notice to the NCP in October

2) The notice is mailed to the address on the IRS file and informs the NCP that his/her arrears have been certified to the IRS for collection.

3) The notice informs the NCP that his/her arrears have been certified to the IRS for collection.

b. IRS Notice at Intercept

1) OCSE sends the NCP the Offset Notice.

2) The notice is also addressed to the NCP's spouse when a joint return was filed; the notice tells the NCP's spouse how to protect his or her share of the refund.

3) The notice may be mailed 30 to 60 days before the Division receives payment.

23. 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. Vendors may refuse to process rapid refunds for the NCP even if the certification has been deleted because the IRS does not process the deletions and modifications received from OCSE until the third or fourth week in January. After the end of January, the Division submits bi-monthly update files to OCSE. OCSE forwards the update files to the DOF. The results are forwarded to OCSE and the Division the following week.

d. Call Center staff and other staff who do not have primary responsibility for a case.

   1) refer to Self-Generated Events;

   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 10 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 Appeals, Hearings, and Reviews.

24. Notices Returned by the Postal Service

a. IRS intercept notices are returned to the district offices.

b. Type a self-generated entry on the Participant Events indicating < NOTICE RETURNED BY PO> and the date the notice was returned.

c. If the automated system has a different address,

   1) mail the notice to the address listed and

   2) Type a self-generated entry on the Participant Events indicating the address to which the notice was remailed and the date it was remailed.

d. If the automated system has the same address, refer to Location

25. IRS Intercept Collections and Address Files

a. Files are received by the Deputy Commissioner/Director monthly from February through December. They are forwarded through the IT Operations Unit to the Division of Information Systems.

b. Automated Processing of the File

1) Post payments

2) Holds, refer to Holds

3) Case Closed to IV-D, refer to Automated Refunds

4) Establish fee subaccounts

5) Adds adjustments if the payment to be adjusted has not been manually adjusted.

6) Update mailing addresses

a) If the NCP address information is blank on the automated system, the address on the tape is added as the MAIL address.

b) If the NCP has a MAIL address on the automated system, the address on the tape is added as an IRS_ address. The number that follows "IRS" changes based on the tax year; e.g., if the address is reported for the 2012 filing year, the address type would show "IRS2".

c) A Participant Event is also created when the address is added.

7) Generate reports

8) Update the NCP's Intercept Data

c. District Office staff verify all addresses added from the IRS Address and Collection tape.

d. State Disbursement Unit (SDU) staff manually adds IRS adjustments when the payment to be adjusted has previously been manually adjusted. Refer to Adjustments.

26. District Office staff immediately initiates a refund when the arrears were certified in error and payment has been forwarded to the Division.

27. Advance Refunds- Refer to Manual Refunds for information on advance refunds.

28. Report Refunds to the IRS

a. The Division reports refunds to the IRS automatically on the Weekly Modifications and Deletions tape.

b. 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.

(04/2013) (11/2015)

**D. Passport Denial (06/2016)**

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. The Division submits the names of NCPs with arrearage to the OCSE for Federal Tax Refund Offset weekly.

2. OCSE sends the 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 the Division removes the NCP when the arrearage falls to zero or the Division may exclude the NCP from the Passport Denial Process using the passport denial exclusion indicator. The Division notifies OCSE of changes in the arrearage balances and of the activation of the passport denial exclusion indicator via periodic updates.

5. NCPs are removed from the passport denial program by notifying OCSE through the automated update process. If an NCP is to be excluded from the passport denial process, the exclusion indicator is updated by the staff in the District Office. The NCP may be excluded when the delinquency is the result of an initial or modified child support obligation that created an instant debt that caused the NCP to meet the criteria for passport denial and that prior to the entry of said order, the NCP did not meet the criteria for submission. This scenario would not apply to an individual who had a true delinquency at the time of submittal that was the result of non-compliance with paying the support obligation and has since made payment. This removal also requires the Deputy Commissioner/ Director's approval to reinstate; however, the NCP would not be entitled to an expedited reinstatement based on the Department of State's criteria for expedited passport processing.

6. The only exceptions to the automated update process are life or death situations involving an immediate family member or the erroneous submittal of an individual as noted in item 7.b.1 as listed below. Only in these 2 afore-mentioned situations can the Division request OCSE to expedite notification to the Department of State that the obligor has made satisfactory payment arrangements.

7. The process of expediting the reinstatement of the passport is accomplished by faxing or scanning encrypting, and emailing an *Emergency Notice of Withdrawal of Passport Denial* letter to the EFT/EDI Tax Intercept Unit in the Division's Home Office. <u>All requests for the reinstatement of the passport must be approved by the DCSE Deputy Commissioner/ Director before submitting to the EFT/EDI Tax Intercept Unit.</u>

   a. In life or death situations, verification of the death or medical emergency is mandatory. The Department of State defines life or death situations as imminent death or funeral; serious illness; or dangerous operation. The Department of State also requires a letter from a doctor or Red Cross notification. Immediate family is defined as

      1) Parent or Guardian of Obligor

      2) Spouse of Obligor

      3) Child (natural or adopted)

      4) Grandparent

      5) Sibling

      6) Aunt

      7) Uncle

      8) Stepparent

      9) Stepsibling

10) Stepchild

b. In situations in which the individual was submitted as the result of an erroneous referral the case documentation must clearly substantiate that the referral is in error. Erroneous referral is defined as the following situations only:

1) The NCP did not owe the debt - e.g., wrong person submitted (mistaken identity);

2) The arrearage amount reported was incorrect and the correct arrearage did not meet the requirements for passport denial (this includes situations in which the NCP only met the $2500 threshold as a result of the combination of child support arrearages and spousal support arrearages, and not as the result of child support arrearages alone); or

3) The wrong SSN was reported.

8. When an NCP contacts the Division because his or her application for a passport has been denied, take the following steps:

a. Verify that the correct person has been submitted. If the incorrect individual was referred, see item 10.c below for the expedited removal process.

b. Verify that Virginia is the state that submitted the NCP for passport denial. If Virginia is not the state that submitted the NCP, advise the NCP that Virginia is not the state that referred her/him for passport denial and that s/he needs to contact the state that made the referral.

c. Verify the debt, ensuring that it meets the threshold for passport denial. If the arrears reported are the result of a combination of child support arrears and spousal support arrears or the result of an “instant debt” created by an initial or modified child support order, see item 10 or 11, as applicable, below.

9. If you have verified that the correct person has been referred; that Virginia is the state that submitted the NCP for passport denial; and that the debt submitted meets the criteria for passport denial, then advise the NCP that the passport denial will remain in place until the debt is paid in full. If it is discovered that one or more other states as well as Virginia have submitted the NCP for passport denial, advise the NCP that s/he will need to make separate arrangements with each state involved.

a. If the NCP alleges that it is a life or death situation, request payment in full. If the NCP is unable to make payment in full, the NCP should be referred to the Field Supervisor and District Manager.

b. Once referred to management, management will advise the NCP of what constitutes a life or death situation as indicated in item 7.a above ; that s/he will need to make satisfactory payment arrangements; and that the decision to lift the passport restriction lies solely at the discretion of the DCSE Deputy Commissioner/ Director.

c. If the Deputy Commissioner/Director approves the payment arrangement and the expedited removal of the NCP from passport denial, document the automated system when the approval is received, and refer to item 11 below for the expedited withdrawal procedure.

10. For cases that have a combination of child support arrears and spousal support arrears

a. Determine what portion of the debt was attributable to child support arrears and what portion was attributable to spousal support arrears at the time of the initial referral. If it is determined that the child support arrears alone met the requirement at any point in time for passport denial (i.e. the child support arrears and interest met or exceeded $2500), and the child support arrears and interest were not or have not been paid in full since that time, the NCP would not be eligible to have the passport denial removed until the child support arrears and interest have been paid in full.

b. If it is determined that the referral for passport denial would not have occurred if the spousal support arrears had not been included in the referral, thoroughly document the automated system with this information and forward the case to the District Manager for review.

c. If the District Manager review determines that the case meets the circumstances for expedited removal from passport denial, the District Manager will refer the case via the appropriate channels for the Deputy Commissioner/Director's approval. If the Deputy Commissioner/Director approves the expedited removal of the NCP from passport denial, document the automated system when the approval is received and refer to item 12 below for the expedited withdrawal procedure.

11. For cases in which the NCP had an instant debt created by an initial or modified child support order, the following steps should be taken

a. Instant debt refers to situations such as 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 or an initial ASO that assesses reimbursement to an agency such as DSS or DJJ) or a modified support order that increases current support and the NCP had no arrears prior to the entry of the new order.

b. If the NCP pays the arrearage in full or has paid support consistently as ordered since the entry of the initial or modified support order, thoroughly document the automated system with this information, and forward the case to the District Manager for review.

c. If the District Manager determines that the case meets the circumstances for removal from passport denial, the District Manager will refer the case via the appropriate channels for the Deputy Commissioner/ Director's approval. If the Deputy Commissioner/ Director approves the removal of the NCP from passport denial, document the automated system when approval is received and refer to item 12.a only below for the withdrawal procedure.

d. If the NCP does not pay the arrearage in full or has not complied with the initial or modified support obligation as ordered, the NCP is not eligible to have the passport denial removed until the child support arrears and interest are paid in full.

12. Once the Deputy Commissioner/ Director has approved the reinstatement of the passport, complete the *Emergency Notice of Withdrawal of Passport Denial*. This form must be printed on Division letterhead.

    a. Update the indicator to exclude the NCP from passport denial on the Update Offset Indicators page in the automated system. For additional guidance on updating offset indicators, refer to iAPECS User Guide.

    b. Contact the EFT/EDI Tax Intercept Unit in Home Office and provide the necessary information. Scan, encrypt and email or fax the *Emergency Notice of Withdrawal of Passport Denial* to the EFT/EDI Tax Intercept Unit. If it is a life or death situation, the verification of the death or medical emergency must be included with the *Emergency Notice of Withdrawal of Passport Denial*. Home Office staff will notify OCSE after verifying that the exclusion indicator has been updated appropriately.

    Do not instruct an NCP to present an *Emergency 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.

13. 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. To obtain the date of issue for the NCP's passport, *The Passport Issuance Tracking Letter* is sent to the Department of State via overnight courier.

(04/2013) (04/2014)

**E. State Tax, Lottery, and Vendor Intercept (03/2016)**

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 2 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) Program Standards for Enforcement;

2) Enforcement and Minor NCPs;

3) Exceptions to Enforcement Action; and

4) 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,

   b. A judge orders DCSE not to certify the arrears. The order may be entered before or after DCSE certifies the arrears.

   c. The Director of Operations decides not to certify the arrears based on exceptional circumstances.

   d. A judge orders the arrears held in abeyance.

   e. The Commissioner discharges the arrears.

3. Monthly Additions, Modifications, and Deletions

   a. Additions, modifications, and deletions to the certified arrears and updates to the intercept module are automated 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 automated system subaccount is adjusted.

   b. IT Operations Unit

      1) receives notification of the transmission of modifications and deletions to the Department of Taxation from the Division of Information Systems,

2) receives notification of the transmission of the Rejection Report from the Department of Taxation to the Division of Information Systems, and

3) sends bi-weekly addition, modification and deletion updates to the Department of Taxation.

4. The Department of Taxation

a. receives certification files,

b. flags potential intercept cases on an on-going basis throughout the year,

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 reports of NCPs that the Department of Taxation rejected,

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

The automated system 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 Document Requirements and Record Retention.

b. The automated system generates a notice within 10 days of receiving notice from the Department of Taxation that the refund is being held.

1) Refer to Documentation Requirements and Record Retention.

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

7. Notices Returned by the Post Office

a. State intercept notices are returned to the District Office

b. Update Participant Events to indicate

1) <STATE TAX NOTICE RETURNED BY PO>

2) Date the Notice Was Returned

c. If the address on the automated system is different from the address on the notice,

1) re-mail the notice,

2) type a self-generated entry in Participant Events with the following information

a) <STATE TAX NOTICE REMAILED>

b) Date Remailed

d. If the address on the automated system and the notice is different from the address on the tax return

1) add the tax return address to the automated system

2) remail the notice

3) type self-generated entries on Participant Events 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 the automated system is the same as the address on the notice

1) refer to Location and

2) type a self-generated entry in Participant Events as follows: <NCP REFERRED TO LOCATE>

3) re-mail the notice when a new address is received.

8. When notification that an intercept has occurred is received by the Division from the Department of Taxation,

   a. The automated system daily,

      1) generates the *State Income Tax or Lottery Winnings Intercept Notification* 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*.

9. State Intercept Collections Files

   The automated system automatically processes payment information

   a. Refer to Payment Processing for payment posting information.

   b. Refunds payments to NCP if the non-TANF case is closed.

   c. Generate Reports

   d. Updates the NCP Intercept Data

10. District office staff immediately initiates a refund when they find out that the arrears were certified in error and payment has been forwarded to DCSE.

11. Payments Transferred by the Department of Taxation in Error

    State Disbursement Unit

    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 the automated system.

**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 notifies 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.

## IV. ENFORCEMENT BY CONSUMER REPORTING

### A. Consumer Reporting Agencies

1. DCSE reports arrears to 4 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**

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.

**D. Notification and Referral Process**

1. Automated Notification to NCP

   a. The automated system 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. The automated system generates the letters monthly during the third weekend of the month. Criteria for generating the letters follow.

      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 3 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 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 Display Case Information reports the Interstate as an <R> or the field is blank, indicating no other state involvement. The Jurisdiction Code does not affect credit bureau reporting

5) The arrears are enforceable. Refer to the following discussions of Enforcement Rules.

b. The automated system generates an entry to Participant Events when it generates the *Consumer Reporting Agency Notice.* <L> is written in the Credit Bureau Reporting Status Field on the 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. The automated system generates a tape that includes new NCPs to refer to consumer reporting agencies once a month. Refer to the discussion of Automated Notification as noted above for when the tape is generated and for the criteria for referring cases.

b. The automated system 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 Maintain Intercept Data screen.

c. When the automated system selects an NCP, it

1) generates an entry to Participant Events.

2) changes the <L> in the Credit Bureau Reporting Status field on the 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. The automated system refers the arrears if the NCP does not contest the action within 10 calendar days.

g. The automated system replaces the <L> with an <S> in the Credit Bureau Reporting Status field. An "S" means arrears have been reported to the credit bureau.

h. The automated system replaces the <S> with an <E> on the Credit Bureau Reporting Status screen when the youngest child on the case reaches emancipation and the delinquency date is 7 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, The automated system changes the <L> to a blank and does not select the NCP to add to the tape.

b. The automated system 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 history for the NCP.

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) Department of Corrections

3) SPIDeR and ADAPT

4) Employer letters

5) CLEAR

6) Review of other cases that pertain to the NCP and contact with CPs

e. If a specialist cannot complete the locate process within 10 days, he or she should update the Credit Bureau Reporting Status at the NCP participant level with a "T" code. This action will delay referral to the Credit Reporting Agencies for 60 days.

f. If a specialist 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. Review the Credit Bureau Reporting Status and Effective Date fields on the Select Intercept Data page to see if the arrears have been referred.

b. 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 below for reasons not to refer arrears.

8. Administrative Reviews and Appeals

Refer to Appeals, Hearings and Reviews,

a. Administrative Reviews,

b. Consumer Reporting Agencies, and

c. 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 Enforcement Rules

2) The NCP does not live in Virginia.

3) The Director of Operations 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. Update case management and financial information 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 in Participant Events 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 in Participant Events as follows:

a) <CASE REFERRED TO SUPERVISOR>

b) Type a note to explain why the case(s) were referred to supervisor, action requested, and, date case referred to supervisor.

c) Refer to Self-Generated Event Entries, for general information on self-generated Event entries and notes.

3) Worklist the supervisor to review the case(s) and set the consumer reporting agency indicator

c. The District Manager or designee approves the use of the following codes:

1) <P> To permanently exclude the arrears from referral.

2) <R> To remove the NCP's arrears from consumer reporting agency records.

d. Field Supervisors and staff who have primary responsibility for a case

1) enter one of the following consumer reporting status codes on the Credit Bureau Reporting Status page

a) <T> To postpone for reasons other than an appeal

b) <A> To postpone for 60 calendar days while an appeal is under consideration.

c) <P> Refer to item c.1 above

d) <R> Refer to item c.2 above

2) type a self-generated entry in Participant Events as follows:

a) If the consumer reporting status code is <T> or <P> on the Credit Bureau Reporting Status screen type

(1) <DO NOT REPORT NCP TO CRA> or

(2) <NCP REMOVED FROM CRA>.

b) If the consumer reporting status code is <T> on the Credit Bureau Reporting Status, type

(1) <NCP REFERRED TO COURT> or

(2) <NCP SCHEDULED FOR ADMINISTRATIVE REVIEW> or

(3) <NCP REFERRED TO DIRECTOROF OPERATIONS>.

c) If the consumer reporting status code is <A> on the Credit Bureau Reporting Status, type <NCP REQUESTED APPEAL HEARING>.

d) If the consumer reporting status code on the Credit Bureau Reporting Status is blank, type <NCP REPORTED TO CRA>. Type a note including the following information: whether the indicator was set to prevent referral or remove a referral that had occurred in error, and dates of actions

3) Refer to Self-Generated Event Entries for general information on self-generated Event entries and notes.

4) Create a mail message to the Director of Operations 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 Participant Events 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 Self-Generated Event Entries for general information on self-generated Event entries and notes.

4) Worklist a district office Field 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 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 Director of Operations 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 Credit Bureau Reporting Status screen.

5) Document the automated system with a self-generated Participant Event entry as follows: <NCP REMOVED FROM CRA>.

6) Create a self-generated note for the entry. 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 Documentation Requirements for general information to include in self-generated Events and notes entries.

c. The automated system takes the following actions:

1) generates the monthly Credit Bureau Removal Report, and

2) replaces the <R> with a <D> on the Credit Bureau Reporting Status field. The <D> indicates that the NCP was referred to the consumer reporting agencies for removal.

3) replaces the <R> with a <D> on the Credit Bureau Reporting status field. 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 7 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. The Monthly Credit Bureau Removal Report, D398 is generated 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 code being <I> and the NCP has a Virginia address, review the NCP's case(s) to decide if the interstate code of <I> needs to be deleted/updated.

## E. Customer Contacts

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. Consumer Response Team staff and other staff who do not have primary responsibility for a case

a. refer to Documentation Requirements for information to include in a self-generated Event 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 10 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 2 business days of receiving the request:

a. forward the request for an appeal hearing. Refer to Appeals, Hearings and Reviews.

b. place a temporary hold on the referral by typing a <T> or <A> on the Credit Bureau Reporting Status field. 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 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 Documentation Requirements for standard information to include in a self-generated Event 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. Home office Consumer Response Team 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 2 payments on the account.

d. Create a self-generated Participant Event entry as follows:

1) <ARREARS INFORMATION REQUESTED BY>. Add the name of the entity that requested the information.

2) Refer to Documentation Requirements for general information to include in self-generated Event 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 2 payments on account reported.

7) Refer to Documentation Requirements for general information to include in self-generated Event 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 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. Home Office Consumer Response Team 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 fiscal history for the NCP's cases and complete the Consumer Dispute Verification documents within 1 working day.

b. Create 2 self-generated Participant Event 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. Notices Returned by the Postal Service**

1. Advance notices are returned to Home Office Consumer Response Team, sorted, and forwarded to district offices.

2. District office staff create a self-generated Participant Event entry as follows: <CONSUM AGENCY LETTER RETURNED BY PO>.

   Refer to Documentation Requirements and Record Retention for general information to include in self-generated Events and notes entries

3. Create event notes for the entry of the date the notice was received in the district office

   Refer to Documentation Requirements and Record Retention for general information to include in self-generated Events and notes entries.

4. If the paper file has a different address,

   a. add the address to the automated system and mail the notice to the address.

   b. Create a self-generated Participant Event entry as follows:

      1) <CONSUM AGENCY LETTER RE-MAILED>. Add the date the notice was remailed.

      2) Refer to Documentation Requirements and Record Retention for general information to include in self-generated Events and notes entries.

5. If the paper file has the same address, refer to Location. Create a self-generated Participant Event entry as follows:

   a. List the actions taken.

   b. Refer to Documentation Requirements and Record Retention for general information to include in self-generated Events and notes entries.

### G. Case Closure

For non-TANF cases, adjust the receivable subaccount balance to zero. Refer to the discussion of Case Closure. The automated system 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.

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 electronic case file for the following enforcement actions:

   a. Income Withholding

   b. Liens

   c. Consumer Reporting Agencies

   d. Federal Intercept

   e. State Tax Intercept

   f. Asset Attachment - Order to Withhold, Order to Deliver, and Seizure and Sale.

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. The specialist will also need to generate a *Motion for Show Cause Summons* at the same time unless DCSE already has a pending show cause hearing against the NCP.

4. To initiate the suspension process, the following steps are taken:

   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 Case Event entry to document that the notice was mailed.

      2) Type the following in the Case Event 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

   b. send the CP a *Notification of Action Taken by DCSE*

   c. verifies that the NCP has a license, certificate, registration, or other authority by

      1) reviewing the DHP Report using Control-D,

      2) reviewing the DMV driver's license file's report for occupational licenses,

      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

   e. creates a self-generated Case Event entry to document the action to verify the license

      1) If the information is obtained from a Control D report, type the following in Case Events Notes: Type <NCP 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 Case Event Notes

         a) Type <INFORMATION OBTAINED FROM (Add the name of the person that provided the information.)>.

         b) Type <NCP 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 Case Event Notes

         a) <LETTER MAILED TO (Add the name of the agency to which the letter is mailed.)>.

b) <NCP HOLDS LICENSE TO (Add the type of license, certificate, registration, or other authority held.)

5. 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

6. 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 Receivables Maintenance. Total the arrears the NCP owes on all cases to see if the arrears meet the criteria 1.a above.

   b. reviews the NCP's case file(s) to decide if the other criteria in 1.a above 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 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 an 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 10 years.

   f. makes 2 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.*

7. 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 Case Account Statement for the case

1) 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 Participant Account History for the NCP to verify that all payments received have been distributed.

1) If all payments received have not been distributed, decide if payment(s) needs to be allocated to the case.

2) 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 How to Accomplish Service.

8. The district office specialist generates the *Legal Services Case Referral*. Forward the paper file and the *Legal Services Case Referral* to the Legal Counsel.

9. Upon approval of Legal Counsel, the district office specialist takes the following actions within 2 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 Case Event entry

    c. Generate the *Motion for Show Cause Summons*, if one has not been filed.

    d. Forward the documents to court.

    e. Mail the *Notification of Action Taken by DCSE* to the CP.

    f. Add the hearing date to Schedule Maintenance when the court provides the hearing date.

    g. Notify Legal Counsel of the hearing date.

10. After the hearing, the court specialist updates the automated system.

11. 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 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.

    b. Type <CONTACT LIC AGENCY RE LIC SUSP> in the Worklist Description field

    c. 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.>

12. 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 Payment History

    c. certifies that the Payment History statement is correct,

d. attaches the certified Payment History and the *Payment Agreement Occupational or Professional 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.

13. 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,* and

    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.

14. Upon approval of the Legal Counsel, the district office specialist

    a. forwards the documents to court within 2 business days,

    b. mails the *Notification of Action Taken by DCSE* to the CP,

    c. adds the hearing date to Schedule Maintenance when the court provides the hearing date,

    d. notifies the Legal Counsel of the hearing date.

**B. Suspension of Driver's License (12/2015)**

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 in child support or the child support 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 payment toward the required minimum payment with a three-level system of payments, as set forth below. The required minimum payment may be made in installments as agreed to by Division staff and the NCP. The NCP's driver's license will not be reinstated until the full required minimum payment is satisfied.

The NCP should sign the payment agreement when he/she makes the final installment payment. At that time, the Division will notify DMV to reinstate the driver's license.

Purge clauses and intercept payments are not considered as payment toward the minimum payment due to reinstate a driver's license.

1) For an initial *Payment Agreement*, the minimum payment is at least $600 or 5% of the total past-due child 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 payment is $1200 or 5% of the total past-due child 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 Agreement*s, the minimum payment is $1800 or 5% of the total past-due child support, whichever is greater, and the specified time period is 7 years or;

c. Completed or is successfully participating in a court or administrative intensive case monitoring program for child support. See Administrative Enforcement for further instructions.

2. The automated system automatically identifies NCPs and generates the *Notice of Intent to Suspend Driver's License* 30 calendar days after the automated system generates the *Important Notice About Child Support* to NCPs that

a. have a Virginia driver's license. The License Type field 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.

f. have one or more of the following case types or a subaccount type of OSTA:

1) ADC

2) FC

3) SLFC

4) NADC

5) ARRP

6) ARRN

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

1) Participant Event entries and

2) 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 Benefits Indicator information is updated correctly in order to prevent the NISD from being generated

m. The NCP has a blank Action field in the License Suspension field.

3. The Notice of Intent to Suspend Driver's License can be served on the NCP by

a. 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;

b. 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.

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

1) When the Notice of Intent to Suspend Driver's License on –line letter (NISD) is printed, the automated system updates 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.

2) If the NISD is returned as undeliverable, access the Participant Events History for the NISD and update the Unsuccessful Reason field with an unsuccessful service reason and add the return date in the PROCESS RETURN DT field.

3) Updating the event for a return also updates the Action field on the Driver's License information to "B" for bad service and updates the service successful and date fields on the License Suspension field. Attempt to find a new address, and once a valid address is obtained, generate the document again if the NCP continues to meet the criteria for suspension.

4) 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 33 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. If the NCP contacts DCSE regarding the Notice of Intent to Suspend Driver's License, take steps as indicated in items 5 and 6 below.

5. 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, as well as ensuring that the criteria as listed in item 2.a-k above are met. Refer to Chapter 16, Receivable Maintenance.

6. Once a determination is made whether or not the NCP qualifies for driver's license suspension, contact the NCP to discuss the results of the review. If the NCP qualifies for driver's license suspension, continue as listed in items 7 and 8 below. If the NCP does not qualify for driver's license suspension, see item 10 below.

7. Ask the NCP to pay the child support 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.

8. Negotiate a *Payment Agreement* with the NCP if the arrears cannot be paid in full. The required payment towards arrears may be made in installments as negotiated and agreed to by the Division. If current support is still due, the NCP must pay the full current support due each month in addition to the agreed upon arrearage payment in order to be in compliance with the *Payment Agreement.*

   a. The *Payment Agreement* must include at least one payment towards the required minimum payment.

      1) For an initial *Payment Agreement*, the minimum payment is at least $600 or 5% of the

total past-due child support, whichever is greater, and the specified time period in which the arrears are to be satisfied is 10 years.

2) If the NCP previously failed to comply with one *Payment Agreement*, the minimum payment is $1200 or 5% of the total past-due child support, whichever is greater, and the specified time period in which the arrears are to be satisfied is 7 years.

3) If the NCP previously failed to comply with two or more *Payment Agreement*s, the minimum payment is $1800 or 5% of the total past-due child support, whichever is greater, and the specified time period in which the arrears are to be satisfied is 7 years.

b. The required payment may be made in installments as agreed to by the Division. Referral will not be made to DMV to reinstate the NCP's driver's license until the full minimum payment ($600, $1200 or $1800) has been received. The NCP must pay the full current support due each month in addition to the agreed upon arrearage payment in order to be compliant with the *Payment Agreement.*

c. 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.*

d. 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 months 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 and current support is still due;

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.

5) Complete the *Payment Agreement.* To generate the *Payment Agreement*, refer to the User Guide. When the document generates it also creates a Participant Event entry and Event Notes.

6) 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.

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

8) 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.

9) Complete an income withholding if the NCP is not self-employed and his or her employer is known. Refer to The Monthly Amount to be Paid on Arrears.

9. The automated system 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, the automated system creates a Participant Event entry; the event does not specify the amount of the payment, only that a payment was posted.

   a. The Event Type is <RPAY> and the Event Description is <DR LIC SUSP STOPPED DUE TO PAYMENT>.

   b. If no payments other than intercept payments have posted within 31 calendar days after the automated system generates the tape to print the document, a worklist generates to the district office specialist.

   c. 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.

10. 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 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 18 below in this section

11. 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*. District office specialists within two business days of receiving the request generate the *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 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 Driver's 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 Driver's License – Failure to Pay Child Support* with the same court.

c. The automated system creates a Participant Event entry and a worklist when it generates the *Petition and Order to Suspend Driver's License - Failure to Pay Child Support.*

d. The district office specialist

1) schedules the hearing date on the automated system using the scheduling module when the court provides the hearing date, and

2) notifies the Legal Counsel of the hearing date.

e. After the hearing the court specialist, enters the code for the disposition of the hearing in the scheduling module.

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

g. 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.

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

starting the process again.

i. The automated system

1) sets the Action field on the Suspend License field to <NO> if the judge ordered DCSE not to suspend the NCP's driver's license.

2) generates a Participant Event entry:

a) The Event Type is <SDLH>.

b) The Event Description is <DRIVER'S LIC SUS HEARING COMPLET>.

3) generates and attaches a note to the Participant Event based on the disposition code typed on the scheduling module

a) <COURT ORDERED DCSE TO SUSPEND DRIVER'S LIC> or

b) <COURT ORDERED DCSE NOT TO SUSPEND DRIVER'S LIC>

j. 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.

12. Staff Authorized to Use the DMV Driver's License Suspension Screen

a. Each district office designates two staff members to enter data into the DMV system for driver's license suspension.

b. If the designated staff changes, the District Office Security Officer notifies DSS Security,

1) to deactivate the code for that staff member to be removed and

2) to activate the code for the new staff member (if applicable).

13. 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 participant identification number field requires 10 digits. This is the NCP's participant identification number as indicated in the automated system. 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) Participant Identification 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 driver's license suspension.

g. When an NCP is deleted from the DMV system, the DMV generates an apology letter to the deleted NCP.

14. 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.

15. If a payment from the NCP posts after his or her license is suspended, the automated system 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>.

16. 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.

17. 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.

18. Restricted Driver's 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 Driver's License* document. The court may grant the NCP a restricted license based on the child support suspension, however DMV may still be unable to issue the restricted license if the NCP has other unresolved licensing matters.

    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.

(09/2012) (05/2013) (04/2014) (06/2015) (09/2015)

## VI. ENFORCEMENT BY OTHER METHODS

This section provides guidance regarding administrative and judicial enforcement actions that the Division uses that have not been previously covered in this Chapter.

### A. Liens (03/2016)

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.

d. A lien is filed when

1) the arrears are equal to or greater than 3 months of current support due or $1000, whichever is greater, and

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 Case Events.

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 Case Events.

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 Case Events.

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 Case Events 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 Case Events 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 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 Lien* to the obligor at the last known address.

d. The automated system 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 NCP's property.

e. The automated system creates a 20-day worklist as a reminder to enter the lien recording information.

f. If enforcement of the lien is desired, request the enforcement of the lien from the IV-D agency in the state where the property is located.

g. If the debt on the lien is satisfied, release the interstate lien using the *Lien for Support Debt Release* document. Identify the lien to be released by including the recording information. Provide a copy of the release to obligor and, if appropriate, all interested IV-D agencies.

8. To issue a lien, take the following steps:

a. Initial liens issued for a support debt require an *Advance Notice of Lien (ASO/Out -of State Order)* or an *Advance Notice of Lien (Virginia Court Order)* to be served on the NCP, once

the arrears are equal to or greater than 3 months of current support or $1000 whichever is greater

b. The time period in which the arrears accrued should be 'from' the effective or start date of the order (whichever is first) 'to' the last day of the most recently completed charge cycle (the last day of the prior month, for cases with a charge date of the 1st).

c. Total support due for this time period would equal total CSUP obligations, including any initially assessed debt, and all interest charged in that time period. Do not include fees.

d. Total payments made for the time period would be calculated using the same time period in item c above

e. Remaining arrears due for this time period would result from subtracting the total payments made in the time period from the total support due for the same period.

f. Liens may be modified to decrease, by generating the *Lien for Support Debt Release*, if payments are made to reduce the original amount of the lien.

g. A lien may be modified to reflect an increase in the amount of the arrearage by filing a subsequent lien with a 'from' date the day after the 'to' date of the previous lien. An additional *Advance Notice of Lien* is not necessary.

(07/2013)

**B. Order to Withhold and Order to Deliver (07/2014)**

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 SSDI. SSI benefits deposited into a bank account retain their character as protected benefits even if they are commingled in the account with other funds.

   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 Financial Institution Data Match 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 90 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 NCP'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 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 administered by the Federal Retirement Investment Board (FRTIB) and into which military members and federal civilian employees may contribute toward their retirement.

a. The FRTIB has provided the *Thrift Savings Plan Income Withholding Order for State Agencies* for the Division to use when utilizing the *Order to Withhold and Deliver* (OWD) as an enforcement remedy. Form TSP-CS-1 assists the FRTIB 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 *Order to Deliver* to the TSP without the Form TSP-CS-1, the TSP may decline to honor the *Order to Deliver* 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. The Division must identify which account funds are to be taken from. The latest version of the TSP-CS-1 document (dated 7/2013) allows the specialist to check multiple account types and arrearage amounts on one document. One TSP-CS-1 form can be used to consolidate all arrears for multiple cases into a single TSP-CS-1 order. Using one form for these accounts provides for more efficient processing by the FRTIB. An *Order to Deliver* should be generated for each case. 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. OCSE has provided additional guidance to frequently asked questions regarding the issuance of the Orders to Withhold and Deliver to the TSP. This information is provided in a Q&A format

e. The FRTIB has advised that the time period may range from 70 to 140 days for receipt of funds from an *Order to Withhold and Deliver*.

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. This form is completed by DCSE Legal Counsel and filed with the appropriate court.

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.

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

c. Obtain any required approvals.

d. Document Case Events 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 Case Events to show the release.

(04/2013) (05/2013) (07/2013) (04/2014)

## C. 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, the automated system does not display a FIDM response record on the automated system 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. The automated system 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 identification or a staff ID.

6. An *Order to Withhold* may be issued against assets identified through the financial institution data match. DCSE may send Orders to Withhold and Deliver to the address provided by the financial institution.

a. If an out-of-state financial institution that participates in FIDM or MSFIDM fails to honor DCSE's *Order to Withhold* and *Deliver*, request assistance from the other state. Many states accept UIFSA Transmittal #3 documents to initiate bank account seizure.

b. If the state does not accept the UIFSA Transmittal #3, initiate action to open a full service interstate case.

7. Refer to *Order to Withhold* and *Order to Deliver*, in this chapter for instructions for using the *Order to Withhold* and the *Order to Deliver*.

**D. Child Support Lien Network (CSLN) (07/2014)**

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)

4) NCPs or cases with an exclusion code

c. The automated system 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 Intercept Data information 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, the automated system 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, the automated system will reflect a CSLR Removed from CSLN participant event and the Intercept Data information 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 the automated system with an exclusion code. For procedures used to exclude either a participant or a case from submission to CSLN, see the User Guide.

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 CSLN Participant Detail Record.

d. These potential matches will require further investigation to determine if the Claimant reported by the insurance company and the NCP on the automated system 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 3 types of matches received:

1) Workers Compensation

2) Incarcerated NCP

3) Non-Workers Compensation

b. Upon receipt of a match, the automated system 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.

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 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, 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.

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.

7. Worker's Compensation Claims

a. If there has been a match with a worker's compensation claim, the CSLN-Participant Detail Record will display a "Y" indicator in the worker's compensation field. 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*, 5 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*.

8. Incarcerated NCPs

a. Matches received that indicate the NCP may be incarcerated, either by DCSE system address or claimant address (if there is no address on the automated system), 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.

9. 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. The automated system will generate the OWD to both the Insurance Company and the NCP on CSLN Match cases where there is a personal injury claim. The automated system 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).

3) 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, the automated system will be updated with 2 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 the automated system. However if there is no address on the automated system, the notice will be sent to the address provided by the insurance company.

10. 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.

## 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. This enforcement method is used infrequently. All approvals obtained to proceed with this enforcement method must be retained.

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.

To initiate the Seizure and Sale Process, take the following steps:

4. Review the case to determine that eligibility criteria have been met.

5. 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 lien holder on the vehicle.

6. Verify the NCP's address.

7. File a lien in each county or city in which the asset targeted for seizure can be found.

8. Obtain approvals from the Supervisor and District Manager utilizing the *Seizure and Sale Checklist*. The District Manager will submit the request to the Director of Operations for approval. Once all approvals have been received, refer the case to the district office's Legal Counsel indicating that the Division is seeking to have the property seized, requesting their review to initiate the Seizure and Sale Process if appropriate. If the pursuit of Seizure and Sale is determined to be suitable, Legal Counsel will prepare all legal documents required to initiate and pursue necessary actions.

9. If the NCP contacts Legal Counsel in response to the Seizure and Sale process or contacts the district office directly, the DCSE worker should determine if the NCP has counsel. If the NCP has

counsel, ask that the NCP's counsel contact the Division's Legal Counsel. If the NCP does not have counsel, the DCSE worker should attempt to negotiate a settlement in the following order:

a. ask for full payment of the arrearage, or

b. if full payment cannot be made, make 2 calculations to arrive at the possible monthly arrears payment amount to be used in the payment agreement. Compare the results of the 2 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.*

1) Request a substantial lump sum payment (an amount of no less than $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,

3) However, if the order addresses an arrears payment and that payment is more than either of the above 2 options, use that ordered payment amount for the payment agreement.

10. If the district decides not to proceed with seizure and the NCP subsequently defaults on payment, refer the case back to the Division's Legal Counsel to review for seizure. If the pursuit of Seizure and Sale is determined to be appropriate, Legal Counsel will also prepare all legal documents required to initiate and pursue necessary actions. Document Case Events as appropriate.

## F. Booting Vehicles

The booting of vehicles is a variation of DCSE's seizure and sale procedures. 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. This enforcement method is used infrequently. All approvals obtained to proceed with this enforcement method must be retained.

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.

To initiate vehicle booting, take the following steps:

4. Review the case to determine if eligibility criteria are met. Cross reference for multiple cases.

5. 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 lien holder on the vehicle. Vehicles with lien holder 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.

6. Check sources for the loan terms and remaining balance owed on the vehicle.

7. Review vehicle type and its value. If the vehicle is financed, determine the lien holder and the amount owed. Evaluate the vehicle's value versus the balance owed.

8. 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 5 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. 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, would generally make these areas unsuitable for booting.

9. If the vehicle is a good target for booting, seek the Supervisor or District Manager's approval by completing the *Seizure and Sale Checklist*.

10. The District Manager will submit the request to the Director of Operations for approval. Once all approvals have been received, refer the case to the district office's Legal Counsel indicating that the Division is seeking to have the vehicle booted.

11. Wait for the NCP to contact DCSE.

12. Document Case Events appropriately for all actions taken to boot the vehicle(s).

13. 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 10 years.

    b. Implement income withholding if the NCP is employed.

    c. Advise the NCP that the booting process may be repeated if the NCP defaults. If the NCP defaults on the payment arrangement, refer to items 9 and 10 above for the procedures to use to initiate a subsequent booting enforcement remedy.

14. The District Manager must authorize release of the boot. Once the District Manager has authorized release of the boot, notify Legal Counsel to issue the appropriate release request to the Sheriff.

15. 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 an 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 for specific information.

3. Document the automated system to show successful or unsuccessful service.

## H. Federal Criminal Prosecution of NCPs (08/2016)

**Federal law makes** the willful failure to pay a past due support obligation with respect to a child living in another state a federal crime. **In 1998, the Federal Office of Child Support Enforcement (OCSE) in cooperation with the United States Department of Health and Human Services Office of the Inspector General (OIG) and the United States Department of Justice established Project Save Our Children (PSOC). PSOC is a coordination of efforts to carry out the activities supported by the federal criminal child support laws. Prior to referring cases for federal prosecution, the Division must demonstrate that all reasonable, applicable and available enforcement remedies have been applied but enforcement has been unsuccessful.**

1. **Basic criteria for an NCP's qualification for federal prosecution are:**

   a. **The NCP is not currently paying child support;**

   b. **The NCP has not paid for more than 1 year or is $5000 in arrears, and**

   c. **The NCP has willfully taken steps to avoid making payments, such as:**

      1) **failing to report employment changes,**

      2) **concealing location and/or assets,**

      3) **using false identification and/or**

      4) **relocating out of state to avoid paying child support.**

2. Penalties are:

   a. for the first **conviction**, a fine of up to $5000 or imprisonment for **a maximum of** 6 months or both;

   b. for the second or subsequent conviction, a fine of up to $250,000 and **imprisonment for a maximum of** 2 years; and

   c. **upon any conviction, restitution by the NCP equal to the past due support amount.**

3. **Because** the NCP **is** subject to criminal sanctions under this **process**, this remedy is **used only** for the most egregious cases.

4. Criteria for selecting cases for referral **for federal prosecution**

   a. The case is an active **IV-D Division** case.

   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. **The support obligation has been unpaid** for more than one year or arrears are greater than $5,000.

e. There is evidence that **demonstrates** the NCP willfully failed to pay child support.

f. **For an NCP who resides** in Virginia, **whether or not** and his/her **specific** location is **known**, there **must be** evidence of a pattern of avoidance. **The Division must be able to demonstrate that 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. The CP and child must reside out of state.**

g. **For an** NCP **who** 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. **If enforcement was unsuccessful due to the noncooperation of the other state's IV-D agency rather than to an enforcement action being unsuccessful, take steps to notify OCSE of the noncooperation. Noncooperation by another IV-D agency is not sufficient reason to refer a case for federal prosecution.**

h. A current support order **exists**. **The Division does not use this** remedy for arrears only cases unless the **Division** can prove a compelling reason for the United States Attorney's Office **(USAO)** to pursue the case.

**Below are the procedures for a PSOC referral for federal prosecution. District offices that already have procedures in place for direct referral to the OIG or the USAO may continue to use the processes they have in place. The approvals for referral and the information to be provided are required whether the referral is through the State PSOC Coordinator or is sent directly to the designated federal office.**

5. 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.

6. Complete the ***Project Save Our Children Referral Checklist.*** **Completing the *Project Save Our Children Referral Checklist ensures*** that the criteria for referral are met and **appropriately** documented.

7. Obtain the **Enforcement Supervisor's**, the **District Manager's,** and Legal Counsel's approval for referral.

8. Once approval of the Legal Counsel is obtained, complete 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

9. Prepare a file folder (**referred to as the criminal prosecution package**) to be sent to the **State PSOC Coordinator in the Division's Home Office (or directly to the appropriate federal office for offices with an established relationship with the OIG or USAO). Submit as much**

**of the information below as is available. The most important information is evidence of the willful nonpayment of the support obligation. If the NCP has demonstrated a clear pattern of willful intent to avoid paying support but little other information is available, a referral may still be appropriate. The Specialist should consult with office management to make a determination**.

a. A chronological summary of all **enforcement remedies** pursued and the outcomes, **including,**

1) **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;**

2) **evidence of a pattern of deception to avoid payment such as changing employment, concealing assets or location, or using false social security numbers;**

3) **a statement from the Division attesting to the amount of support owed; and**

4) **any other evidence to support the Division in demonstrating that the NCP has willfully avoided payment of child support.**

b. **Supporting documentation**

1) copy of **all** support order**s;**

2) copy of the case account statement showing the history of unpaid child support;

3) copies of all notices sent to the NCP advising him or her of the responsibility to pay support;

4) documentation regarding all contacts, calls and correspondence that the NCP may have had with the Division;

5) copies of all civil and criminal actions taken against the NCP, including income withholding orders, liens, seizure and sale actions, orders to withhold, petitions for show cause, etc., and the outcome of each;

6) **information regarding** of any state criminal charges which may have been filed or are pending;

7) locate information showing evidence of the NCP's **last known** address;

8) copies of 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…

9) the most recently available photograph of the NCP;

10) biographical information regarding the NCP;

11) information about whether the child has lived with the NCP for any of the period of nonsupport; and

12) a statement regarding whether the CP has been uncooperative in pursuing support.

10. **Submit the criminal prosecution** package containing the ***Project Save Our Children Checklist***, the *State Referral: Federal Criminal Prosecution For Non-Support (18 U.S.C.§228) Project Save Our Children* form, **and the PSOC Coordinator** file to the District Manager for approval and signature.

11. Maintain a copy of the signed ***Project Save Our Children Checklist***, **the *State Referral: Federal Criminal Prosecution For Non-Support (18 U.S.C.§228) Project Save Our Children* form**, and the narrative and **supporting documentation as part of the permanent case record**. **A** copy of the referral form **must be sent** to the appropriate Director of Operations.

12. **The District Office submits the approved criminal prosecution package to the State PSOC Coordinator**, unless the District Office **has** an established relationship with their assigned **OIG** or **USAO**. **In those situations, the criminal prosecution package is submitted** directly to the **OIG or USAO**.

**13. The State PSOC Coordinator is responsible for**

a. **Reviewing the submitted information to assure that case meets requirements for federal prosecution, most specifically that the case is an interstate case (the NCP and child residing in different states).**

b. **Forwarding the case to the OCSE PSOC Coordinator.**

c. **Coordinating efforts between the OCSE PSOC Coordinator and the District Office as necessary.**

**14. Upon receiving the referral, the OCSE PSOC Coordinator will**

a. **Assign a PSOC case number.**

b. **Establish a case folder.**

c. **Enter the appropriate referral information into the case log.**

d. **Forward the referral to the appropriate OIG agent within 2 days of receiving the criminal non-support referral.**

**15. The OCSE PSOC Coordinator acts as a liaison between the referring state and the Assistant United States Attorney (AUSA) and/or the OIG. However, once the referral is received, the AUSA and/or the OIG may choose, at their discretion, to contact and work directly with the referring state.**

a. **Cases are assigned to the AUSA based on availability.**

b. **The AUSA determines the prosecutorial merit of the case.**

**16. District Office staff are to respond timely to all requests for information whether the request is received from the State PSOC Coordinator, the OIG or the AUSA.**

(03/2016)

## I. Court Enforcement (12/2012)

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 Family Engagement Programs.

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 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) Field 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 the automated system 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 Court Enforcement and Enforcement of ASOs.

## J. 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 3 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.

To initiate the IRS Full Collection Process, take the following steps

4. Complete the *Application for the Collection of Delinquent Child Support Payments by the Internal Revenue Service* as an initial request ('x' beside item a).

5. Attach 2 copies of all currently effective support orders.

6. Attach a copy of the Payment History.

7. Attach 2 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.

8. Include the name of the case manager or case manager supervisor responsible for the case.

9. Obtain the District Manager's approval by initialing the application.

10. Forward the *Application for the Collection of Delinquent Child Support Payments by the Internal Revenue Service* and the attachments to the EFT/EDI Tax Intercept Unit in Home Office.

11. Enter notes in Case Events stating that the application was sent to Home Office.

12. The EFT/EDI Tax Intercept Unit

    a. reviews the package for approval;

    b. attaches a cover letter; and

c. obtains the Deputy Commissioner/ Director's signature on the cover letter

13. 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.

14. The EFT/EDI Tax Intercept Unit forwards the application package to the regional office of OCSE. The EFT/EDI Tax Intercept Unit

    a. sends a copy of the cover letter to the District Manager as notification of action taken; and

    b. creates a Case Event entry stating that an application for IRS Full Collection Service has been forwarded to the regional OCSE office.

15. The IRS maintains the referrals in an active status for 10 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;

    b. IRS collects the referred amount in whole or in part;

    c. IRS determines the arrears to be uncollectible; or

    d. Ten years have elapsed since the initial referral.

16. The outstanding arrears may be recertified prior to or following the expiration of the 10 year period if the arrears remain enforceable.

17. If circumstances arise that require the modification or cancellation of a previous request for IRS Full Collection Service,

    a. complete the *Application for the Collection of Delinquent Child Support Payments by the Internal Revenue Service* as a modification to a previous request ('x' beside item b) or as a cancellation of a previous request ('x' beside item c); and

    b. enter the Original Control Number issued by OCSE on the document; and

    c. generate a Case Event entry. Attach notes to the Case Event entry saying that the IRS Full Collection Services request (include the Original Control Number) has been modified or canceled; and

    d. forward the application for the modification or cancellation to the EFT/EDI Tax Intercept Unit.

18. The EFT/EDI Tax Intercept Unit

a. prepares a letter for the Deputy Commissioner/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 entry saying that a request for modification or cancellation of the IRS Full Collection Services sent to the regional office of OCSE.

19. IRS maintains the referrals in an active status for 10 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.

20. The outstanding arrears may be recertified prior to or following the expiration of the 10 year period if the arrears remain enforceable.

**K. Administrative Intensive Case Monitoring Program (10/2014)**

The Administrative Intensive Case Monitoring Program serves as an alternative enforcement method when certain circumstances exist where other immediate enforcement actions may not be in the best interest of the case. The AICMP offers NCPs the opportunity to voluntarily participate in the following programs:

1. Parents Striving for Success (PASS), which provides district offices with an option to help NCPs who are unemployed or underemployed and need assistance with overcoming the barriers preventing them from complying with their child support obligation, and

2. The Family Strong Re-entry Program (FSRP), which is designed to assist NCPs facing barriers related to current incarceration and prior criminal convictions.

Refer to Chapter 17 Family Engagement Programs for more detailed program information regarding PASS and FSRP.

# CHAPTER 6 – CENTRAL REGISTRY AND INTERSTATE RULES

## A. Overview (06/2015)

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 et.seq.

2. UIFSA contains a number of provisions that affect the processing of cases that involve 2 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 NCP, 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 2 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 (06/2015)

1. UIFSA and the federal regulations promulgated by OCSE impose requirements for the handling of requests for services from any other state, Tribe, or foreign country. 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 NCP lives and/or works in a different jurisdiction than the CP and child(ren) that has been referred by an initiating agency to a responding agency for services. The term "foreign country" means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:

a. that has been declared under the law of the United States to be a foreign reciprocating country;

b. that has established a reciprocal agreement for child support with the state of Virginia as provided in § 20-88.50;

c. that has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under Title 20 of the Code of Virginia

d. Under UIFSA, the guidance provided regarding interaction with another state is also applicable to foreign countries. If a caseworker is unsure as to the appropriate procedures to take, he or she should consult with their supervisor for assistance.

2. The Division is required to provide the full range of support enforcement services to an intergovernmental case referred to it by another agency. This interaction ensures that support enforcement services are provided for all cases, regardless of where the NCP lives. These services that the Division 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

(11/2013)

**C. Responsibilities of DCSE**

1. General Responsibilities

   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.

   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:

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.

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.

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 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 the Division has closed its case, and the basis for closure.

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 2 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
   1) 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 3 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;

      2) notify the initiating state of additional documents or information needed or corrections to the request;

      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.

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.

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 2 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.

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.

7. Notify the initiating state of the receipt of new information within 10 business days.

8. Notify the central registry when the case closes. Refer Closure of Intergovernmental Cases.

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.

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 (04/2016)**

1. The Division'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 an NCP's employer.

2. The interstate central registry is responsible for forwarding non-IV-D cases to the appropriate court. Non-IV-D cases are generally

   a. spousal only,

   b. cases received directly from an individual (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 Responsibilities of DCSE.

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 country should be coded IV-D and forwarded to the appropriate district office for processing. The UIFSA package serves as an application when it comes from the child support agency of a foreign country. Refer to the OCSE website for a list of countries declared by the U.S. government as foreign reciprocating countries.

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 the automated system within 20 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 the Division 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 5 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. The Division 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 Reasons for Case Closure.

7. Work incoming UIFSA requests for Limited Services cases.

a. A Limited Services case results when an Initiating State asks another State to take 1 or 2 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 the automated system. 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 the automated system:

   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 the automated system:

   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 initiating state is notified.

f. When we do build a Limited Services case on the automated system, 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* to the document. The purpose of the addendum is to provide the NCP with the appropriate contact information in the initiating 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 Order to Withhold and Order to Deliver 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.

(11/2013)

## E. Paternity Establishment (08/2016)

1. Virginia as Initiating State

a. Long Arm Jurisdiction

1) District offices attempt to use **long arm** whenever possible.

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. **See Establishing Paternity in Intergovernmental Cases.**

4) Assertion of **long arm** jurisdiction over an NCP results in a one-state proceeding.

5) UIFSA allows Virginia to seek stand-alone paternity establishment or paternity and support order establishment.

b. UIFSA Petition to **establish paternity**

1) If **long arm** is not available or **feasible**, forward a UIFSA petition and supporting documentation to the central registry in the state where the other parent lives.

2) Complete the ***Child Support Enforcement Transmittal 1-Initial Request*** **and other forms as needed. Refer to Establishing Paternity in Intergovernmental Cases.**

2. Virginia as Responding State

a. The presence of the petitioner is not required.

b. Refer a case to Legal Counsel if the putative father denies paternity and presents a prior order of non-parentage.

c. If paternity has not been previously established, refer to **Establishing Paternity in Intergovernmental Cases.**

d. Virginia paternity law applies regarding the admissibility of genetic testing when Virginia is asked to establish paternity and child support.

e. **The Division establishes paternity without establishing a support order when it is requested by another IV-D agency.**

**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.

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 2 orders entered with different amounts. If the divorce action is not resolved within 6 months, refer the matter to legal counsel.

2. Virginia as Responding State

a. Do not request the out-of-state party to appear for a hearing.

b. If paternity has previously been determined, a parent cannot raise paternity as a defense to a UIFSA proceeding.

c. Do not establish a new child support order if there is an existing child support order for the same NCP and child regardless of whether a URESA or UIFSA state issued the order, unless no state can exercise 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 (06/2016)**

1. There are 4 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<br>order<br>CP/Child | SC<br>order | TX<br>NCP |

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<br>order<br>CP/child<br>6 mo | SC<br>order<br>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<br>1 mo CP/Child<br>Order<br>(1990) | SC<br>NCP<br>Order<br>(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<br>CP/Child<br>SC<br>Order<br>(1994) | VA<br>NCP<br>MT<br>Order<br>(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 an 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 IWO 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 the IWO to the employer. The IWO requires the employer to provide a copy of the IWO to the NCP.

f) If the NCP contests the IWO, he/she notifies Virginia of the contest. The NCP whose employer is in another state has the same IWO appeal rights as an NCP whose

employer does business in Virginia. Refer to General information about the IWO in Chapter 5 and Income Withholding for Support in Chapter 12.

2) Virginia as the State where the employer is located. Refer to Interstate Income Withholding.

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- Initial Request*, 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 5 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:

a) The *Child Support Enforcement Transmittal #1- Initial Request* requesting registration;

b) Two copies, including 1certified 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 #1- Initial Request* and the *Uniform Support Petition*.

5) There is no space on the *Child Support Enforcement Transmittal #1- Initial Request* 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 #1- Initial Request* 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.

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 2 copies, including 1 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 non-registering 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 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 the Division 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.

(03/2016)

**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 Case Events that CEJ has been transferred to the state with personal jurisdiction over the other party.

      (2) For Virginia ASOs

         (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 the automated system 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 non-modifiable 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 2 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 the automated system to reflect the new amount.

12) File the modified order in the case file.

13) Do not change the obligation amount on the automated system 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 an 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 6 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 Reference 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 *Intergovernmental 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 Deputy Commissioner/Director to the Director of the responding state's agency asking for intervention and assistance.

**M. Review and Adjustment under UIFSA (06/2015)**

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.

7. If a Virginia order has not been modified in another state, Virginia retains jurisdiction to modify an order issued by a Virginia tribunal if one party resides in another state and the other party resides outside the United States.

**N. Reciprocal Enforcement (11/2013)**

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. OCSE has established federal level reciprocal 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.

2. Petitions received from a child support agency of a foreign country should be treated in the same manner as if received from a child support agency in another state. An application for services is not required because the UIFSA package serves as an application when it comes from a foreign country.

3. Petitions initiated directly by an individual, or an attorney on behalf of an individual, are not processed by Central Registry unless an application for services is received. If an application for services is not received, Central Registry will return the petition along with an application and advise that the application must be completed in order for Virginia to open a child support case.

4. If a petition is received from a foreign country in which there is no federal reciprocal agreement, Central Registry will set the case up and forward it to the appropriate district office to pursue the requested actions, as with any other case. The initiating country's UIFSA packet must include a copy of their UIFSA laws. If the case has to be referred to court the *Case Referral Checklist for Court Pleadings* must be documented in the notes section to alert legal counsel that this is a UIFSA case from a non-reciprocating country.

5. Staff may forward a UIFSA petition to any country for assistance whether there is a federal reciprocal agreement or not. A copy of Virginia's UIFSA laws must be included in the packet. When requesting assistance from a foreign reciprocating country, it is important to review the reciprocal agreement to determine whether a particular country will accept the documents in English. If the reciprocal agreement does not resolve the question of which country should provide the translation or there is no reciprocal agreement, the initiating country should provide a translation of the document. Federal reciprocal agreements are available on the OCSE website.

6. DCSE must have a certified translation of the support order for foreign registration in Virginia and DCSE must provide a certified translation of the support order in order to request registration for modification in another state. DCSE is required to pay for the certified translation. For a list of authorized Language Interpretation and Translation Services vendors go to the VDSS Office of General Services (Contract and Procurement) website on SPARK.

7. See Appendix 6.01 for notice requirements under UIFSA.

## O. Orders under the Hague Convention (06/2015)

The Hague Convention provisions of House Bill 1601 (2015), found in Article 13 of the bill including §§ 20-88.83 - 20-88.95, are not currently effective. These provisions will not be effective until all

states enact UIFSA 2008 and the instrument of ratification is deposited at the Hague. These provisions may become effective in 2016 or 2017.

# CHAPTER 7 - MEDICAL SUPPORT SERVICES

## A. Description of Medical Support Services (07/2014)

1. Medical support services are part of the full range of child support services provided to service recipients.

2. Medical support services include:

   a. Location of the NCP or putative father (PUTF) and establishment of paternity, if necessary.

   b. Establishment of a health care coverage order,

   c. Enforcement of a health care coverage order against NCPs,

   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 non-TANF CP when no amount is owed to the state for medical expenses incurred while the family received TANF, IV-E FC or Medicaid.

3. Requirements for Health Care Providers:

   a. No insurer, health services plan, or health maintenance organization, henceforth referred as a provider of coverage, shall refuse to enroll a child under a parent's coverage because

      1) the child was born out of wedlock;

      2) the child is not claimed as a dependent on the parent's federal income tax return; or

      3) the child does not reside with the parent or in the provider of coverage's service area.

   b. Upon receipt of proof that a parent eligible for family coverage has been ordered by a court or by the Division 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.

(01/2014)

**B. Time Requirements (12/2014)**

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 entered against an NCP within 30 calendar days of establishing an ASO or adding a court order for health care coverage in the automated system, 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.

3. On interstate cases, take all appropriate actions you would take on an in-state case within the applicable mandated time frames. Refer to Central Registry and Interstate Rules.

**C. Establishing Health Care Coverage Orders (06/2015)**

1. All cases must be provided with the full range of services, including medical support services.

2. All ASOs must include a provision for health care coverage. Medicaid and FAMIS are considered health care coverage. When ordering health care coverage, the applicant (or spouse of the applicant) on the Medicaid or FAMIS case covering the child(ren) should be ordered to provide coverage, unless the other parent is already providing health care coverage for the child(ren) which is accessible to the child(ren) and available at a reasonable cost.

a. In many cases the CP should be ordered to provide health care coverage unless one of the below circumstances (in b and c) applies. The CP is required to complete and return the *Health Insurance Verification Notice* and provide requested documentation prior to the ASO being completed. If s/he fails to return the form and provide the required documentation, review the case for closure based upon non-cooperation if the Division cannot otherwise obtain the information needed to proceed. See Case Closure for details on closing a case.

b. Order the NCP to provide if:

1) The NCP claims the child(ren) as a tax deduction; or

2) The NCP already carries insurance for the child(ren) which is accessible to the child(ren) and available at a reasonable cost; or

3) Insurance is not available to the CP at a reasonable cost but is available to the NCP at a reasonable cost.

c. Do not order either parent to provide insurance if:

1) Health care coverage is not available to the NCP or CP at a reasonable cost unless parties have both signed an *Agreement to Provide Health Care Coverage Waiver of Cost Requirement*; or

2) It is known that the reasonably available insurance would be inaccessible to the child(ren).

3. All petitions to court for the establishment of a support order must also include a request for inclusion of health care coverage.

a. The judge may order the NCP, the CP, both or neither to provide health care coverage.

b. 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.

4. 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. The cost of health insurance only (vision and dental should not be included) for the child(ren) must not be greater than 5% of combined monthly available income as shown on the *Child Support Guidelines Worksheet*. To determine the cost of the health insurance, refer to Determining the Monthly Child Support Obligation. 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 Waiver of Cost Requirement*. (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 the Division of that availability.

5. When establishing or reviewing a child support order, establish a health care coverage order at the same time. 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.

(12/2014)

**D. 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 *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, and then subtracted from the obligor's or obligee's obligation.

**E. Enforcing Health Care Coverage Orders (12/2015)**

1. When the NCP has been ordered to provide health care coverage, enforce the order if health insurance is available through the employer by sending the National Medical Support Notice (NMSN) to the employer. Take administrative actions to enforce health care 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. Upon notification of a New Hire match for the NCP, issue the NMSN to the employer within 2 business days.

2. When the Employer Response form is received and health care coverage is not available, update the automated system to reflect why it is not available.

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)* indicating the appropriate information.

4. If the employer fails to respond to the NMSN, the caseworker should contact the employer by phone. If unable to contact the employer or resolve the situation, issue the *Compliance Letter.*

5. If the NCP's employer is unknown or if insurance is available through a union or other group, file a show cause petition with the court to enforce the administrative or judicial order.

6. 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.

7. ERISA was amended effective August 22, 1996. Per the amendment, an ASO has the same force and effect as a QMCSO.

8. 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 the automated system, entering the insurance company names, telephone numbers, policy and/or group numbers, coverage availability, premium costs, etc.

9. Send the *Custodial Parent – Health Care Information* form 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 document. The worklist will prompt the case manager to verify that the completed form has been returned to the district office.

10. Any plan provided by an employer or on the Marketplace is considered adequate medical coverage for purposes of enforcement, including catastrophic insurance.

11. Regardless of which party provides insurance, the health insurance record is to be built at the participant level of the parent that is providing the health care coverage or parent whose spouse is providing health care coverage. 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 records with the information applicable to that participant.

12. For a discussion of issues concerning health care coverage involving military service members, see Military Issues.

(04/2013) (12/2014)

**F. 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 the automated system for the medical/dental support order dollar amount. If a subaccount has not yet been established, establish one.

**G. 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 the Division.

3. If the maximum amount allowed by the CCPA is not sufficient to remit the child support to the Division and cover the insurance premium, the employer should remit the monies to the Division as child support and notify the Division that the coverage is not available.

**H. Monitor Provision of Medical Support Services (07/2013)**

1. Monitor the provision of health insurance coverage once ordered. If the Division 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.

3. At times the court will order health insurance coverage to be provided by the NCP, CP or both parties when it becomes available at a reasonable cost. When this occurs, the support order screen in the automated should be updated as follows:

   a. A valid code should be entered into the health care coverage ordered field. The code should indicate both parties to provide the health care coverage, the CP only, the NCP only or neither party ordered to provide health care coverage;

   b. The appropriate percentage should be added to the uninsured medical/dental expense field;

   c. Notes should be entered in the order notes field to explain the health insurance coverage provision as ordered by the court. It should read similar to the following:

      HEALTH INSURANCE COVERAGE IS ORDERED BY THE COURT TO BE PROVIDED BY THE (NCP, CP, BOTH – AS APPLICABLE) WHEN IT BECOMES AVAILABLE AT A REASONABLE COST.

## I. Terminating Medical Support (11/2013)

1. Medical support should terminate when the monetary child support order is no longer in effect based on the court order's duration or the child reaches the age of emancipation (whichever is later). The Division should also terminate the National Medical Support Notice under these circumstances.

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 *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 the automated system 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.

   d. Due to the automation of this process, it is imperative that staff ensure that the emancipation date for each child is accurate.

4. The 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.

(12/2012)

**J. Department of Medical Assistance Services (DMAS)**

1. Information regarding third party liability (e.g., health insurance) is automatedly reported to DMAS in TANF, IV-E 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 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.

CHAPTER 8 – JUDICIAL SUPPORT ACTIONS

# I. INTERACTION WITH THE JUDICIAL SYSTEM

## A. Interaction with Courts

Division 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 (08/2016)

Proceedings held in juvenile courts adhere to specific court rules.

1. File requests for witness subpoenas at least 10 days before the hearing.

2. File requests for *subpoenas duces tecum* at least 15 days before the hearing.

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.

4. A copy, if any, of the most recent support court order is attached to petitions.

5. Court forms must be photocopied on **white** paper.

## C. Unauthorized Practice of Law

Designated non-attorney Division staff may complete, sign and file certain petitions and motions. Accompanied by Legal Counsel, they may appear in court on behalf of the Division. 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 § 54.1-3904.

1. Examination or Cross-examination of Witnesses

   Staff who are not an attorney may testify on behalf of the Division but cannot direct questions to others who might appear as witnesses or other parties.

2. Presentation of Legal Conclusions

   A legal conclusion is a proposition arrived at by the application of rules of law to the facts. Statements as to the admissibility of evidence, the sufficiency of evidence as measured against a burden of proof and the like constitute the practice of law and can be performed only by the Division'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

   e. 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**

Division 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 the Division. Legal representation is provided by Legal Counsel who represent the Commonwealth, not the CP, the NCP, or the children.
2. The Division 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)**

The Division assesses and recovers attorneys' fees when we prevail in any court action taken by the Division to enforce a child or medical support obligation. This applies only to cases represented by the Division'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 case 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 the automated system.

**H. Referring Cases to Legal Counsel (03/2016)**

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 presumed father and a putative father when the mother and the presumed father are divorced;

   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 putative father;

   j. cases in which the presumed father contests paternity;

   k. cases that require the domestication of a foreign paternity order for full faith and credit by a Virginia court;

   l. any cases in which discovery (*subpoenas duces tecum*), interrogatories, depositions or other requests for information) may be involved, on the part of either the Division or the defendant;

   m. cases in which there has been extensive prior litigation between the parties or any prior or present court or administrative proceeding in another state;

   n. cases involving separation or property settlement agreements;

   o. cases in which a circuit court has retained jurisdiction;

   p. 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;

   q. appeals of administrative decisions involving mandatory withholding of income and order to withhold;

r. cases in which decreases may be due to voluntary under-employment or involve hidden income or assets;

s. cases involving incarcerated NCPs;

t. when the Division 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.

u. cases involving active duty members of the armed services where the assertion of the SCRA may apply. Refer to Court Establishment of Paternity, Court Establishment of an Obligation and Servicemembers Civil Relief Act.

2. To refer a case to Legal Counsel, generate a *Legal Services Case Referral* form

(07/2014) (12/2014)

## I. Legal Documents and Correspondence (04/2016)

1. When legal documents or correspondence are received in the district office, it may be necessary to provide a copy of the documents to the attorney(s) that represent(s) the district office based on the document received.

2. In general, it is not necessary to refer Virginia court orders to Legal Counsel for review. There are instances, however, where it may be necessary to have Legal Counsel provide guidance. Generate a *Legal Services Case Referral* form and provide the following to legal Counsel for review:

   a. *pendente lite* orders;

   b. orders in which the Circuit court has retained jurisdiction and the agency needs to file a motion or petition;

   c. consent/ agreed orders where the parties already had a Division case at the time of order entry and the Division's Legal Counsel did not sign the order;

   d. support orders with unclear or vague terms (e.g., during the summer months, in lieu of child support, NCP to pay ½ of costs of summer camp and payments to be made through Treasurer of Virginia)

3. In instances of newly-heard cases with orders that have incorrect or incomplete information (e.g., support ordered for a child born out of wedlock, but paternity not adjudicated and no evidence of paternity establishment located) or orders to which the Division was a party and the orders were entered based on erroneous or misrepresented information (e.g., guidelines calculated for 2 children instead of 3; CP provided total cost of subsidized day care and not just the portion s/he is

responsible for paying), an immediate referral should be provided to Legal Counsel explaining the issue so that the most appropriate course of action can be determined.

4. In general, it is not necessary to refer court or administrative orders entered by other states, tribal nations or foreign countries to Legal Counsel for review. If a foreign order is received and has unclear terms, the jurisdiction issuing the order should be contacted first for clarification. If the Division is unable to obtain a clarification and/or the clarification provided conflicts with the Division policy and/or Virginia law, refer to management for review and to determine if referral to Legal Counsel is warranted.

5. The Division receives a number of legal documents other than court orders. These documents include, but are not limited to:

   a. s*ubpoenas duces tecum*;

   b. interrogatories;

   c. lawsuits against the Division or with the Division as a party (torts);

   d. depositions;

   e. requests for documents;

   f. summons or subpoena that require a specific caseworker (such as the caseworker assigned to the case on the automated system) to appear in court;

   g. pseudo-legal documents:

      1) examples include items in which

         a) the NCP may declare himself/ herself to be a “sovereign citizen”

         b) the NCP may declare himself/ herself to be a citizen of a “nation” such as “the Republic of Texas” or the “Moorish Nation”

         c) the NCP may use a copyright symbol © or refer to himself/ herself in third person as a fictitious entity and

      2) the NCP asserts that there is no support obligation and/or arrears due and uses pseudo-legal phrases such as (but not restricted to)

         a) Recredit and Opportunity to Cure

         b) Certified Default in Dishonor Notice,

         c) Protest and Demand under Notary Seal,

d) Due Presentment for Settlement,

e) Private International Administrative Remedy Demand,

f) Common Law Affidavit Default and Entry of Judgment, and

g) Abstract of Default Notice;

h) appeals, briefs, motions or pleadings in a pending case and

i) other requests for information from attorneys

6. All of the legal documents as referenced in item 5a-g should be immediately referred to Legal Counsel for review using the *Legal Services Case Referral*. Attach supporting documentation as needed.

7. If bankruptcy paperwork is received, refer to Bankruptcy Cases in this chapter.

8. All correspondence received from the Division's Legal Counsel, including emails to the Division caseworker, District Manager, office, etc., and information contained on Attorney Notes is confidential and subject to attorney/client privilege. As such, this information is not to be released to either party on a case and/or their representatives, including counsel.

(07/2014)

**J. Represented Parties (07/2014)**

1. DCSE customers have the right to retain private counsel to assist them in child support matters. Additionally, the court may appoint an attorney to defend the NCP in a show cause trial or a *guardian ad litem* to represent the NCP, CP or child during any type of child support hearing.

2. During court hearings, DCSE's Legal Counsel provides legal representation for the Division. Court specialists and other DCSE employees who assist with preparing cases in court may not interview or otherwise communicate with a person who is represented by an attorney in the case before obtaining that attorney's consent. This restriction applies to both NCPs as well as CPs, including third party caretakers.

   a. This restriction applies to the entire paternity or child support case, regardless of multiple pleadings heard in court at the same time or on multiple dates.

      For example, an NCP may have a Motion to Amend, a Show Cause, and an Initial Support Petition before the court. If an attorney has been appointed or retained to represent the NCP on the Show Cause, DCSE cannot interview the NCP on the Motion to Amend or the Initial Support Petition without the NCP's attorney's consent, even if the other pleadings involve different CPs.

b. Whether in court or in the office, Division staff may not discuss any pending court case with a represented party without their attorney's consent.

3. For administrative reviews and administrative appeals, regardless of which party is requesting a review or is the appellant, either party has the right to have private counsel present. If the DCSE caseworker has reasonable notice prior to the review or appeal that one or both parties will have private counsel present, the caseworker should ensure that the Legal Counsel for DCSE is notified so that s/he can determine if s/he may need to attend the review or appeal as well. A *Legal Services Case Referral* form, along with all facts of the case, including the reason for the appeal and the attorney(s) name(s), if known, should be provided to Legal Counsel.

### K. Bankruptcy Cases (07/2014)

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 the automated system 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 the automated system 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 2001 Maywill Street, Suite 200, Richmond, VA 23230 and the fax number is (804) 367-8418. Urgent matters can be addressed by contacting:

   a. Suzanne Wade at (804) 367-8270

   b. Charlotte McAdams at (804) 367-8488 or by e-mail at charlotte.mcadams@dss.virginia.gov.

(04/2013) (07/2013)

## 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 (07/2014)

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 putative father is a minor or is incarcerated for a felony conviction.

## C. General Rules for Taking Judicial Action (03/2016)

1. To initiate judicial action on a case, designated non attorney Division staff or Legal Counsel may complete a petition or motion and send it to the appropriate Juvenile and Domestic Relations District Court or Circuit Court.

2. Juvenile and Domestic Relations District Courts (also referred to less formally as juvenile courts) have primary jurisdiction for support orders.

3. Designated non attorney Division staff or Legal Counsel may file initial support petitions in the locality where the CP, child, or NCP lives.

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. 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 staff and Legal Counsel file petitions or motions with the juvenile courts. If someone other than the parties on a case needs to appear for a case, the *Request for Witness Subpoena* is filed with petitions or motions. Division staff should consult with Legal Counsel prior to completing this form.

6. Only Legal Counsel may present petitions, motions, or pleadings in circuit courts.

7. Designated non attorney Division staff or Legal Counsel sign petitions or motions as representatives of the Division 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. 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 for offices that still maintain paper files.

10. Division staff may use the *Court Date Notice* to remind or notify parties (including the intergovernmental agency) of pending scheduled court dates.

11. The juvenile court is divested of jurisdiction in cases in which a suit for divorce involving the issue of child support has been filed in a circuit court and a hearing has been scheduled within 21 days of the filing.

    a. If 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.

12. Refer all issues regarding minor putative fathers, (from ages 14 to 17), to a court. The court appoints a guardian *ad litem* to represent the interests of the minor putative father during the paternity hearing.

13. The court may enter an order establishing paternity of the child based upon an admission of paternity by the putative father 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.

14. Refer the case to Legal Counsel for possible court action when paternity has already been established but the accuracy of the paternity determination is questioned by either parent based on fraud, duress, material mistake of fact, or for any other reason.

15. 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 in the automated system. When a court petition is generated from the automated system, the at-risk party's address is not available on the petition

but is available on the *Non-Disclosure Addendum* that generates along with the court petition. The *Non-Disclosure Addendum* is utilized by the court to serve the at-risk party. If a party involved in a child support hearing indicates to the court or the Division 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.

16. If an Address Confidentiality Program (ACP) case requires court action, the following process should be used:

    a. Court referrals are to be directed to the court in the jurisdiction in which the NCP resides.

        1) If a support order already exists in a jurisdiction other than where the NCP resides, an intrastate request should be sent to the office that handles the jurisdiction where the order was issued.

        2) If the NCP is out of state, the Division will request an exemption from the Office of the Attorney General's office for the purpose of obtaining the CP's actual residential address in order to file the required petition in the appropriate jurisdiction.

    b. A cover letter to the court must be attached to the petition advising:

        1) The case is an ACP case, and

        2) The address that the court must send the summons, petition and waiver of service form to is: Office of the Attorney General, P.O. Box 1133, Richmond, VA 23218

    c. Staff should send a notice to the CP through the Office of the Attorney General's office advising that the case has been referred to the appropriate court for docketing. The case manager's direct phone number is to be provided along with a request to the CP to contact the Division to discuss their appearance in court and the option to testify telephonically may be available.

(09/2012) (07/2014) (12/2015)

**D. Court Preparation Sheet (03/2016)**

1. The *Court Preparation Sheet* is one document with practically all information that will be needed for a court hearing.

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.

   Refer to Testifying in Court to Arrears.

**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 the automated system 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 (03/2016)

Take court action to establish paternity when

1. the putative father 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 putative father named on the automated referral from the LDSS.

2. the putative father 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 putative father named on the automated referral from the LDSS.

3. the putative father is a minor (less than 18 years of age). Refer these cases to Legal Counsel. These petitions must be filed with the putative father'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.

4. the putative father 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 presumed father and a putative father. See the discussion of this issue in the Presumed and Putative Father Situations.

6. the putative father denies paternity and the child has been committed to the Department of Juvenile Justice.

   a. File a civil *Petition for Support (Civil)* in the juvenile court in the locality which committed the child to DJJ

   b. Do not include the Department of Juvenile Justice's address on the petition as they should not be served. Personnel at DJJ should not be summonsed to court hearings.

   c. Request the court appoint a *Guardian ad Litem* on behalf of the child.

   d. Request the court enter a *Parentage Test Order* (DC-624) so that the genetic testing lab will be able to obtain the child's sample at the facility where the child is located.

7. the putative father is incarcerated on a misdemeanor charge and will not voluntarily acknowledge paternity or consent to genetic testing, or the putative father is incarcerated as a felon. If this is the case

   a. file a civil *Petition for Support (Civil)* in the juvenile court in the locality where the children reside, and

   b. request the court to appoint a guardian *ad litem* for the putative father. The guardian *ad litem* represents the interests of the putative father in court without the putative father necessarily having to appear.

8. When filing the *Petition for Support (Civil)* in paternity cases, the Division should also file the *Parentage Supplement to Petition* (DC-641). The *Parentage Supplement to Petition* provides the court with the information needed to complete the *Order Determining Parentage* (DC- 644).

If the putative father (and /or presumed father in item 5 applies) is an active duty service member, it may be appropriate to file the DC-418, *Affidavit- Default Judgment Servicemembers Civil Relief Act*.

Refer also to Military Issues.

(07/2014) (12/2014) (11/2015)

## G. Paternity Establishment for Local Cases (08/2016)

Local cases are cases in which both the putative father (PUTF) and CP or children reside in the Commonwealth of Virginia.

1. Complete a *Case Referral Checklist for Court Pleadings.*

2. Generate a *Petition for Support (Civil)* and a *Parentage Supplement to Petition*. 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. Forward the petition and any other supporting information, to the juvenile court in the jurisdiction where the CP or children reside. If necessary, obtain approval from Legal Counsel prior to forwarding to court.

4. When the court date and time are received from the court, update the automated system.

5. Review the case before the court hearing.

6. Verify **the method and date of** service of the notice to appear to the PUTF. Update the case record with this information.

7. If a PUTF 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 PUTF 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.

8. If the PUTF cannot be served, the court may dismiss the petition or continue the case until the PUTF can be served.

9. The court may continue the case to a later date if the PUTF fails to appear and has had substituted service.

10. Attend the court hearing and present the facts of the case if called upon to do so.

11. If the PUTF admits paternity of the child in court, the paternity issue is resolved once paternity is adjudicated.

12. If the PUTF does not admit paternity in court **and genetic testing is ordered, schedule the testing according to established District Office procedures.**

13. Document the case record to indicate if the CP was present at the hearing. If the CP was not

present at the hearing, send the CP the *Notification of Action Taken*, and review the case to see if other actions are needed, such as sending a *Closure Intent Notice* or *Cooperation/ Non-Cooperation Notice.* Ensure that any additional actions taken are clearly documented.

14. Document the court disposition in the automated system.

15. **Monitor the case for the receipt of genetic test results and**

    a. **When the genetic test results are received,**

        1) **Enter a self-generated case event in the automated system 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 in the automated system. The genetic test results are only evidence that the judge uses in making the paternity determination; and**

        2) **File the genetic test results with the court at least 15 days prior to the court hearing.**

    b. **If the genetic test results will not be available for filing at least 15 days before the hearing, arrange in advance for the court to continue the case.**

        1) **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 PUTF or his attorney may object to the admissibility of the tests and ask the court to dismiss the case.**

        2) **If this occurs, refer the case to Legal Counsel immediately. The Division may not be able to get a continuance and instead may have to appeal to the circuit court.**

16. As a general rule, do not provide the genetic test results to the CP, the PUTF, 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.

17. If the NCP is ordered to reimburse the Commonwealth for genetic testing, enter the Genetic Test Fee subaccount on the case account.

18. If a TANF CP fails to appear at the hearing and her cooperation is necessary, generate notice of her noncooperation to the LDSS.

19. If the PUTF is excluded, refer to When the Putative Father Is Excluded.

20. When paternity is established, the court will forward the Order Determining Parentage (ODP) to the **Division** of Vital Records (DVR), which requires this form to add the father's name to the birth certificate and to issue a new birth certificate showing the father's name.

21. After the court hearing, update the genetic test probability percentage information and paternity disposition in the automated system.

(07/2014) (03/2016)

## H. Paternity Establishment -- Incarcerated Putative Father (08/2016)

When a putative father (PUTF), 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 PUTF is incarcerated for a felony conviction, regardless of whether he is willing to acknowledge paternity.

1. Complete the *Case Referral Checklist for Court Pleadings.*

2. Generate a *Petition for Support (Civil)* and *Parentage Supplement to Petition*, and request that a guardian ad litem be appointed for the incarcerated PUTF. For cases where the PUTF is in the custody of the Department of Juvenile Justice (DJJ), request that the summons for the PUTF be issued to 600 East Main Street, 20th Floor, Richmond, VA 23219.

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). For cases where the PUTF is with DJJ, the petition is filed in the jurisdiction which committed the juvenile.

4. When the court date and time are received from the court, update the automated system.

5. Review the case before the court hearing.

6. Attend the hearing and present the facts of the case to the court if called upon to do so.

7. If **the PUTF admits paternity of the child in court, the paternity issue is resolved once paternity is adjudicated.**

8. **If the PUTF does not admit paternity in court and** genetic testing is ordered, schedule the testing according to established District Office procedures.

9. **Document the case record to indicate if the CP was present at the hearing. If the CP was not present at the hearing, send the CP the *Notification of Action Taken*, and review the case to see if other actions are needed, such as sending a *Closure Intent Notice* or *Cooperation/Non-Cooperation Notice.* Ensure that any additional actions taken are clearly documented.**

10. **Document the court disposition in the automated system**

11. **Monitor the case for the receipt of genetic test results and**

    a. **When the genetic test results are received,**

1) **Enter a self-generated case event in the automated system 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 in the automated system. The genetic test results are only evidence that the judge uses in making the paternity determination; and**

2) File the genetic test results with the court at least 15 days prior to the court hearing; **or**

b. **If the genetic test results will not be available for filing at least 15 days before the hearing, arrange in advance for the court to continue the case.**

1) **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 PUTF or his attorney may object to the admissibility of the tests and ask the court to dismiss the case.**

2) **If this occurs, refer the case to Legal Counsel immediately. The Division may not be able to get a continuance and instead may have to appeal to the circuit court.**

12. **As a general rule,** do not provide the genetic test results to the CP, the PUTF, 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.

13. If the NCP is ordered to reimburse the Commonwealth for **genetic** testing, enter the Genetic Test Fee subaccount on the account.

14. If a **TANF** CP fails to appear at the hearing and her cooperation is necessary, generate notice of her noncooperation to the LDSS.

15. If the PUTF is excluded, refer to When the Putative Father Is Excluded.

16. When paternity is established, the court will forward the Order Determining Parentage (ODP) to the **Division** of Vital Records (DVR), which requires this form to add the father's name to the birth certificate and to issue a new birth certificate showing the father's name.

17. After the court hearing, update the genetic test probability percentage information and paternity disposition in the automated system.

(07/2014) (11/2015) (03/2016)

## I. Paternity Establishment -- Long Arm (08/2016)

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. **See Establishing Paternity in Intergovernmental Cases for a list of factors that should be used when considering the use of Long Arm to pursue paternity adjudication.**

2. Document Case Events if a case qualifies for Long Arm but Long Arm is not used.

3. To establish paternity judicially using Long Arm jurisdiction:

   a. Complete the *Court Referral Checklist for Court Pleadings*.

   b. Generate a *Petition for Support (Civil) and Parentage Supplement to Petition*. When a petition is filed regarding paternity action, a support obligation and medical support are usually pursued at the same time.

   c. Obtain a picture of the putative father (PUTF) from the CP if possible. This assists in serving the PUTF with notice.

   d. Prepare a *Service of Process Cover Letter*.

   e. Request money from the district office's petty cash fund to pay for any fees required by the other state.

   f. Forward the petition to 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.

   g. Initiate service of process on the PUTF by following procedures already established by the local juvenile court for service of documents in Long Arm situations. In the absence of court procedures, take the following actions:

      1) Request service of process from

         a) the other state's IV-D agency,

         b) the sheriff's department in the distant locality, or

         c) a disinterested party (a private process server)

      2) 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. Service may be accomplished more quickly by dealing directly with the sheriff rather than with the IV-D agency.

      3) Request the following information from the process server:

         a) where to send the documents to be served,

b) the amount of fee for service, if any,

c) to whom the fee is payable,

d) how long does it take to get service, and

e) how long does it take to have proof of service returned to the juvenile court's clerk's office in Virginia.

4) 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.

5) Send 2 copies of the pleadings and the *Service of Process Cover Letter* to the IV-D agency or sheriff along with the required fee and a stamped envelope pre-addressed to the local Juvenile and Domestic Relations District Court (juvenile court) so that the copy noting proof of service can be mailed back to the court.

6) Advise the court, in writing, that the Division forwarded copies of the pleadings to the other state for service.

7) Do not mail pleadings to the PUTF 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.

h. Follow steps numbers 6 to 25 under Paternity Establishment for Local Cases earlier in this chapter.

(03/2016)

## J. Domestication of a Foreign Paternity Court Order (08/2016)

1. When referring a case to Legal Counsel to domesticate a foreign paternity court order for full faith and credit, the following documentation must be provided:

   a. A completed *Legal Service Case Referral* requesting domestication of a foreign paternity order for full faith and credit.

   b. An original, certified copy of the foreign parentage order, which may be a standalone order with a finding of paternity or a support order which included an adjudication of paternity. When available, provide any supporting documentation and attachments used by the foreign jurisdiction to adjudicate paternity. This may include:

      1) A copy of the genetic testing results,

2) A copy of the child's birth certificate,

3) A copy of the Acknowledgment(s) of Paternity.

c. Division staff must also ensure that the following information required for the order of domestication is provided to Legal Counsel:

1) Case type,

2) Full name of the child,

3) Birth date of the child, and

4) Father's date and place of birth,

2. Once the Juvenile and Domestic Relations court has entered an order of domestication, Division staff will forward the necessary documents to the Paternity Consultant **in Home Office** who will:

a. ensure all appropriate documents required by **Division of** Vital Records **(DVR)** have been provided,

b. review the documents for required information needed by **DVR**,

c. forward the documents to **DVR** so that the child's birth certificate can be amended.

(03/2016)

**K. Paternity Establishment -- Incoming UIFSA Requests from Other States (03/2016)**

UIFSA petitions requesting paternity establishment in Virginia are received by DCSE from other states when the putative father lives in Virginia. Attempt first to establish paternity administratively. When the administrative process is unsuccessful, the Division petitions the court to establish paternity.

1. Receive the *Child Support Enforcement Transmittal #1* and the UIFSA package from the Division's Intergovernmental Services Team, located in Home 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 Intergovernmental Services Team, 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 Case Events on actions taken.

8. In a UIFSA case to establish paternity, the court may continue the hearing if the putative father 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. If this occurs, generate the *Child Support Enforcement Transmittal #2* to advise the initiating state.

(07/2014)

**L. Court Establishment of an Obligation (12/2014)**

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 presumed father and a putative father. See discussion of this issue in Presumed and Putative Father Situations.

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.

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 Adding One or More Additional Children to an Existing Child Support Order for a discussion of the steps to be taken in such a situation.

6. the parties have more than 6 children for whom the obligation needs to be established. The guidelines only accommodate 6 children.

7. 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.

8. both parents have physical custody of the child for more than 90 days of the year.

9. the NCP and/or the CP receive VA educational benefits.

If it is necessary to refer the case to court to establish a support obligation and the NCP is an active duty service member, it may be necessary to file the DC-418, *Affidavit- Default Judgment Servicemembers Civil Relief Act*. Refer to Military Issues.

(06/2014) (07/2014)

**M. Change of Physical Custody of a Child When Support Is Ordered By A Virginia Court**

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. Complete a *Case Referral Checklist for Court Pleadings* on each case.

   b. File a *Petition for Support* (or *Petitions*, if both parents should be obligated) to pay the new custodian. 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."

   c. File a *Motion to Amend* to terminate the existing order and set arrears on that order. 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]."

   d. At the same time redirect current support payments to the new CP.

3. If any of the children remain on the original case, do not redirect payments to the new CP. Complete the *Case Referral Checklist for Court Pleadings* for each case. File a *Petition for Support* to obtain a new current support order payable to the new CP. 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) Complete the *Case Referral Checklist for Court Pleadings* for each case. File with the court that established the order a *Petition for Support* to obtain a new current support order payable to the new CP and a Motion to Amend to terminate the existing support order and to set the arrears under that order, if any.

      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. For cases in which the NCP becomes the CP 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 noncustodial 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 a *Petition for Support* 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. Close current support and release all enforcement actions, unless there are arrears on the case.

   c. If not all children on the order are alleged to have changed custody, do not take any 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 a *Petition for Support* 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), complete the *Referral Checklist for Court Pleadings* for each case, file a *Petition for Support* 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. Continue to send payments to the existing obligee as directed by the court order until the matter is resolved by the court.

6. 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.

7. If the Division verifies that all children on the order have 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, take the following actions:

   a. Close current support;

   b. Release all enforcement actions, unless there are arrears on the case; and

   c. File a Motion to Amend to terminate the existing support order and to set the arrears under that order, if any.

**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. 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.

4. The automated system generates a worklist item for court action follow-up.

5. Upon receipt of the court date and time information from the court, update the automated system.

6. Generate and send a *Notification of Action Taken* to the CP giving court date and time of hearing.

7. Review the case before the court hearing

8. Verify that the NCP was served. Update the automated system with the date of service of process and the method of service.

9. 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.

10. 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.

11. If the NCP cannot be served, the court may dismiss the petition or continue the case until the NCP can be served.

12. If a TANF CP fails to appear at the hearing and her cooperation is necessary, generate a notice to the appropriate LDSS of her noncooperation.

13. Attend the hearing and present the facts of the case as needed if the court proceeds with the hearing.

14. Document the court disposition and update Case Events with the results of the court hearing. Enter the obligation information into the automated system.

15. Document in the case record that medical support was addressed and ordered, or, if not, why it was not ordered.

16. Document the automated system if the CP was present at the hearing, and send a *Notification of Action Taken* to the CP if the CP was not 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 2 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. The automated system generates a worklist item for court action follow-up.

12. Update the automated system 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 the automated system 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.

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 and update Case Events of the results of the court hearing. Enter the order on the automated system.

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 the automated system 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, Home 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, Home 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 and update Case Events with the results of the court hearing.

9.Document whether medical support was addressed and ordered, or, if not, why it was not ordered.

## Q. Adding One or More Additional Children to an Existing Child Support Order (03/2016)

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. Complete the *Case Referral Checklist for Court Pleadings.*

2. File 2 pleadings:

   a. A *Petition for Support (Civil)* for a new order that will include all of the children, including the new one(s). If paternity needs to be established for any child being added to the order, the Parentage Supplement to Petition also needs to be filed for the child(ren) whose paternity is in question. The *Petition for Support (Civil)* 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 (Civil)* being filed concurrently.

3. On the *Petition for Support (Civil),* 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 (Civil),* 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 (Civil)*: "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 (Civil)* (and *Parentage Supplement to Petition* if paternity is an issue) 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.

**R. Court Enforcement (10/2015)**

1. Take court enforcement action, as appropriate**,** 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, or

   e. there is a court-issued Income Withholding Order in place that needs to be modified.

2. Do not take court enforcement action (file a show cause petition) when an NCP is successfully complying with the requirements of the Division's Family Engagement Program, as documented by the FEP Case Manager.

3. Do not take court enforcement action (file a show cause petition) on a case when a review and modification is in process based on the approval or receipt of disability benefits by the NCP.

(12/2012) (05/2013) (07/2014) (11/2014) (12/2014)

## S. Enforcement of ASOs – Instate (11/2015)

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 *Motion for Show Cause Summons*.

3. For DJJ cases, do not list DJJ's address on the petition, as DJJ should not be served for the hearing. Do not summons DJJ personnel to court hearings.

4. The automated system generates a worklist item for court action follow-up.

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 the automated system 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.

12. Attend the hearing and present the facts as needed if the court proceeds with the case.

13. Document the court disposition and update Case Events with the results of the court hearing. Enter the obligation information into the automated system.

14. Send a *Notification of Action Taken* to the CP if the CP was not present at the hearing. Document the automated system 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.

## T. Enforcing Virginia Court Orders - Instate Cases (11/2015)

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 to Amend for situations in which a previous NIVD case with a court-issued IWO (Payroll Deduction Order) is now a IV-D case, and the IWO needs to be modified because

        1) the IWO was issued for current support only and arrears have now accrued that require the IWO be modified to collect for both current support and arrears, or

        2) the IWO was issued for current support and arrears and the arrears are now satisfied and the order needs to be modified to collect current support only, or

        3) the IWO needs to be released because all current support and/or arrears have been satisfied, and there is no longer any support due because of emancipation, termination of

the order, etc.

b. 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*.

c. For DJJ cases, do not list DJJ's address on the petition, as DJJ should not be served for the hearing. Do not summons DJJ personnel to court hearings.

d. Complete the *Case Referral Checklist for Court Pleadings*.

e. The automated system generates a worklist item for court action follow-up.

f. 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.

g. Upon receipt of the court date and time from the court, update the automated system.

h. Generate and send the *Notification of Action Taken* to the CP giving court date and time of hearing.

i. Review case before court hearing.

j. Verify whether the NCP was served and the method of service of process. Update the automated system with this information

k. 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.

l. If the NCP cannot be served, the court may dismiss the petition or continue the case until the NCP can be served

m. If the public assistance CP does not appear at the hearing and her cooperation is necessary, generate notice of her noncooperation to the LDSS.

n. Attend the hearing and present the case facts as required if the court proceeds with the motion.

o. Document the court disposition and update Case Events with the results of the court hearing. Enter the obligation information into the automated system.

p. Document in Case Events that medical support was addressed and ordered, or, if not, why it was not ordered.

q. Send the *Notification of Action Taken* to the CP if the CP was not present at the hearing. Document the automated system when the CP is present at the hearing.

r. 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.

(12/2014)

**U. 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.

**V. 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 and update Case Events with the results of the court hearing.

Enter the obligation information into the automated system.

8. Document whether medical support was addressed and ordered, or, if not, why it was not ordered.

**W. Testifying in Court to Arrears (05/2014)**

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 hand corner of the *Court Preparation 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, the automated system 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 noncustodial parent has paid $_____ since that date" This format emulates the language used on the Supreme Court form.

4. FTI payments can only be disclosed in court proceedings if all payment sources are removed from the child support payment record. It is permissible to distinguish payments as voluntary or involuntary. No other FTI may be disclosed during judicial hearings. The agency is not permitted to use more than 2 designations to distinguish payment amounts.

**X. Modification of Court Orders (06/2015)**

Court orders remain in effect until changed or vacated by the court, or terminated by operation of state law.

Initiate modifications to court orders when:

1. Review and Adjustment results indicate an adjustment is needed. Refer to Establish, Review and Adjust Orders.

2. An order for medical support needs to be entered and it cannot be handled administratively. Refer to Medical Support.

3. The court order has not been reviewed within the last 3 years. Refer to Establish, Review and Adjust Orders.

4. The CP or NCP requests a review of the court order, and a modification is indicated. Refer to Establish, Review and Adjust Orders.

5. The existing order needs to be changed to a per-child order.

6. The court changes the amount of a mandatory payroll deduction. It cannot be handled administratively.

7. The court issued a payroll deduction order on a NIVD case that is now a IV-D case and the withholding amount needs to be modified. DCSE does not have the legal authority to modify an order issued by the court. In these instances, a *Motion to Amend* should be filed so that DCSE can administratively enforce the support obligation. The *Motion to Amend* should be worded as follows

   a. After "modified as follows:"

      Terminate this court's Income Withholding for Support (DC-645) issued on _____ and set arrears if any.

   b. After "for the following reason(s):"

      One of the parties has applied for DCSE services. This court previously issued an Income Withholding for Support to Respondent's employer which needs to be terminated so that DCSE may administratively issue further income withholding orders as needed to encompass current support and arrears.

      Once the court has released its withholding order, issue an IWO for the appropriate amount.

8. 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.

9. A child is expected to be severely and permanently mentally or physically disabled past the age of 18 and the CP requests that support continue due to those circumstances. See Establishment and Modification of Orders Due to Child's Disability for additional information and language to use when filing the petition.

10. 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 2.

    a. Do not wait for the return of the completed financial statements to refer the case to court.

    b. When the financial statements are received from the parties, place them in the case file so that the documents will be available when the case goes to court.

11. DCSE is notified that DSS has made a finding of good cause, and Virginia court order exists.

(12/2012) (05/2013) (09/2013) (12/2014)

**Y. Modification Virginia Court Orders - Local Cases**

1. Generate a *Motion to Amend*. Before filing a motion to amend, please refer to Shared Custody and 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. Forward the petition and attachments to the clerk of the juvenile court where the order resides.

5. The automated system generates a worklist item for court action follow-up.

6. Follow steps #6 - #12 and #14 - #19 under Establishing Child Support Obligations --Local Cases

**Z. 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 Establishing a Child Support Obligation -- Long Arm.

## AA. 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*.

## BB. 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, Home Office.

2. Follow steps #2 - #9 under Intergovernmental Establishment – Incoming UIFSA Petition from another State or Country.

## CC. Establishment and Modification of Orders Due to Child's Disability (06/2015)

When a CP requests support or 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) 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. The disability must have existed prior to the child reaching the age of majority.

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."

5. This filing may be initiated by the Division at any time.

(12/2012)

**DD. 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.

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 Enforcement by Other Methods for procedures on foreclosure.

## EE. 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 Case Events on actions taken.

5. attend hearing with Legal Counsel.

6. document the court disposition and update Case Events with the results of the court hearing. Enter the order information into the automated system.

7. generate and send a *Notification of Action Taken* form to the CP if the CP was not present at the hearing. Document the automated system appropriately if the CP was present at the hearing.

# CHAPTER 9 – SERVICE OF PROCESS AND NOTARIZATION

## A. Service of Process (08/2016)

Service of child support documents is required when child support orders are established or enforced either administratively or through court action.

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.

2. Service of process **via hand delivery or substituted service** may be accomplished by the sheriff of the jurisdiction where the subject is to be served, by a uniformed police officer or court official, or by an otherwise disinterested person, known as a process server, who is age 18 or older and is not a party involved in the matter. In order to constitute valid service of process, the document served must be documented by the sheriff or process server as to the order of attempted service and method of final service. For purposes of service of process, all Division employees are considered involved in each matter of child support, and therefore not disinterested parties.

3. The service should give the subject reasonable notice of the action being taken by the Division and an opportunity to appeal the action.

4. 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.

   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.

   c. Provide a **sheriff or** process server, 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.

## B. Methods of Service for Division Documents (08/2016)

The following guidance pertains only to service of ASOs and other administrative documents that require formal service.

Successful service of process can be accomplished in several ways. None of these methods is necessary if the subject waives formal service. This waiver must be done in writing. If a waiver is not obtained, the following methods of service are available.

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 accomplished at the subject's usual residence, place of employment, or any other location within the Commonwealth.

   b. Substituted service may occur in either of 2 ways when the subject cannot be found at his or her usual residence:

      1) hand delivering a copy of the document to a member of the subject's family who is not a guest and is age 16 or older; or

      2) posting a copy of the child support document to the front door of the subject's usual residence. When this method is used, a copy of the document must also be mailed to the subject at least 10 days before the applicable time period expires. The date of mailing must be added to the automated system.

   c. Service by Certified Mail

      Certified 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.

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 mail; or

      2) Process server who satisfies the requirements of the appropriate jurisdiction, **this may include the sheriff or law enforcement personnel** 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 the Division has jurisdiction over them because of their contacts with Virginia. Refer to Establishing a Child Support Obligation -- Long Arm.

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. **The IWO and the NMSN** may be served by first class mail or any of the other methods of service on employers or other agencies/entities who pay or provide wages or non-wage income or benefits that are subject to withholding or medical support order. **This** includes government agencies and public or private entities paying retirement, disability benefits or other attachable income, or providing health insurance.

b. **IWOs** 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 **IWO** or **NMSN** order, send the order again using certified mail, return receipt requested or any other appropriate method. Refer to Employer Rights and Responsibilities and Enforcing Health Care Coverage Orders.

## C. How to Accomplish Service (08/2016)

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.

b. When the initial service attempt is not successful, **document the automated system, and attempt service using another appropriate method if the subject's address is known or a new address has been found.**

c. If the subject cannot be located, refer the case to Locate. **When** new information is found regarding the subject's location, repeat attempts to serve at the new location.

d. Document the automated system to indicate the date and method of service used to accomplish successful service.

e. Consult a supervisor if in doubt about service requirements.

2. Service by Waiver

a. The subject has the right to waive formal service of any document to be served on him or her by the Division. This right to waive shall not be offered to a subject by a hearing officer who is conducting a telephonic appeal.

b. When the subject chooses to waive formal service, generate the *Waiver of Formal Service of Process*.

c. Have the subject sign the document in the presence of a notary public.

d. **Document the service of process information in the automated system and** retain the *Waiver of Formal Service of Process*.

3. Service by Hand Delivery to the Subject

a. The sheriff or **process server** must be given a true copy of the child support document to be served. 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 sheriff or **process server** must deliver a copy of the child support document to the subject in person and note the date of such service.

4. Service by Substituted Service

a. If the subject is not present at his or her normal place of **residence (sometimes referred to as** "abode" **on service documents)**, 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 **residence**, 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 sheriff or **process server**, to the front door or what appears to be the main entrance to the subject's place of **residence**; 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 Certified Mail

a. If a true copy of the child support document may be served by certified mail, ensure that the certified mail, return receipt requested is delivered to the subject and a signature is requested.

b. If a "domestic return receipt" or electronic return receipt is returned to the Division with a signature, or the mailing is returned with the receipt unsigned, the service is successful unless the law requires proof of actual receipt by the addressee.

c. If the mailing is returned with an indication that the address is not valid or the recipient has moved, the service is not successful.

d. Proof of actual receipt by the addressee of the mailing is required when certified mail is used to serve the *Notice of Intent to Petition the Court to Suspend Occupational, Professional or Trade License, Certificate, Registration or Other Authority*.

e. If the law requires actual receipt 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 the Division or courts upon entry of an order establishing paternity or a child support obligation. In all cases handled by the Division, each party must notify the Division of changes in these addresses **(for ASO's, this includes email address as well as phone numbers including cell phone numbers).**

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, the Division may accomplish service of a document by first class mail to the most recent residential or employer address filed by the subject with the Division or court.

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.

7. Service by Electronic Means, Including Facsimile

   a. The **IWO and the NMSN** 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. Document the automated system with a minimum of 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.

8. Service by IV-D Agency of the Appropriate Jurisdiction

   a. When the party that needs to be served is in another state, the IV-D agency in the other state may serve the document.

   b. Generate the *Child Support Enforcement Transmittal #3-**Request for Assistance/Recovery*** from the automated system to send to the Central Registry of the IV-D agency in the other state along with the document to be served.

(04/2014) (06/2016)

**D. Notarization (08/2016)**

1. Certain **Division** documents 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. **Each District Office should have several notaries public available for such services. When a document requires notarization, these staff members should be used.**

4. **Division** staff shall not notarize documents relating to cases in which they have been actively involved **as this can** be seen as a violation of the principle that a notary not have an interest in the notary act they are performing. **When** determined that a notary has an interest in a case or has been actively involved in working on the case, another notary **in** the **District Office** must be used.

5. **Child support** documents **including court petitions and federal intergovernmental forms that provide for notarization on the form** must be notarized **unless advised otherwise by Legal Counsel.**

6. 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.

7. In order for a notarization to be valid:

   a. **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.

   b. The notary seal is not required in Virginia, but **when using** the seal, it must be a legible, permanent and photographically reproducible image.

   c. The notary certificate must be on the same page as the signatures being notarized.

   d. The signer of the document must be in the presence of the notary at the time of the signing and notarization.

8. Notaries can 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. **Division staff do not charge the notary fee when notarizing Division documents for Division customers.**

9. A $45 application fee is required for applying to become a notary, and for renewing a notary commission. **An additional $10 fee is paid to the clerk at Circuit Court when claiming the notary commission and taking the oath of office.**

# 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 (07/2014)

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 putative father (PUTF)
   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 (11/2015)**

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.

4. Do not contact the Division's Intergovernmental Services Team to request contact DJJ for information about the location of a juvenile PUTF in their custody. DJJ can only disclose the location of a juvenile strictly for purposes of genetic testing for the juvenile as a child on a case, and the Division is restricted to access to this information solely for that purpose. DJJ is also prohibited from providing information regarding the juvenile's whereabouts when s/he is released from DJJ's custody.

**D. General Rules for Locate Activity**

1. The automated system 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, the automated system does not assign a case to the locate processing status. However, locate activity can be initiated when needed regardless of the 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. 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. The automated system interfaces with other state agencies when previous locate attempts are unsuccessful. The automated system needs the NCP's social security number or date of birth for automated interfaces.

   If a match is found, the automated system 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 the automated system for online inquiry.

**E. Locate Resources (12/2014)**

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. DVR, death file,

i. Financial institutions, NCP address and account information.

j. Hampton Roads Shipbuilders' Association - International Longshoremen's
1) Association (HRSA-ILA), vacation/holiday and container royalty files.

k. CSLN

l. 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. CLEAR (authorized staff)

e. ADAPT, Information on applicants and recipients of TANF and SNAP 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) Mississippi

8) New Mexico

9) North Carolina

10) Oklahoma

11) Pennsylvania

12) South Carolina

13) South Dakota

14) Tennessee

15) Virginia

16) 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. IT Operations maintains updated information regarding all participating states on the Financial Institution Data Match page on SPARK.

j. CSLN

k. QUICK

3. SPLS Resources

a. The following locate resources are available:

b. IDEC

c. Out-of-State IV-D Agencies

d. DMV

e. VEC

4. Federal Parent Locator Service

The Federal Parent Locator Service (FPLS) is a compilation of systems operated by OCSE, to assist states in locating noncustodial parents, putative fathers, and custodial parties for the

establishment of paternity and child support obligations, as well as the enforcement and modification of orders for child support, custody and visitation. It also identifies support orders or support cases involving the same parties in different states. It was developed in cooperation with states, employers, federal agencies, and the judiciary. Both the National Directory of New Hires (NDNH) and the Federal Case Registry (FCR) are components of the FPLS.

The automated system 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 and date of birth. The Division receives matched information from the FPLS daily.

FPLS submissions are also made when the Division receives a request for locate only services.

a. Authorized reasons for FPLS requests are:

    1) (42 USC 653),

        a) Establishing parentage,

        b) Establishing, modifying, or enforcing a child support order,

        c) International child support enforcement,

        d) Child welfare permanency planning,

    2) (42 USC 663),

        a) Making or enforcing a child custody or visitation determination,

        b) Parental kidnapping.

b. Persons other than Division staff authorized by federal law to have access to FPLS information:

    1) Custodial parent (item 2) a) above only)

    2) Private attorney who represents a child or custodial parent (item 2) a) above only)

    3) Attorney representing a state court

    4) LDSS staff

    5) Attorney representing the United States (item 2) b) above only)

c. The following are FPLS sources:

    1) IRS

a) name of taxpayer

b) home address

c) tax period

2) SSA

a) SSN

b) employee's SSA Corporation Division

c) home address and benefit amount if receiving retirement or disability benefits from the SSA

3) DOD/OPM

a) NCP's address

b) NCP's pay grade or rank

c) NCP's branch or agency

d) NCP's salary

4) DVA

a) NCP's address

b) NCP's benefit type and amount

c) NCP's date of death

5) FBI

a) NCP's address

b) NCP's annual salary

c) NCP's date of hire

d) NCP's termination date

e) NCP's date of death

6) NDNH

a) Employment information

(1) Employer name and address

(2) NCP's date of hire

b) Quarterly wage information

(1) Employer

(2) Quarter

(3) Quarterly wage amount

c) Unemployment information

(1) Benefit quarter

(2) Benefit amount

7) SSA, SVES

a) Prisoner information

b) Title II information

c) Title XVI information

8) NSA

a) NCP's annual salary

b) NCP's employment status

c) NCP's employment type

d) NCP's health insurance type

e) NCP's date of hire

f) NCP's employment termination date

g) 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

(07/2013) (10/2014)

**F. Functions of the District Office (08/2016)**

**1. Locate information is considered accurate until it is shown to be inaccurate. Initiate locate activity when**

**a. service of process has been unsuccessful**

**b. the United States Postal Service (USPS) returns mail as undeliverable and the Division has no new address information for the NCP, or**

**c. asset information is needed about the NCP to establish, modify or enforce a support obligation.**

**2.** Skip Tracing

Use all sources available to locate the NCP including **contacting relatives, current and former employers, neighbors, landlords, creditors, and local municipalities.**

**3. Information Systems,** Online **Resources, and Internet Usage**

a. Access the following **information systems and online resources:**

1) DMV,

2) VEC,

3) Department of Taxation's Integrated Revenue Management System (IRMS),

**4) SPIDeR,**

5) The Work Number**,** an automated service of the TALX corporation, and

6) CLEAR **(limited availability).**

**b. The Internet may be used to search for the NCP.**

**1) Use search engines and other sources such as online telephone directories and reverse look-up sites.**

**2) When using the Internet to locate an NCP, Division staff must adhere to the policy set forth in the *VDSS Information Security Policy and Program Guide* as well as the *VDSS Information Resource Acceptable Use Policy*. Division staff are also expected to follow any additional Internet usage policy established by the Deputy Commissioner, Division Directors, and/or Home Office/ District Office management.**

**4. Division Locate Documents**

**a. The Division receives weekly address updates from the Federal Case Registry (FCR). This information is transmitted to the FCR from the USPS' National Change of Address (NCOA) database. Use the *Affidavit of Address Verification* to notify the court or an intergovernmental agency that the NCP's address has been verified through the NCOA database.**

**b. The *Postmaster Verification Request* is used to obtain residential address information when the Division has a post office box number; when the NCP has an FVI in place (an FVI excludes the NCP from the FCR match process); or when the Division receives a previously unknown address for the NCP and has reason to question the reliability of the source.**

**c. The *Corporation Request for Customer Information* is used to request NCP address information from public corporations.**

**d. The *Employer Information Request* is used to obtain information about an NCP or PUTF's location, employment status, and wage and health insurance information.**

**e. The *Administrative Subpoena* is a federal form used by IV-D agencies to subpoena financial records or other information needed from entities in other states to establish, modify, or enforce a support order. It can be used to obtain information for a specific individual or to obtain bulk information for data matching purposes.**

(12/2014)

**G. Home Office State Parent Locator Service (04/2016)**

1. State Parent Locator Service (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 Eligibility for Services.

a. Use information contained in the automated system, including Federal Parent Locator Service (FPLS) information, and state locate resources 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.

3. The following can be obtained through the SPLS:

a. Active duty/military reservist: Military unit address (source Department of Defense- DOD)

b. Civilian employees: Civilian address listed with DOD (source Department of Defense- DOD)

c. Retired military: Civilian address where retirement check is being sent (source Department of Defense- DOD)

d. Veterans Administration (VA) Benefits: Civilian address where VA benefit is being sent (source VA)

4. The SPLS provides support to the Division's field offices. To request locate assistance from US Citizenship and Immigration Services, field offices can request SPLS staff issue the *Locate Request Letter to U.S. Citizenship and Immigration Services*.

(12/2014)

## 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 the automated system 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 *Change of Name/Address Request* may be used but is not required.

2. IT Operations makes address changes for courts and agencies and other changes to the third party table. When Home Office staff receives a change of address for an employer, court or agency and information is not case specific, send the information to IT Operations.

## I. Documentation

Document Case Events 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 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 automated system report of the NCP's quarterly financial information. That FEIN will show which service the NCP is affiliated with.

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 provided by various branches of the military to obtain the military address of the NCP. The United States Army no longer provides locator services. For Navy, Air Force and Marines, access the Department of Defense website. For Coast Guard personnel, send an email with the NCP's full name to CG Locator at: ARL-PF-CGPSCCGlocator@uscg.mil.

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**

1. 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. The following table shows which Sheriff's Office covers which in-state military bases.

| 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 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.

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<br>Unit Address<br>FPO/APO ZIP code | SSGT Kevin Taylor<br>Unit 2050 Box 4190<br>APO AP 96278-2050 | LCDR Jane Galloway<br>Naval Legal Service Office, Mid-Atlantic<br>9620 Maryland Ave, Suite 100<br>Norfolk, VA 23511 | Seaman Joseph Doe<br>USCGC Hamilton<br>FPO AP 96667-3931 |

## D. Pay Issues

1. 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 Determining Income.)

2. 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.

3. 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.

**E. Enforcing Health Care Coverage Through the Military (03/2016)**

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 quarterly DMDC/FCR match. When the Division receives the match information, which indicates that the child is eligible for the benefit but is not currently enrolled, the automated system generates the *Notice of Eligibility for Enrollment* to notify the CP of the child's TRICARE eligibility.

   c. The DOD FEINs are:

| | |
|---|---|
| Army | Active Duty FEIN 359990000 |
| | Reserve Duty FEIN 351819323 |
| Navy | Active Duty FEIN 349990000 |
| | Reserve Duty FEIN 341586724 |
| Marine Corps | Active Duty FEIN 539990000 |
| | Reserve Duty FEIN same as active |
| Air Force | Active Duty FEIN 849990000 |
| | Reserve Duty FEIN 849980000 |

| | |
|---|---|
| Coast Guard | Active Duty FEIN 529980000 |
| NOAA | Active Duty FEIN 520821608 |
| Retired Military | FEIN 340727612 |
| DOD civilian personnel | FEIN 311575142 or FEIN 530197006 |

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. 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)

   b. Adoption Decree

   c. Court order establishing paternity to the military member

   d. Voluntary Acknowledgment 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 (12/2014)

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 PUTF 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.

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 Locating Military Members, 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.

If it is determined that the NCP is on active duty, the Division should file the DC-418, the *Affidavit- Default Judgment Servicemembers Civil Relief Act* with the Petition for Support (Civil). The Division's Legal Counsel will take appropriate steps, including, when

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 putative father 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 the automated system.

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 the automated system. If the NCP's command has forwarded a letter to the Division, 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 genetic 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.

(12/2012) (07/2014)

**G. Veterans Administration (12/2014)**

1. General

Eligibility for most Department of Veterans Affairs (VA) benefits is based upon discharge from active military service under honorable or general conditions. Benefits include monthly cash payments, education and training, vocational rehabilitation, home loans, burial benefits, health care, dependents' and survivors' benefits and life insurance. Disability compensation is a monetary benefit paid to veterans who are disabled by injury or disease incurred or aggravated during active military service. Disability compensation varies with the degree of disability and the number of dependents, and is paid monthly. The benefits are not subject to federal or state income tax.

2. Establishment and Review & Adjustment

For purposes of income determination for use in calculation of an initial child support obligation or a modified child support obligation, VA disability compensation, VA retirement, and educational assistance (e.g., GI Bill educational funds) are considered income. If establishing an initial support order or modifying an existing order and an NCP is receiving VA disability income, refer to Determining Income. If the NCP and/or CP receive educational assistance in addition to VA disability or retirement income, or educational assistance only, complete a Legal Services Case Referral to advise Legal Counsel of the income source and refer the case to court to have the order established or modified.

3. Enforcement

If the Division becomes aware that an NCP is receiving monthly compensation from the Veterans Administration, an IWO should be issued to DFAS. If the NCP has opted to receive military retirement benefits through the VA, DFAS will submit payment to the Division. However, these circumstances are extremely rare. In most instances, the NCP is receiving VA disability compensation which is exempt from withholding. However, if the NCP is not complying with his/her child support obligation, the Division may be able to obtain an apportionment. An apportionment is not the same as a garnishment. An apportionment is based on the facts of an individual case. To submit a request for consideration for an apportionment, take the following steps:

a. Schedule an appointment with the CP to complete VA form 21-0788, "Information Regarding Apportionment of Beneficiary's Award." This form provides information regarding the CP's income and net worth, and assists the VA with making a determination regarding the apportionment.

b. Advise the CP that submission of this form is a request for the Veterans' Administration to review the circumstances of the case and that both the decision as to whether an apportionment will be awarded, as well as the amount of the apportionment if it is awarded, lies solely at the discretion of the Veterans' Administration.

c. Once the form is completed, the caseworker should write to the VA using agency letterhead to request an apportionment review. The caseworker should enclose VA form 21-0788, along with a copy of the court or Administrative Support Order and the current case account

statement. The letter should be signed by both the caseworker and the CP. The letter should be mailed to the VA Regional Office servicing that veteran's benefits. Use the VA Regional Office Inquiry Line 1-800-827-1000 to determine the appropriate VA office.

4. VA Disability payments, educational assistance and vocational rehabilitation funds are also exempt from enforcement actions such as the Order to Withhold.

(07/2014)

# 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 the Division 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.

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*, *Contact Letter to the NonTANF CP,* or *Contact Letter to the TANF CP* 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 Events and update the automated system 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 the Division 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 the Division.

   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 in the automated system.

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* 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 the automated system.

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 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.

   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 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.

**E. 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 in the automated system.

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* 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.

**F. 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 in the automated system.

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* 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.

**G. 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 in the automated system. 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* 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.

**H. Administrative Appeals (08/2016)**

An administrative appeal is a formal hearing which gives an appellant the opportunity to contest actions taken by **the Division**.

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 **the Division**, including:

      1) *Income Withholding for Support*

      2) *Advance Notice of Lien on Virginia Court Order*

      3) ***Consumer Reporting Agencies Notice***

4) *Vendor Payment Intercept Notification*

5) Federal Income Tax Offset

6) State Income Tax/**Lottery Winnings** Intercept

7) *Order to Withhold*

8) Passport Denial

3. The NCP may appeal the actions of **the Division** 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 **Division staff** 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 acknowledgment 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 or 30 days of receipt of the hearing officer's decision, depending on the action being appealed.

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* when the appeal request is abandoned.

    b. The hearing officer attempts to serve the appellant with the *Administrative Appeal Ruling* and sends a copy to the District Office at the same time.

    c. **Division** staff proceeds with the planned action once the hearing officer generates the *Administrative Appeal Ruling* 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 Allocation and Distribution.

    f. If the hearing is rescheduled and the hearing officer's decision does not sustain **the Division's** action, any money collected because of the action would be refunded. Refer to Recovery and Recoupment for steps to take to recoup from the CP, if necessary.

(03/2016)

## I. 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.

**J. 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.

**K. *Income Withholding for Support* (03/2016)**

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 the *Income Withholding for Support* on the employer.

3. 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.

**L. 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 ASOs 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.

**M. 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.

**N. 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.

**O. 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.

**P. 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.

**Q. 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 Central Registry Responsibilities.

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.

**R. Responsibilities of the District Office (03/2016)**

1. The automated system generates a worklist when an appeal request has been noted. District office staff take the following actions:

   a. Determine if appropriate policy was followed, and

   b. Determine if additional information is needed by the hearing officer.

   c. Make copies of appropriate documents such as the ASO, *Income Withholding for Support, Obligation Worksheet,* court order, affidavit of arrears, and other relevant documentation needed by the hearing officer. 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*, State Tax Offset and Federal Tax Offset, 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 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 the *Order to Deliver* or issuing the *Notice of Full or Partial Release of Order to Withhold.*

3) For State and Federal Tax Offsets, do not disburse until all of the NCP's appeal rights (administrative and court) have been exhausted. Proceed as appropriate per policy once the appeal process is completed.

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 ASOs, this includes both parties. Create a self-generated 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. The automated system 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.

(11/2014)

**S. Responsibilities of the Hearing Officer**

1. Note the appeal request on the automated system and determine if the appeal request is valid.

2. Generate an *Administrative Appeal Ruling* letter to the appellant when the request is invalid.

3. Schedule an administrative hearing. Generate the *Notice of DCSE Appeal Hearing* to the NCP and to the CP within 10 calendar days from the date of the appeal request.

4. 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.

5. 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.

6. Update Case Events.

7. The automated system 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.

8. Conduct the hearing.

    a. Record the testimony given at the hearing.

    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.

9. 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.

10. Sustain the staff's action if correct policy and procedures were followed or modified as appropriate.

11. 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.

12. Render a decision within the required time frames unless otherwise waived by the appellant in writing.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. Make a determination whether to schedule another hearing if the appellant responds.

19. Send a copy of the decision or of the *Administrative Appeal Ruling* letter to the staff for the paper file immediately.

20. Update Case Events.

21. Send a copy of the served decision to the district office.

22. 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 Home Office.

23. 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.

**T. 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 (12/2015)

1. IV-D agencies are required to maintain adequate records for proper and efficient program operation. Documentation is an extremely important requirement as it is a permanent record of the case history. Documentation can determine, among other things, the future effectiveness of the enforcement process (*e.g.*, deciding on additional action needed or for appeals).

2. The automated system automatically documents some events based on disposition codes entered or on documents generated. The Division's staff members document other events manually through entries to Case and Participant Events.

3. Documentation should be chronological and objective, using clear language and approved abbreviations. Documentation should clearly relate how the case developed from the time of the application or referral. Division staff should 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.

4. 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

5. When an NCP has more than one case, the staff member updating participant and demographic data such as the NCP's name, address, employment, SSN, etc., contacts the staff member responsible for each case to notify them that this information has been added or updated.

## B. Paper File Establishment and Organization (07/2014)

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 PUTF'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 DCSE case number.

**C. Maintenance of Paper File (10/2014)**

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) *Income Withholding Order*

      5) *Affidavit/Certification of Nondisclosure*

      6) *Preliminary Child Support Enforcement Services Application*

   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 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 Case or Participant Events

1) Letters

2) Paternity evidence

**D. Paper File Contents and Order (10/2014)**

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. 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*

2) *Preliminary Child Support Enforcement Services Application*

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 Case Events (letters, paternity evidence, etc.)

2) correspondence from attorneys

5. Destroy Locate forms after documenting the information in the automated system, 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 the automated system.

**E. Case and Participant Events (12/2015)**

1. Case and Participant Events entries are a permanent record of actions taken. The Case Events serve as an official case record and a narrative record.

2. The automated system has 2 types of Events entries, system-generated events and self-generated events.

**F. System-Generated Event Entries (12/2015)**

1. System-generated Event entries cannot be modified or deleted.

2. The automated system automatically documents the following actions in the Case or Participant Events:

   a. documents generated by the automated system

   b. items updated in the automated system

      The automated system generates a Case or Participant Event when the following information is updated, including but not limited to:

      1) hearings/appointments

      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) appeals

      10) appeal requests, and

      11) adding support orders

**G. Self-Generated Event Entries (12/2015)**

1. Division staff use self-generated Event entries to document actions taken on a case or participant.

2. Self-generated Case or Participant Event entries may be revised on the day entered.

3. The automated system saves the previous address as an old address when a new address is added. New information replaces any other changes.

4. Document each activity relating to the case as a separate entry. For example, update:

   a. 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 the Division and inquiries to the Division; and

   e. results of appeal hearings and court hearings.

5. Entries in the Case or Participant Events when activities relating to the case or participants occur, and should include not only the results of interviews, but also

   a. telephone conversations,

   b. contacts with NCPs, CPs, attorneys, and other agencies,

   c. information requested or received by individuals or other agencies,

   d. actions taken by the Division 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 Case Events. 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. DOCUMENTS AND RECORD RETENTION

## A. Document Creation and Revision (12/2015)

All Division programmatic documents and forms are created and revised by the Program Guidance Team. The Program Guidance Team receives requests for modifications to documents and reviews and decides whether to approve the request. The review and approval process reduces potential liability and audit errors by District Office and Home Office staff. All forms are on the DCSE (SPARK) website: www.localagency.dss.state.va.us/divisions/dcse/forms/.

## B. Document or Form Revision Requests (12/2015)

1. Appropriate Division staff forward requests to develop or revise documents to the appropriate Director for review prior to submittal to the Program Guidance Team (PGT).

2. The Director, or their designee (or, for Home Office staff, their supervisor)

   a. reviews the request and

   b. forwards the request to PGT.

3. The Program Guidance Team

   a. decides if a document needs to be developed or revised, and submits changes.

   b. decides if changes need to be made to a manual document, issues the revised document, and adds the revised document to Appendix 13.01.

   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.

## C. Documents (12/2015)

1. The automated system generates documents when

   a. action is taken on a case or

   b. staff selects an on-line document using the Documents Generation menu.

2. The automated system automatically generates documents using the batch generation process.

3. The automated system automatically enters data elements, such as an NCP's name, social security number, and address on documents.

4. Staff enter information not supplied by the automated system on supplemental screens. A supplemental screen appears when the data is not in the automated system or a document requires data that staff calculates.

5. The automated system does not generate the number of copies needed for document distribution and retention. Photocopy the document to obtain the number of copies needed for

   a. posted service,

   b. follow-up mailing, and

   c. paper files.

6. On-line documents print on designated printers in district offices. Batch documents print at the Home Office in Richmond or produce tapes that a vendor uses to generate the documents.

7. Change the print location for on-line documents to a different location by entering a new printer ID. Only try to change the print location on documents that print in your office. District office staff cannot change the print location for documents that print in Home Office.

8. On-line and batch document generation creates an entry in Case Events.

9. Certain documents generate worklists to notify staff when an action needs to be taken on a case or to follow-up on an action a document requires.

10. Create a self-generated Case Event entry, including the name of the document generated, if a document is generated other than on-line.

**D. Worklists (12/2015)**

1. The generation of certain documents, the scheduling of appointments and hearings, and certain updates to the automated system create worklists to prompt staff to take follow up actions.

2. Follow up actions should be taken within prescribed timeframes as some worklists are established to ensure the Division's compliance with federal and state regulations and laws.

**E. Batch Document Process**

1. The automated system automatically generates batch documents or identifies batch documents to be generated when some actions occur.

2. Most batch documents that the automated system generates or identifies to be generated cannot be selected by staff using the Document Generation Facility. The documents do not appear on the menu.

3. Batch documents that the automated system generates or identifies

a. do not require an original signature or attachments,

b. do not require supplemental information. The automated system supplies all data and automatically enters the data on the documents,

c. are automatically documented in Case Events,

d. print at the Home Office or at the location of the vendor who generates and mails certified mail for the Division. When the documents are printed at Home Office, the Division of Information Systems forwards the documents to the Office of General Services for mailing, and

e. are mailed in 2-window envelopes with the return address of the district office responsible for responding to questions regarding the document as the return address.

4. Batch Documents

a. Consumer Agency Reporting Letter

b. Repayment Options

c. 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. Transition from TANF to Non-TANF Letter

i. Vendor Payment Intercept Notification

**F. On-line Documents**

1. Staff select on-line documents using the 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 the automated system. If additional information is needed, the automated system prompts you to enter the required information.

**G. Email Communication (04/2016)**

1. Staff may communicate through email with case participants and their authorized representative(s).

2. Staff may only communicate through email when providing a case status or responding to a customer's email request.

3. Staff should respond to emails within 3 business days of receipts. If an email is received and a response cannot be provided, the worker should acknowledge the receipt of the email request and advise the customer that a reply will be provided once their request for information is researched.

4. Staff are expected to be professional, polite, and respectful. They should use proper email etiquette.

   a. Staff should do the following:

      1) Always proofread and spell-check your message before sending an email.

      2) Use standard formats, fonts, and clear language.

      3) Include a reference in the subject line of the email that will inform the recipient of the email content.

      4) Be concise and provide relevant information.

      5) Use a salutation using the recipient's name and include your signature.

   b. Staff should not:

      1) type in all capital letters,

      2) use emoticons such as smiley faces,

      3) use slang, derogatory terms or vulgar language,

      4) send any FTI or FPLS information by email, or

      5) send any Personal Identifying Information (PII) or other confidential information by email. PII and other confidential information should not be sent to any recipient by email, including Division staff. If a business need exists to send PII by email to a child support employee in Virginia or another state, the information must be encrypted and the recipient notified that you will contact them to provide the password.

5. Staff should create a self-generated case event when an email is received from a case participant or an authorized party. The case event description should identify the event to reflect that an

email has been received (e.g., email received from CP for case status, email received from NCP requesting a pay record).

6. Once the event description is entered, the case manager must go to the notes screen for the event and copy and paste the content of the email request into the notes.

7. When responding to an email request, staff should send their reply using the same email. Staff should create a self-generated case event when an email response is sent. The event description should identify the event to reflect that an email has been generated as a reply (e.g., email to CP providing case status, email to NCP providing payment record).

8. Once the event description is entered, the case manager must go to the notes screen for the event and copy and paste the content of the email reply into the notes. Staff have an option of documenting the reply prior to sending the email or staff may go to their "sent items" and copy and paste the content from there.

9. By creating the self-generated case event and copying and pasting notes behind the event, the system will properly reflect the request for information and the Division's reply.

10. If an email is received containing PII, staff should immediately document the content of the email and then delete the original email from both the Inbox and from Deleted Items. In this instance, staff will not use the same email to send the reply. In the reply, notify the sender that in the future correspondence including personal identifying information can be forwarded to the Division by mail or by phone and include the Division mailing address and phone number in the response.

11. If an email is received from a customer that contains threatening language, the email should be referred to a supervisor or District Manager for the proper response. Staff should use the guidelines provided in item 5 and the notes screen should indicate that the email has been forwarded to management for review. Management will further document the system as appropriate.

(10/2014)

**H. Manual Documents**

1. Documents housed in the warehouse (usually beginning with "032-11-…" are usually DCSEP (manual) forms)) and may be ordered from the warehouse.

   Submit an email to Kelly Ralston at notifications-support@orbitlogistics.zendesk.com for access to the Orbit website to order forms.

   Give your FIPS/Cost Code and your address. Once this information is received, you will be assigned a user ID and password. You will then receive the (URL) website for placing orders.

   The warehouse is located at Clemons Courier Services Inc. 4227 Carolina Ave., Bldg. B., Richmond, VA 23222.

The following forms are located in the warehouse:

Application for Child Support Enforcement Services (032-11-200)

Statement of Payments Received (DCSEP-816). Order this form to go with the Application.

Medicaid Only Information Transmittal (032-11-520)

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. 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.

## I. Record Retention (09/2014)

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 Appendix 13.02 for the schedules.

Records retention schedules are not merely suggestions. Records cannot be destroyed before the stated period, nor can they be retained longer than the stated period unless they are involved in an investigation, litigation audit, or request for records pursuant to the Virginia Freedom of Information Act.

There may be instances of cases with historical significance that require a continuing obligation on the Division's part, or where the Division is under an ongoing consent order. These records should be purged to eliminate duplicates and the file retained until we are no longer under such an obligation. Coordinate retention of these files with your Regional Senior Assistant Attorney General.

See Appendix 13.01 for detailed information about DCSE documents.

CHAPTER 14 – CONFIDENTIALITY AND INFORMATION RELEASE

## A. Confidentiality

Federal and state laws require the Division 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. Security Awareness Training (10/2014)

1. All employees, including contract employees, are responsible for complying with the *Virginia Department of Social Services Information Security Policy*. This document is located on SPARK.

2. Employees must complete/comply with the following:

   a. Read the security policies and standards information;

   b. Complete required Security Awareness Training as required within specified deadlines.

      1) Initial Information Security Awareness Training is located on the Knowledge Center. This training must be completed within 30 days of employment.

      2) All employees must complete required Information Security Awareness Training no less than annually, thereafter.

   c. Do everything reasonably within their power to ensure that the VDSS Information Security Policy is implemented, maintained, and enforced;

   d. Report breaches of information security, actual or suspected, to appropriate management;

   e. Take reasonable and prudent steps to protect the security of IT systems and data to which they have access; and

   f. Read and sign the *Information Security and Acceptable Use Awareness Acknowledgement* document;

      1) These records are maintained in each office by the security officer.

      2) This training includes information related to Personal Identifying Information (PII), the agency rules that enforce securing the data that employees can access and the consequences of failing to comply with the policy.

3. The Division must identify personnel with information system security roles and responsibilities, document those roles and responsibilities, and provide sufficient security training before authorizing access to information systems or confidential information.

4. The Division will document and monitor individual information system security training activities including basic security awareness training and specific information system security training.

5. The agency shall have a security awareness training program in place that includes how FTI security requirements are communicated to end users. Training shall be user specific to ensure that all personnel receive appropriate training for a particular job, such as training required for administrators or auditors.

## C. Release of Information (08/2016)

1. The Deputy Commissioner/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 Department of Medical Assistance Services, for more information.

   e. Consumer Reporting Agencies

      Refer to the Enforcement by Consumer Reporting 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

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 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.

4. **Requests for income verification (verification of payments disbursed) must be submitted by the case participant by accessing MyChildSupport. A case participant without a MyChildSupport account or a requestor without a child support case (someone seeking verification that they have not received support payments from the Virginia Division of Child Support Enforcement) may contact the Customer Call Center to have their request processed**.

(12/2012)

## D. Release of Information in Interviews

1. General

a. Interviews may in person, either scheduled or unscheduled (i.e. walk-ins), or over the telephone, either initiated by the Division or by one of the parties. They may be individual or group.

b. Interviews may be with the CP, the NCP, the putative father (PUTF), the NCP's employer, local agency staff, other district offices, courts, etc.

c. 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.

d. Remember that you are representing the division. Think about the image you're projecting.

e. Do not discuss specifics about a case in a public area. Remember that information is confidential. Provide the customer with privacy.

2. Interview Participants

a. If both parties are present at the interview, only division staff, the CP, the NCP or PUTF, the children, and Legal Counsel, if any, may be present. Others may be present if both the CP and the NCP or PUTF consent.

b. If the CP and NCP or PUTF 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.

c. If only one parent is present at the interview, that parent may have any other person present.

d. Division staff may speak with a third party via telephone without written authorization, only if the Division client (CP or NCP) is present during the conversation and verbal authorization is provided by the case participant.

e. Document case events when others are present at the interview.

3. Identification Requirements

a. In a paternity case, require the mother and the PUTF to provide picture identification.

b. 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.

c. For interviews on issues other than paternity, the CP and the NCP must provide identification sufficient to verify their identity.

d. If a Virginia driver's license is provided as proof of identification and a social security number is not shown

1) for the NCP, document the Driver License Number field on the NCP's Supplemental screen with the control number as shown on the NCP's driver's license.

2) for the CP, document the participant screen under notes with the control number as shown on the CP's driver's license.

e. Refer to Chapter 10 for procedures on how to access the social security number using a control number.

4. Advance Preparation

a. When scheduling interviews, allow enough time before the interview to prepare for the interview.

b. Think about the objective of the interview and the points you want to stress.

c. Familiarize yourself with the forms and documents that you will need but do not generate the on-line documents before the interview.

d. Pull together any handouts or brochures you will need.

e. Familiarize yourself with the case:

1) review the automated case record, and

2) review the paper file, if needed or warranted.

f. Review any other cases for this NCP, PUTF, or CP, if appropriate.

g. When the interview relates to an obligated case

1) verify the obligation information on the automated system, and

2) verify arrears information.

h. Make any appropriate telephone calls.

i. Provide the district office's receptionist with a list of scheduled interviews (names and times).

j. If the interview will be held in your office

1) forward telephone calls to avoid interrupting the interview, and

2) secure any personal items, such as purses or wallets.

5. Safety Precautions

a. 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.

b. Consider the physical arrangement of the meeting. If conflict were to occur, you may need to get out of the interview room quickly.

   1) Do not sit in the corner. If possible, sit nearer to the door than the party you are interviewing.

   2) Let the party precede you into the room and indicate where you want them to sit.

c. 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.

6. Conducting an In-Person Interview

a. Introduce yourself.

b. Request picture identification and confirm identity in a paternity case.

c. Do not call the parties by their first names.

d. Do not interview both parties together unless they consent to being interviewed together.

e. Make sure the party knows which case you're discussing in the event there are multiple cases.

f. 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..."

g. Ask how you can help the party when the interview is unscheduled (walk-in or telephone call).

h. 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.

i. 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.

j. Avoid interruptions; do not accept phone calls or visitors.

k. Keep a group interview under control by:

   1) explaining to the group the agenda;

2) letting them know your expectations for their conduct and the conduct of any children they brought with them;

3) letting the group know when you will take questions;

4) letting them know that individual attention will be available after the general portion of the interview to anyone needing it; and

5) dealing tactfully with disruptions. For example, obtain individual attention apart from the group for a disruptive participant.

l. 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.

m. Use simple terms when explaining the program or issues; ask the party if they understand and provide an opportunity to ask questions.

7. Safeguarding Information

If you must leave the interview room any time during the interview

a. do not leave the paper file in the room; take it with you, and

b. do not leave the terminal signed on or with information displayed on the screen; sign off the terminal.

8. Verbal Abuse at the Interview

a. Verbal abuse is threatening language, cursing, or yelling to the extent that the interview is out of the interviewer's control.

b. If verbal abuse is directed at you

1) caution the abusive party that the interview cannot continue unless the abuse stops.

2) If the abuse continues, call in a supervisor.

3) Terminate the interview if these actions fail to stop the abuse.

c. If the abuse occurs between the 2 parties, move them to separate rooms and interview them individually.

d. If the interview is terminated because of the abuse, escort the party from the office area.

9. Physical Abuse at the Interview

a. Physical abuse is brandishing a weapon, attempting to inflict bodily harm, or actual infliction of bodily harm.

b. If physical abuse is directed at you

1) leave the room, and

2) get assistance from office security, if available, or call 911 according to office procedure.

3) If physical abuse occurs between parties

a) do not try to intervene,

b) leave the room, and

c) get assistance from office security, if available, or call 911 according to office procedure.

10. Verbal Abuse during a Telephone Interview

a. Verbal abuse is threatening language, cursing, or yelling to the extent that the telephone conversation is out of the interviewer's control.

b. If verbal abuse occurs during a telephone interview, caution the party about the need to calm down and stop the abuse.

c. 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.

11. Concluding the Interview

a. 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.

b. Emphasize any points that you think are important for the parties to remember.

c. Ask if what you've done has met their needs or if you can do anything more.

d. Give them the office telephone number or business card. Let them know that they can call that number.

e. Thank them for their participation.

f. Escort them out of the office area.

**E. Release of Information to Customers (04/2016)**

1. The Division 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 authorized agent or representative is considered a third party. The data subject may authorize the Division to release the information to his or her agent in writing or may be accompanied by a person of his choosing, when meeting with the Division in person. If the information the Division provides is by telephone, the data subject can give verbal permission for release of information to the authorized representative. It is important to note, however that even with authorization given by the case participant, IRS information cannot be discussed or disclosed to the authorized representative. See IRS information referenced in Security Safeguards for Tax Information.

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

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

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

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

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

      2) Case managers working in collaboration with community partners to implement Family Engagement Programs may refer disclosure concerns to the Home Office Program Coordinator.

   e. Create a Case Event 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, the Division 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, the Division must note that it was disputed and supply the data subject's statement with the information.

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

e. If information is corrected or purged, the Division 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. The Division provides CPs or NCPs the following documents within 14 days after the order is issued or received by the Division.

   a. Copies of court orders or ASOs, 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. The Division 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 the Division 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 the Division 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.

6. When providing information to a case participant regarding the payment history and/or arrears balance, it may be appropriate to use the *Payment Record Letter*.

(07/2014) (10/2014) (12/2014)

**F. Release of IRS Information (03/2015)**

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, 5 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 Division employees paid with IV-D funds (this includes contract offices and staff) who have a need for this information, and the data subject.

   Exception: FTI and FTI payments may only be disclosed as provided for in Security Safeguards for Tax Information. A third party authorization does not give us disclosure rights for IRS payments and information.

3. The Deputy Commissioner/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 IRMS system is required by state and federal law to protect the confidentiality of any and all information contained within the IRMS system. All of the tax information available to you is confidential.

5. Failure to safeguard confidential tax information could be punishable as a Class 1 misdemeanor under Code of Virginia § 58.1-3 as a felony under the Internal Revenue Code, and, in addition, the employee could incur personal liability to the injured party.

6. Refer to Security Safeguards for Tax Information for guidelines on securing tax information when working at an alternate work site.

7. IRS Safeguards reports, such as the Preliminary Findings Report (PFR), Safeguards Review (SRR) Report and Corrective Action Plan (CAP), and any communications related to these reports are considered property of the IRS. If a request is received from an outside party (e.g., a FOIA request) for a copy of any type of Safeguard Report or related communication, the Division is to advise the requestor to follow the procedures for submitting a FOIA request to the IRS.

(07/2014) (10/2014)

**G. Release of Information to the Public (06/2015)**

1. Answer requests for information from members of the public within 5 working days after receiving the request. The response should be made using the *Freedom of Information Response* form. (See also Responding to Requests)

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 the Division. 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 Virginia 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 screens, case events, notes, etc. in the automated system.

   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 the Division 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 the IRS except as indicated in Security Safeguards for Tax Information.

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 the automated system, worklisting if appropriate, to ensure a response is provided.

2) Respond in writing on the *Freedom of Information Response* form with one of the following 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 § 2.2-3704(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. Create a Case Event indicating that the request was made, the requesting entity, the response provided, and the documents released. The request, the response, and copies of all records provided may be imaged for retention. It is permissible for the Division to maintain only an imaged copy of all the FOIA information sent to the requestor as opposed to retaining copies in the physical file. The FOIA request, response and records provided must be retained for 3 years after the final response on the specific FOIA request.

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.

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.

3) Similar provisions exist for the DCA.

(07/2014)

**H. Restrictions on Release of Information (11/2015)**

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/ Certification of Nondisclosure*, or when a TANF case closes due to good cause. Refer to Case Opening, Transfer and Closing.

   This includes cases in which a customer is participating in the Address Confidentiality Program (ACP). Records on ACP cases are exempt from disclosure under the Virginia Freedom of Information Act.

5. Do not release TANF or IV-E 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 Case Account Statement to provide information to the CP, NCP, a case participant authorized representative, the court or other state child support agencies. If generated from iAPECS, use the PDF version. 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, redact the TANF grant information using a black marker or copy the other information onto a new document. The exception to redacting 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. District Office agreements with vendors, such as shred companies, should contain language that includes confidentiality and security requirements of PII, IRS, FPLS and all other confidential information. The language in the agreements must comply with the confidentiality conditions of all state and federal requirements and Division policy.

8. Instances may occur in which a case participant has difficulty understanding the information provided by the Division during a telephone conversation. When this situation occurs, the CP/NCP may request that a staff member or representative from the Customer Call Center speak to a party that is not affiliated with the case. In this instance, it is permissible to speak with the third party based on the case participant's verbal authorization.

    a. Staff should verbally confirm the authorization back to the case participant to speak with a third party.

    b. The system should be documented that such authorization was given.

    c. Verbal permission from the case participant during a telephone conversation does not constitute authorization for future disclosure and/or discussion with the third party.

    d. Verbal permission must be given each time the case participant requests a third party involvement in a discussion with the Division if written authorization with the third party is not already on file.

9. 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.

## I. Security of IRS Information (07/2014)

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. Refer to Security Safeguards for Tax Information.

3. limiting access to file keys and safe combinations that house paper tax information to 3 staff members who are paid with IV-D funds, and who are responsible for safeguarding the return information. Staff should not print FTI received electronically except as detailed in Security Safeguards for Tax Information. Any printed FTI should be handled as detailed in Receivables General.

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 the automated system 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. See Receivables General for shredding requirements.

## J. Release and Security of FPLS Information (03/2015)

The Division must use FPLS information solely for authorized purposes in accordance with the terms of a security agreement between the Division and OCSE. FPLS information consists of the National Directory of New Hires (NDNH), Debtor File and the Federal Case Registry.

Requests made to the FPLS are solely for the purpose of locating a parent to establish paternity, securing child support, or where applicable, locating a parent in a parental kidnapping case, establishing or enforcing a child custody or visitation order, and for other purposes specified in federal law and regulations.

1. Information transmitted from the FPLS to the Division does not lose its character as FPLS information but remains FPLS information until it is destroyed. Requirements to safeguard the personal information also do not end when received by the agency. FPLS data includes the following Personally Identifiable Information (PII):

    a. Name

    b. Social Security Number

    c. Date of Birth

    d. Financial Assets

    e. Employer Name/Address and Status

    f. Address

    g. Wages

2. The Federal Parent Locator Service provides State IV-D Agencies address information obtained from various Federal agencies. Due to the sources from which this information is obtained, it is imperative that all State and local jurisdictions that use the data be aware of the need to safeguard confidential FPLS information and be advised that failure to comply with safeguard regulations and procedures could result in specific penalties.

3. To comply with FPLS requirements for safeguarding information, each office is responsible for ensuring that:

    a. Only authorized personnel have access to FPLS information;

    b. Access to and disclosure of FPLS information shall be restricted to authorized personnel who need the FPLS information to perform their official duties;

    c. Records of personnel authorized to access FPLS information shall be maintained and a copy of the individual's signed non-disclosure agreement shall be maintained in these records;

    d. Authorized personnel who have access to FPLS information shall be advised of the confidentiality and safeguard requirements of the data as well as the civil and criminal penalties for non-compliance with applicable laws which include:

        1) dismissal from employment,

        2) fines of $1000 per unauthorized occurrence,

        3) $5000 fine, up to 5 years in jail, or both, plus the costs of prosecution;

e. FPLS information is stored in an area that is physically safe from access by unauthorized persons during duty and non-duty hours or when not in use;

f. Printed reports containing FPLS information are clearly labeled;

g. FPLS information is safeguarded by being stored in locked containers when not in use.

4. Do not transport FPLS information off of state premises unless required for a purpose approved by the state IV-D Director or designee.

5. FPLS information may not be copied to or stored on mobile computing or communications devices unless encryption at the disk or device level is used and the Division can ensure that measures in place to protect FPLS information are sufficient. Described devices include:

   a. Smartphones

   b. Tablets

   c. Notebook computers

   d. PDAs

   e. Cellular Telephones

   f. Audio Devices

   g. Digital Cameras

   h. Laptops

6. Staff are prohibited from using digital media and computing and communications devices located in public or commercial facilities such as hotels, airports and convention centers to transmit and/or store FPLS information.

(10/2014)

**K. Security of Hard Copy Data (10/2014)**

1. All case files and hard copy data containing Personal Identifiable Information (PII) must be kept secure.

2. Case files should be stored in a secure room with locking file cabinets and entry must be limited to specifically authorized personnel.

3. Security of printed material must be maintained when storing, transporting/transferring and disposing of hard copy data.

4. A tracking system should be used when checking case files out of and into the file room. The tracking system should identify the staff member/unit requesting the file. That person/unit is responsible for the security of the information contained in the file until it is checked back in to the file room.

5. When working with documents and case files in Division offices, do not leave materials containing sensitive information unattended.

6. Do not leave keys to file drawers containing confidential information in unlocked desk drawers or other areas accessible to unauthorized personnel.

7. Shred documents with PII that are no longer needed. If a shredding service is employed, ensure that the documents to be shredded are secure until the shredding occurs.

8. When a case file must be transferred between District Offices, to Courts, Home Office or the Library of Virginia, care must be taken to ensure the protection and security of PII.

**L. 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 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.

**M. Management Oversight—Security (10/2014)**

1. Managers at all levels are responsible for the security of VDSS IT systems and all data, including case records and documents containing client or confidential information under their jurisdiction. They shall take all reasonable actions to provide adequate security and to escalate problems, requirements, and matters related to information security to the highest level necessary for resolution.

2. Division/directorate/office/district/regional management and LDSS directors are responsible to:

    a. Appoint Security Officers (SOs) and backup SOs. Directors cannot be SOs because of conflict with separation of duties. However, if a Director is appointed as an SO then the duties

normally performed by the Director must be approved by the Regional Director. Each locale must have a primary and backup SO.

b. Implement and enforce procedures within their units which ensure compliance with VDSS Information Security policies and standards;

c. Ensure violations or suspected violations of VDSS Information Security policies are reported to the VDSS Chief Information Security Officer (CISO); and

d. Ensure that all users of VDSS information and information systems are made aware of VDSS Information Security policies and standards and receive continuing security training

3. The Division shall establish and/or maintain ongoing management oversight and quality assurance capabilities to ensure that only authorized personnel have access to FPLS information as well as other Child Support program information.

4. All Division staff who perform a supervisory role over other personnel shall monitor the compliance with the security guidelines of those personnel they supervise. Management shall maintain required confidentiality of FTI, FPLS and other Child Support program information in accordance with IRS and OCSE agreements. This includes but is not limited to:

a. Restricting access to this information only to authorized personnel and only for their authorized purpose;

b. Maintaining printed or electronic information in secure locations;

c. Following prescribed retention and disposal requirements;

d. Requiring staff to comply with annual security training;

e. Following required reporting procedures in case of a breach;

f. Verifying that locks and other protective measures are being used and are in good working order.

**N. Reporting a Breach (10/2014)**

1. Staff must immediately report a known or suspected breach of printed or electronic information.

2. The information regarding the breach must be immediately given to the District Manager who will work with the Director to report the incident to the Chief Information Security Officer (CISO) and the Deputy Commissioner/Director.

3. All known details of the breach must be provided via the Information Security Incident Reporting Form (Initial Report) to the CISO and the Director, no later than 30 minutes after discovery of the breach.

4. The Deputy Commissioner/Director and his designated team will detail any other steps required pursuant to IRS guidelines and the OCSE Security Agreement.

**O. Commingling of Electronic Media (10/2014)**

1. If data is recorded on electronic media (e.g., tapes) with other data, it must be protected. Such commingling of data on electronic media must be avoided, if practicable.

2. When data processing equipment is used to process or store sensitive data and the information is mixed with agency data, access must be controlled by:

   a. Restricting computer access only to authorized personnel,

   b. Systemic means, including labeling for additional information,

   c. Overwriting data files, data sets, and shares after each use when technically possible.

**P. Handling State Owned Information/Transfer of Classified Records (10/2014)**

The Division must authorize, monitor, and control information system components and classified records entering and exiting a state government facility and maintain records of those items. To protect this information employees must:

1. Ensure confidential information is clearly identified as “Confidential”.

2. Identify Division employees with explicit need-to-know and other individuals authorized by Virginia State officials as having mission-essential need-to-share rights

3. Deliver direct - signature required, envelopes stamped Confidential when sending hard copy FTI and/or FPLS information or by electronic file transmission method.

4. In transit:

   a. physically secure sensitive PII or confidential information in a sealed opaque envelope;

   b. do not leave laptops or State distributed electronic storage devices in a vehicle for an extended period of time. If the vehicle has a trunk, lock the laptop or device in the trunk;

   c. do not leave paper files or electronic devices in plain sight in an unattended vehicle or public building. When traveling, place Sensitive PII in a hotel safe;

   d. encrypt the data (if possible) and use a receipted delivery service (i.e., Return Receipt, Certified or Registered mail) or a tracking service (e.g., "Track & Return") to ensure secure delivery is made to the appropriate recipient.

**Q. Mobile Device Security (10/2014)**

Confidential information is prohibited on portable devices and non-state owned devices unless prior written approval from the Division Director (or delegated authority) has been granted. Exceptions to this may include contracted managed (outsourced) services where security of confidential information is documented, reviewed and approved by data custodians (or delegated authority).

1. The physical security of COV issued mobile devices is the responsibility of the employee to whom the device has been assigned and should adhere to the following:

    a. Devices shall be kept in the employee's physical presence whenever possible;

    b. Whenever a device is being stored, it shall be stored in a secure place, preferably out-of-sight;

    c. If a mobile device is lost or stolen, the employee must i immediately report the incident to the VITA Help Desk and proper authorities.

2. The following procedures are required for mobile device use:

    a. Built-in configuration settings and security features of COV issued mobile devices shall be standardized, documented and implemented;

    b. Mobile device options and applications that are not in use shall be disabled;

    c. Whenever possible, Bluetooth settings should be configured to notify users of incoming connection requests and to receive confirmation before proceeding;

    d. Whenever possible, all mobile devices should:

        1) Be password or PIN protected. Using the same password for a handheld device that is used for COV network access or access to other COV devices and applications is prohibited;

        2) Have timeout/locking features and device erase functions (including removable memory) enabled;

        3) Have anti-virus and/or firewall protection installed;

        4) Be scanned for viruses/malware before they can connect to COV systems;

        5) Have no confidential information stored on the mobile devices unless it is encrypted and permission is granted from the data owner; and

        6) Be sanitized of confidential information from the mobile device before it is returned, exchanged or disposed of.

**R. Teleworking/Alternate Work Sites (10/2014)**

1. The agency must maintain a policy for the security of alternative work sites. Additionally, the agency will promulgate rules and procedures to ensure that employees do not leave computers unprotected at any time. These rules must address brief absences while employees are away from the computer.

2. The agency must provide specialized training in security, disclosure awareness, and ethics for all participating employees and managers. This training must cover situations that could occur.

3. If the confidentiality of sensitive data can be adequately protected, telework sites, such as employee's homes or other non-traditional work sites, can be used. FPLS and FTI remains subject to the same safeguard requirements and the highest attainable level of security.

4. The agency should conduct periodic inspections of alternative work sites during the year to ensure that safeguards are adequate. The results of each inspection shall be fully documented.

5. Personally owned computers should not be used to access, save, store, or host Sensitive PII.

6. Staff must follow VDSS Dual Factor Guidelines for entering access VPN remotely.

7. While teleworking staff should not:

    a. Send an email containing Sensitive PII to your personal email account;

    b. Send unencrypted Sensitive PII outside the DHS network (i.e., to another agency, to a private sector partner, to a potential hire);

    c. Allow family members or other non-authorized individuals access to documents containing Sensitive PII or leave such documents unattended overnight;

    d. Print documents containing Sensitive PII to your personal printer;

    e. Use a thumb drive or other device to transfer data (i.e., Sensitive PII) to your personal computer;

    f. Forward emails containing Sensitive PII to your personal email account (e.g., your Yahoo, Gmail, or AOL e-mail account) so that you can work on it on your home computer;

8. Do not remove documents containing Sensitive PII from the office unless authorized by district or executive management.

9. Examples of Privacy Incidents Associated with Telework:

    a. Leaving your laptop or hard copy materials unattended overnight;

b. Using a thumb drive or other device to transfer data (i.e., Sensitive PII) to your personal computer; or

c. Leaving files containing sensitive data lying out in the open.

**S. Protecting Passwords (10/2014)**

All Division employees should create strong passwords or pass phrases to protect their computers and encrypt files when necessary. Once created, these passwords should be protected both on the computer and in an employee's work space. Employees:

1. Should log off or lock computers when they leave their desk;

2. Should not leave passwords in unlocked desk drawers, under keyboards or posted beside their computer;

3. Should not share their password with anyone.

**T. Securing Data Printers, Copiers and Fax Machines (10/2014)**

The Division must control physical access to information system output devices to prevent unauthorized individuals from obtaining the output information. Monitors, printers, copiers, scanners, fax machines, and audio devices are examples of information system output devices.

Federal Tax and FPLS information is not to be included within fax communications with anyone except authorized recipients.

Employees may transmit Sensitive PII to an authorized recipient and must adhere to the following requirements:

1. Have a trusted staff member at both the sending and receiving fax machines;

2. Accurately maintain broadcast lists and other preset numbers of frequent recipients;

3. Place fax machines in a secured area; and

4. Include a cover sheet on fax transmissions that explicitly provides guidance to the recipient, including:

   a. A notification of the sensitivity of the data and the need for protection; and

   b. A notice to unintended recipients to telephone the sender—collect, if necessary—to report the disclosure and confirm destruction of the information.

5. Pick up all Sensitive PII copies and print jobs immediately off the device.

**U. Information Stored Electronically (10/2014)**

1. Unless specifically prohibited, electronic data may be stored on hard disks only if agency-approved security access control devices (hardware/software) have been installed; are receiving regularly scheduled maintenance, including upgrades; and are being used. Access control must include password security, an audit trail, encryption, virus detection, and data overwriting capabilities. Computers and electronic media that receive, process, store, or transmit sensitive information must be in a secure area with restricted access. In situations when requirements of a secure area with restricted access cannot be maintained, such as home work sites, remote terminals or other office work sites, the equipment must receive the highest level of protection practical, including full disk encryption. All computers and mobile devices that contain FPLS and FTI and are resident in an alternate work site must employ encryption mechanisms to ensure that this data may not be accessed, if the computer is lost or stolen

2. Basic security requirements must be met, such as keeping sensitive information locked up when not in use. When removable media contains sensitive information, it must be identified as such. All computers, electronic media, and removable media containing sensitive data, must be kept in a secured area under the immediate protection and control of an authorized employee or locked up. When not in use, the media must be promptly returned to a proper storage area/container. Inventory records of electronic media must be maintained and reviewed semi-annually for control and accountability.

3. Only agency-approved security access control devices and agency-approved software will be used. Electronic media that is to be reused must have files overwritten or degaussed.

**V. Oral Communication (10/2014)**

1. Confidentiality and security apply to all forms of information including oral communication. Use care and caution with verbal communication as well as with paper and electronic data. For example, if PII is listed on a form and the form is not available for review by a third party, that information may not be verbalized to the third party.

2. All employees must be aware of their environment at all times as it relates to security of records and confidentiality. It should not be taken for granted that it is appropriate to verbalize confidential information in office environments where visitors or partners that may have a need to know the information are routinely welcomed. This also applies when communicating on the phone within an office environment.

3. As our office environments continue to change, including teleworking, all employees must be aware of their environment. PII should not be disclosed orally when an unauthorized person is present. Examples include a visitor at your home or the cable repair person. When answering work phone calls in public places (restaurants, etc.), always keep discussions of cases and customers limited until you are in a confidential environment.

**W. Conflict of Interest (11/2013)**

The Division of Child Support Enforcement shall establish and administer a conflict of interest policy that will provide reasonable assurance that the attorneys, employees and volunteers of the Division discharge their official responsibilities in an objective and impartial manner in the furtherance of the interests and statutory purposes of the Division. A conflict of interest is defined as a situation that has the potential to undermine the impartiality of a person because of the possibility of a clash between the person's self-interest and professional interest or public interest. Having a conflict of interest does not imply that illegal or unethical behavior has occurred. A conflict of interest is a set of circumstances that creates a risk that a person's professional judgment or action regarding professional duties will be compromised due to a personal relationship

The Division is an organization that operates to serve the public interest and the conflict of interest policy is designed to prevent any Division employee from breaching the public trust. Division employees must obey the letter and spirit of the conflict of interest policy. Employees must be on guard against real or potential conflicts as they perform their job duties. The conflict of interest policy will be discussed with all new employees or volunteers within 3 days of employment/volunteerism and annually thereafter. Employment in this context includes, but is not limited to, unpaid employment, internships, externships and volunteer work. Each employee must read and sign the *Conflict of Interest Guidelines for DCSE Employees* within 3 days of hire and annually thereafter certifying that he or she understands the ramifications of any violations. A copy of the guidelines will be given to the employee as well as a copy placed in his/her personnel file.

1. In all cases, whether or not a specific conflict of interest has been identified, Division employees are strictly prohibited from:

    a. Soliciting, accepting, or agreeing to accept any kind of payment, good or service from any person, vendor, or other entity with which a Division employee does business in his or her official capacity,

    b. Disclosing confidential information on Division cases to unauthorized individuals, and

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

2. Some relationships are so inherently close that there is an overwhelming likelihood that an actual conflict will arise. A *per se* or intrinsic (primary) conflict of interest exists when a child support case has the following as a principal party (CP, NCP or child) and either a Division employee or someone related to a Division employee as a spouse or domestic partner/significant other (current or former), boyfriend/girlfriend (current or former), child, grandchild, parent, grandparent, sibling, or other relative by blood or marriage with whom the Division employee maintains a close, familial relationship – including any family member residing in the Division employee's household. In these primary conflict of interest cases:

    a. District managers will determine to which office the case is transferred. The physical file will be forwarded to the newly assigned district office in addition to a new case worker being appointed to work the case.

b. Refer all case-related and procedural questions to the newly assigned office's District Manager.

c. Send all legal questions about the case to the legal counsel in the office handling the conflict of interest case.

d. Schedule the legal counsel and court specialist from the office handling the conflict of interest case to attend all court hearings.

3. When a reasonable person would conclude that an employee's personal relationship with a principal (CP, NCP or child) could overcome his or her impartiality, there is an appearance of impropriety. The potential conflict of interest cases could include those of a Division employee's aunt, uncle, cousin, niece, nephew, step-parent, step-child, parent-in-law, child-in-law, close friend or any other relationship that could be seen as compromising a Division employee's integrity in performing official duties. This type of situation would be considered a secondary conflict of interest. In these potential conflict of interest cases:

   a. District Managers will determine the best way to handle these situations.

   b. it is not mandatory to transfer such a case to another district office if there are other means to adequately remove a Division employee's involvement, including transferring the case on the automated system to another case worker with a different supervisor within the office.

   c. when it is in the best interest of the parties or the district office; such as in the event of a complaint or perception of favoritism, a supervisor is the conflicted Division employee, or there is a family violence indicator, transfer the case file and assign a new case worker in another district office to the case and treat the case in all respects as a primary conflict of interest case. District managers will determine to which office the case is transferred.

4. Division employees having either a primary or a secondary conflict of interest must:

   a. notify their immediate supervisor of the relationship to the case;

   b. not examine, work on or involve themselves with that individual case, either in the automated system or with the physical 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; and

   e. CPs and NCPs who are Division employees must direct any case inquiries to the Division Call Center.

5. In all cases identified as having either a primary or secondary conflict of interest, the District Manager in the office in which the conflict of interest occurred shall:

a. restrict access to the physical file by removing it from the main records room and housing it in a secure area, and

b. block the conflicted employee's access in the automated system to the case.

6. Each district office shall conduct an annual review of each conflict case in the office. Both the electronic case record and the physical case file shall be reviewed to ensure that no inappropriate action has been taken on a conflict of interest case. The annual review should be documented, clearly and fully, in the electronic case record. No documentation of the review is necessary in the physical file.

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

8. Maintaining confidentiality of records and obeying the conflict of interest avoidance requirements are important parts of each Division 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.

## X. 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 (06/2016)

1. A non-IV-D (NIVD) case is a case the Division only has the authority to receive post, distribute, and disburse income withholding payments, and for which the court has issued an *Income Deduction Order for Support* or an *Employer's Income Deduction Order for* Support (IDO, court forms DC-645(A) and DC-645(B) respectively) that orders the employer to mail payments to the Division, and for which the Division has not received an application for services or a referral from an LDSS.

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 the Division.

3. Do not initiate enforcement action of any type on a NIVD case. Do not issue an *Income Withholding Order (IWO)* for NIVD cases.

4. The parties are responsible for petitioning the court to have the IWO transferred, adjusted, or terminated for a NIVD case.

5. Central Registry staff will perform the following:

   a. Receive a copy of the support order and court-issued IDO from a court.

      1) If the support order and the IDO do not have sufficient information to establish a NIVD case in the automated system, contact the court to request corrected documents.

      2) NIVD support orders received by the Division in which the court has not ordered an *IDO* should be returned to the court, unless the court order specifies that payments be made through the Division without an IDO. 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 the Division without an *IDO*.

   b. Check the automated system 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 the automated system, establish a NIVD to add the new court order/*IDO*. This action will result in 2 open cases in the automated system for the same participants, one IV-D case and the other a NIVD case; or

      2) if the case is open in the automated system, and does not meet the criteria as described in 1 above do not establish a NIVD case.

a) Document Case Events with the receipt of and details of the court order and IDO; and

b) forward the court order/IDO to the responsible case worker in the District Office to update the existing IV-D case; or

3) If a IV-D case exists in the automated system 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 the automated system and transfer the case to the Central Registry.

4) If a case does not exist in the automated system with these participants, establish a NIVD case in the automated system within 2 work days of receiving the court order and the copy of the IDO.

a) Enter all available information on the automated system;

b) Set up a paper file;

c) Mail the new NIVD customer an application packet that includes the following:

(1) *Notice Child Support Payment Processing Procedures letter to the CP and NCP*.

(2) *Child Support Enforcement Services Application*.

(3) *Electronic Funds Transfer Information and Authorization Agreement*

(4) *Statement of Payments*

(5) *Child Support and You* brochure

d) Update the automated system when the court or either party supplies new information;

e) Worklist SDU staff to process financial adjustments when necessary; refer to Receivables and Cash Adjustments for types of adjustments that may be requested using the worklist function.

f) For overpayments which resulted from an IDO, the Division will disburse the payment to the CP on the NIVD case. Do not refund the payment to the NCP.

g) Complete a *Request for Refund/Transfer* form and send it to the SDU staff to request a refund, transfer, or payment to a CP when necessary;

h) Forward employment status changes received from employers to courts;

i) If the CP or the NCP in a NIVD case applies for child support enforcement services, change the case type from NIVD to NADC in the automated system, update the

alternative payment agreement field (from "Y" to "N") on the Update Support Order page, update the locality code and add additional information included on the application.

(1) The automated system 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 the Division 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 the Division for enforcement services.

(4) Transfer the file to the responsible case worker in the district; refer to Case Transfer for instructions on how to transfer case files;

j) If an ARRP or an ARRN case with a debt owed to the state becomes a TANF case, the intake worker will research the automated system to check if there is an open NIVD case with the same participants.

(1) If a NIVD case is found, the intake worker will advise the Central Registry to close the NIVD case.

(2) The Central Registry worker must close the NIVD case and transfer the paper file to the responsible case worker in the district office; refer Case Transfer for instructions on how to transfer case files.

k) If a NIVD case becomes a TANF case with the same participants and Central Registry is notified,

(1) change the case type from NIVD to ADC;

(2) update the alternative payment arrangement field (from "Y" to "N") on the Update support Order page;

(3) update the locality code on the Case Referral page; and

(4) transfer the paper file to the District Office responsible for the case. Refer to Case Transfer for instructions to transfer case files.

l) Close NIVD cases when

(1) the court notifies the Division that the parties agreed to an alternative payment arrangement; or

(2) the court notifies the Division to close the case; or

(3) an ARRP or ARRN 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 NIVD cases shall be re-opened if subsequent payments are received.

(a) The closure code for these cases is CNVD. A case event will be generated and notes will be entered by the automated system providing the closure reason.

(b) Cases that meet the NIVD closure criteria will be closed by the automated system on a monthly bases.

(c) The automated system will close the current support extension and adjust arrears and interest due to the CP to zero

m) Document case events to reflect closing of the case and the reason.

n) The Division cannot close a NIVD 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 NIVD cases.

p) The automated system prorates, allocates, posts, and distributes payments to all cases. The same hierarchy for current support and arrears applies to IV-D and NIVD cases.

c. stop current support from charging when notified by the court; notified by the CP that the youngest child on the order is 18 and not 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).

6. District office staff will perform the following:

a. If an ARRP or an ARRN case with debt owed to the state becomes a TANF case, the intake worker must research the automated system to check if there is an open NIVD case with the same participants. If a NIVD is found in the automated system, the intake worker must advise the Central Registry to close the NIVD case.

b. do not change NIVD case types without first consulting with the Central Registry NIVD case worker,

c. forward any copies of court orders and IWOs for NIVD cases to the Central Registry,

d. open a closed case when requested by the Central Registry; change the case type to NIVD and transfer the case to the Central Registry,

e. refer callers with inquiries about their NIVD case to the Call Center,

f. contact the Central Registry supervisor for assistance with NIVD cases when necessary, and

g. advise walk-in customers with questions regarding their NIVD cases to contact the Call Center or the court directly about their NIVD case and provide them with the contact information. Do not advise customers to go to the Home Office as walk-ins.

(09/2014) (10/2014)

**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. The Division 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 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 case in the automated system to a Central Registry worker.

c. Document actions taken in Case Events and notes;

d. Generate the *Notification of Action Taken* to the CP;

e. Transfer the paper file to the Central Registry; refer to 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 the automated system,

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 the automated system,

f. Update the automated system and forward the case to the appropriate district office when an application for services is received, and

g. Close the case on the automated system when notified that the other state court closed the case.

CHAPTER 16 – FINANCIAL OPERATIONS

# I. PAYMENT PROCESSING FUNCTIONS

## A. District Office Staff (06/2016)

1. Receiving and Processing Payments

   a. Payments Received by Mail

      1) Only designated staff in the district offices open incoming mail. Two designated staff must open all mail.

      2) Inspect 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 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.

         a) *Daily Payment Transaction Report – Form 531-C1* is used for check or money order non-fee payments submitted by the District Office.

         b) *Daily Payment Transaction Report* – Form *531-C2 Non-Cash Fee Payments* is used only for check or money order fee payments submitted by the District Office. Fee payments will reimburse the Division for genetic tests or various other types of fees. Payments may not be designated for intercept fees.

         c) *Daily Payment Transaction Report – Form 531-C3 Cash Receipts* is used only for cash non-fee payments submitted by the District Office.

         d) *Daily Payment Transaction Report – Form 531- C4 Cash Fee Payments* is used only for cash fee payments submitted by the District Office. Fee payments will reimburse the Division for genetic tests or various other types of fees. Payments may not be designated for intercept fees.

         e) *Reapplication Deposit Fee* form is used for Re-Application Fees only. All reapplication fees must be recorded on this form.

      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 accounting unit. The log sheet will be verified and initialed by staff responsible for preparing the deposit.

b. Walk-in Payors

It is preferable that the Division's District or Home Office staff not accept cash from walk-in payors. However, if circumstances indicate that requiring a check or money order would create either a hardship for the payor and/or result in no or reduced payment, offices are allowed to accept cash payments. District Offices must ensure that reasonable safety and security precautions are taken when transporting cash receipts from the office to the bank.

1) District Office staff designated by the District Manager accept payments, prepare and sign receipts. 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 the automated system.

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 a CP returning a payment that may be in the form of the original Commonwealth of Virginia check, an out-of-state agency check, or a personal check to return funds. Such payments should be sent directly to the State Disbursement Unit (SDU) to be processed as canceled checks.

b) Do not write the case number or the name of the CP 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 social security number (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) All 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

The following procedures apply under the circumstances described above (item 1.b) 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 staff present having access to the safe combination and a 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 cash accepted is not counterfeit currency. All cash payments received are to be verified immediately by the use of a counterfeit pen.

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, the Division will credit the child support case in question, and will mail the NCP a receipt. The *Counterfeit Currency Notification Letter* is on SPARK.

f) For security reasons, advise payors to pay by non-cash methods in the future. There are facilities near most district offices where payors 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 2 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 *Daily Payment Transaction Report – Form 531*. Two calculator tapes should be run on the payments by each of the 2 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 payors to send payments directly to the Richmond SDU 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 specialist 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 the Division for genetic testing costs or all other fees except intercept fees may be accepted in the District Office.

2) All fee payments, except for Re-Application fees and Intercept fees are posted on a separate page of the *Daily Payment Transaction Report – Form 531-C2, Non-Cash Fee Payment* or the *Daily Payment Transaction Report – Form 531-C4 Cash Fee Payment,* identifying the type of fee.

3) Intercept fees may not be processed in this manner. Payment may be accepted for the intercept fee amount, but may not be directed to pay the intercept fee by specific 531 designation.

4) Re-Application fees payments should be recorded on the Re-Application *Fee* Deposit form. This form and the 846 FAAS Distribution sheet should be sent to Payment Processing with the daily deposit.

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, counterfeit detection pen, blank copies of the *Counterfeit Currency Notification Letter*, 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 (Division 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. All cash payments received by District Office Staff while in court are to be verified immediately by the use of a counterfeit detector pen.

(2) Immediately endorse checks and money orders to read: FOR DEPOSIT ONLY, COMMONWEALTH OF VIRGINIA, DEPARTMENT OF SOCIAL SERVICES. Place the receipt and the payment in the lockable night deposit bag.

4) At the discretion of District Office management, and if a local bank can be secured with accommodating hours, the court specialist may prepare a deposit and deposit the funds prior to returning to the office. In this instance, the same procedures must be followed as for payment deposits prepared in the District Office.

a) Court specialists will be assigned a supply of deposit tickets for the appropriate bank. Each specialist will need to bring or have access to a calculator.

b) Court specialists will prepare one deposit ticket for all cash receipts, and a separate deposit ticket for all check and money order receipts.

c) At the end of court, remove all payments received from the lockable night deposit bag and add all currency. Enter the total amount on the deposit ticket line for 'currency.'

d) Add all coins and enter the total coin amount on the 'coin' line.

e) Add both currency and coins, and enter the total on the 'total cash' line and the 'total' area at the bottom of the deposit ticket.

f) Date the cash deposit ticket for the date of the court hearing.

g) On a new deposit ticket, enter the amount of each check or money order separately on the deposit ticket under the 'checks' heading.

h) Add all check and money order entries and enter that total in the 'total' area at the bottom of the deposit ticket.

i) Make sure the total of all receipts equals the total amount of both deposit tickets.

j) Date the check deposit ticket for the date of the court hearing.

k) Ensure that all checks and money orders have been endorsed to read, 'For Deposit Only, Commonwealth of Virginia, Department of Social Services.'

l) Court specialists will make copies of all checks and money orders before deposit.

m) Place all cash, coins, checks, money orders, and all copies of the deposit ticket(s) into the tamper resistant plastic bag. The tamper resistant bag must include the name of the specialist, date, and total amount of payments.

n) Detach the tear strip from the tamper resistant bag and place the tamper resistant bag, tear strip, and yellow copies of receipts in the lockable night deposit bag.

o) Lock the bag and take it to the bank.

p) The bank teller will validate the deposit and return 2 copies of the deposit ticket. Some banks also return a printed receipt with the deposit amount and date. Place returned items in the lockable bag and re-lock.

q) Return the locked bag to the District Office no later than the next business day and give to the appropriate accounting unit staff member. Accounting staff will remove the deposit tickets, tear strip, and yellow receipts from the bag and return the lockable bag to the specialist. The check and money order copies should also be given to accounting at this time.

r) Accounting staff will process as a cash (bank) deposit on the business day the deposit ticket and all backup documentation is received in the office.

5) If the court specialist does not prepare the deposit before leaving court for the day, the court specialist will 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.

6) All payments received in court and not deposited will be returned to the District Office on the same day the payment is received.

7) Transport the locked night deposit bag and its contents to the District Office the same day and remove the tamper resistant plastic bag from the lockable night deposit bag. Give the payments to the appropriate staff designated to accept payments.

8) 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.

9) The next business day, after payments are received in court:

   a) In the morning, 2 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 2 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 fiscal department manager 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, 2 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 fiscal department manager 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 - Form 531*. The *Daily Payment Transaction Report – Form 531-C1* is

used for check and money order non-fee payments; the *Daily Payment Transaction Report –Form 531-C2* is used for check or money order fee payments; the *Daily Payment Transaction Report – Form 531-C3* is used for cash non-fee payments; and the *Daily Payment Transaction Report – Form 531-C4* is used for cash fee payments. Indicate the source of the cash payment, such as court, on the *Daily Payment Transaction Report – Form 531*. Payments should be deposited on the same day that they are received whenever possible. A payment may be held for the following business day's *Daily Payment Transaction Report – Form* 531 if:

a) It is not possible to verify the correct identifying information using the automated system 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 numbers as they are used so there is no duplication. If there is a duplication of a deposit ticket number, please contact a manager or supervisor in SDU-Payment Processing to make them aware of the duplication. Cash payments cannot be processed using the Remote Deposit Capture process.

a) The RDC process produces 2 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 *Daily Payment Transaction Report – Form 531*. Refer to item 4 of this section regarding the upload of the deposit report into the District Payment Transfer (DIST) module.

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) Upload the Wells Fargo report file into the District Payment Transfer (DIST) module. The

DIST module can be accessed via the web by accessing DISH and selecting DIST from the DISH main menu. Key in each payment's information and transfer the completed deposit along with the *FAAS Distribution Sheet* and any supporting documentation to the SDU in Home Office, by 1:30 pm each day. You can upload several deposits in one file, such as checks, cash, and Re-Application Fees. One file per day can be transferred. Print a copy of the *Daily Payment Transaction Report – Form 531* to be included in the daily deposit record.

a) For Cash Deposits, you must upload a copy of the validated deposit certificate ticket along with a separate FAAS Distribution sheet for the cash.

b) For Re-Application fee payments, you must key the payment to 100000000 in the DIST module. You should fill out the *Re-Application Fee Deposit* form with the CP's information. You should upload a copy of the *Re-Application Fee Deposit* form along with a separate 846 FAAS Distribution sheet.

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 the *Daily Payment Transaction Report – Form 531*, incoming mail log payment information and the daily deposit ticket. File all reports in date order.

2) Prepare a *Daily Payments Reconciliation* form for audit verification and retention by the Fiscal Technician Senior or designee. This will be reviewed by the fiscal department manager for completeness and accuracy when auditing district office receipt records and performance evaluation criteria.

3) The *Daily Payments Reconciliation* form and receipt books must be retained until both of the following conditions are met:

a) A period of 5 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 (PEM) 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, fiscal department manager, 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 fiscal department manager 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, fiscal department manager 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 fiscal department manager 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 2 days of the departure of any person who had access to the safe or to the safe combination. The District Manager/fiscal department manager 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, used 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 fiscal department manager by the designated fiscal staff.

5) No transfer of receipt books between district offices is allowed without authorization from PEM.

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 accounting unit will maintain a log of the deposit tickets, in sequence, as they are used. Deposit tickets will be ordered from the depository bank.

k. Reporting of Possible Loss or Mishandling of Funds

1) Procedures outlined in a memorandum, Reporting Loss of Funds and Assets, dated April 11, 2016, from the Division's Deputy Commissioner 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 suspicion or evidence of loss or mishandling of funds must be reported immediately.

l. Compliance with Procedures

1) Procedures outlined in this section are to be annually reviewed by the fiscal department manager 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.

(11/2015)

### B. State Disbursement Unit, Payment Processing Operations

The payment processing functions of the State Disbursement Unit in Home Office are discussed in State Disbursement Unit. 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).

(04/2014)

## II. ALLOCATION AND DISTRIBUTION

### A. Allocation and Distribution Functions (04/2014)

Provide information regarding assignment of support rights for public assistance cases; categories and definitions of child support arrearages; the distribution hierarchy of support payments in Never

Assistance, Current Assistance, Former Assistance Cases, and Non IV-D cases; and the procedures for automated and manual holds.

**B. Assignment of Support Rights (04/2014)**

1. As a condition of eligibility for public assistance, the applicant must assign to the state any rights a family member may have to support from any other person, not exceeding the total amount of public assistance paid to the family, which accrues 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. If the sum of the permanently assigned arrearages (on all cases) equals or is less than the balance of Unreimbursed Public Assistance (URPA) for the applicant, then all permanently assigned arrearages remain permanently assigned. Any excess permanently assigned arrearages over the URPA balance would be unassigned to unassigned-during assistance arrearages (UNDFA) in a prorated manner between all cases.

   b. If the sum of permanently assigned arrearages (on all cases) is less than URPA, then a portion or all of the temporarily assigned arrearages become conditionally assigned to the state. The amount of temporarily assigned arrearages to be reserved as conditional arrearages is determined by adding the permanently and temporary assigned arrearages (on all cases) and comparing this balance to URPA. The amount to be retained as conditional arrears (prorated among all cases) is the available amount, up to the amount that will make the sum of permanently assigned and conditionally assigned arrearages equal URPA. Conditionally assigned arrears are called a conditional assignment because all payments go to the family except federal tax offsets, which are retained by the state.

   c. Any excess of temporarily assigned arrearages over URPA is assigned to unassigned during assistance arrears (UNDFA).

**C. Categories and Definitions of Arrearages (04/2014)**

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 but prior to October 2009. These arrearages are not permanently assigned and the temporary assignment expires when the family leaves the assistance program. TTNFA is not a valid option for new extensions, but will remain on cases that had this extension as of October 2009 until the family leaves assistance. At that time, unassignment will occur based on the rules in item B.2.b and B.2.c above.

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. The exception to this rule occurs when a CP requests case closure on a case that has a balance owed in CTNFA/I. Once the CP's interest is removed from the case, all payments made to CTNFA/I reimburse URPA. If the CP subsequently requests services, any remaining CTNFA/I arrearages are paid to the family, unless the collection is made by federal income tax offset.

4. Never Assigned Arrearages (NPAAA) are those arrearages in never assistance and former assistance cases 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. UNTFA is not a valid option for new extensions, but will remain on cases that had this extension as of October 2009 until the balance of those arrearages is paid or otherwise disposed.

## D. Allocation Function (06/2015)

1. Basis for Allocation

   The automated system allocates a support payment received from an NCP among the NCP's

cases, IV-D and non-IV-D, based on the allocation formula.

2. 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 current child support obligation for all cases to obtain the percent of the payment to apply to each case. The automated system 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. Refer to the Distribution Hierarchy for additional information.

b. Arrears Payments

1) Add the balance for all non CSUP extensions for all open cases for which the NCP owes arrears. For example, $100 + $200 = $300. Use the balance for each case to calculate the percentage of the payment to allocate to each case. Divide each case balance by the total balance for all cases to obtain the percent of the payment to apply to each case. The automated system calculates the percentage to 14 digits to the right of the decimal point. For example: 100/300 = 0.33333333333333; 200/300 = 0.66666666666667.

2) Once an arrears payment has allocated to a particular case, distribution to the arrears extensions will follow the distribution hierarchy. See Distribution Function for additional information on the distribution hierarchy.

NOTE: this exception is not an option in iAPECS, as iAPECS does not support this function.

3) An exception to automated arrears proration would occur if a periodic payment on arrears is entered into an arrears extension. If a periodic payment towards arrears is entered into

an arrears extension, that amount would be paid toward that arrears extension prior to any other arrears extension receiving payment, disregarding the distribution hierarchy. Periodic payment towards arrears amounts should not be entered under an arrears extension, but should be entered on the order information screen.

NOTE: this exception is not an option in iAPECS, as iAPECS does not support this function.

3. Allocation Exceptions

   a. The automated system allocates payments received from federal tax refund intercepts among the cases certified. Payments do not allocate to cases not certified. See Distribution Function for the distribution hierarchy of federal income tax refund offset.

   b. Payments received for attorney fees and genetic test fees are specifically coded and distributed directly to those subaccounts bypassing the allocation hierarchy.

4. Importance of Accurate Data and Timely Updates

   a. Allocation is an automated system process. The portion of a payment applied to each account and subaccount is computed based on the case management and financial data on the automated system.

   b. District office staff enters data on the system accurately and timely.

      1) A support order amount or payment frequency entered incorrectly on the automated system will cause the payment to allocate incorrectly.

      2) The automated system does not allocate payments to cases without support order data unless a voluntary sub-account has been established on the case.

(07/2014)

## E. Distribution Function (04/2014)

In the Distribution process, the automated system moves payments from the case level to the payee level. This process is based on the distribution hierarchy, and differs based on case type.

1. 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)

d) Medical Arrears (MEDIA)

e) Medical Arrears Interest (MEDIAI)

f) 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)

g) Out-of-State Arrears

h) 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) IV-E FC Arrears (FCARA)

o) IV-E 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) IV-E FC Arrears (FCARA)

m) IV-E 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

2. Distribution of collections through the federal income tax refund offset. The Federal Government mandates the hierarchy for payment distribution. 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 (TTNFA/I)

   c. Unassigned During Assistance Arrears/Interest (UNDFA/I)

   d. Foster Care Arrears/Interest (FCARA/I)

   e. Non-TANF Arrears/Interest (NPAAA/I)

   f. Conditionally Assigned Arrears/Interest (CTNFA/I)

   g. Unassigned Pre-Assistance Arrears/Interest (UNTFA/I)

3. In Non I-VD Cases, all collections posted to a Non IV-D case are disbursed to the CP.

**F. Holds (04/2014)**

Holds are allowed in the automated system on a specific financial transaction, a participant account, or case account.

1. The automated system 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 the Hold/Release Transaction screen to manually enter a hold on a transaction or account.

3. The automated system does not require a release date to place a hold.

   a. The automated system holds payments with a transaction or an account hold and a specified release date until the specified release date. The automated system automatically distributes payments on the release date.

   b. The automated system 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. The automated system does not allocate payments to a case when no current support or arrears are due on the case.

5. The automated system 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. The automated system 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, the automated system 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. The automated system 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 CP's "case account", and then " to" the CP'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. The automated system allocates and distributes future payments when obligations accrue in subsequent months.

11. Rules for Non-TANF Cases

    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.

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 the automated system when they find out that the address in the automated system 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. The automated system automatically places a hold reason of <I> on these transactions. Refer to Adjustments for additional information.

            b) District office fiscal staff review the transactions daily on the Undistributed Receipts Report, update the address, release the hold when the check was returned by the post office as undeliverable, and worklist supervisor to approve distribution of payment.

    b. Checks Returned for Other Reasons Code <M>

        SDU staff cancels checks returned for other reasons. The automated system automatically places a hold reason of <M> on these transactions. Refer to Adjustments for additional information.

    c. IRS Payments from Joint Tax Returns Code <J>

1) The automated system 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 Possible Fraudulent Offset Code < T>

Due to an increase in fraudulent tax filings, OCSE allows states to place an indefinite hold on single returns for IRS intercepts of deceased or incarcerated NCP's. The indefinite hold will allow the District offices to validate the payment before it is disbursed. See Dear Colleague Letter [DCL-11-17] on the OCSE website.

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 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

   d) Different states on the MAIL and IRS addresses

3) The automated system 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) Take the following steps to process these payments:

   a) The districts will research the payments with T holds on the daily Undistributed Receipts Report (UDR).

b) Based on the results of the review, either release the payment or send an email to the IT Operations Unit to have the payment submitted to OCSE for referral to the IRS.

c) When OCSE responds, which can take several months, an email will be sent to the district with that response.

d) If the payment is valid, the district will record the OCSE decision in NCP events and release the hold on the payment.

e) If the payment is fraudulent, the district will record the OCSE decision in NCP events, but leave the payment on hold for the IRS to reverse.

e. State Tax Returns Code < S>

1) The automated system 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

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 5 work days or less.

b. Specify a release date.

c. Place notes under the hold event explaining the reason for the hold/review.

d. Prior to the release date take all appropriate actions to resolve the question requiring the hold.

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 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 the automated system.

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 up to 5 work days.

2) Specify a release date.

3) Before the release date, take all appropriate actions to resolve the question requiring the hold.

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.

14. Foreign Currency, Code <F>

The bank notifies SDU staff when a payment written in foreign currency is returned.

a. Use 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. The automated system completes the following:

1) Enters the Hold Date field when the change is transmitted.

2) Creates an entry in Participant Events as follows:

a) EVENT TYPE <HLDP>

b) EVENT DESCRIPTION<HOLD ACCOUNT AT PARTICIPANT>

c. SDU staff access Participant Events 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.

15. Appeal Hearings Code, <H>

    a. Some actions taken by the Division, if appealed, have the potential to cause an overpayment on the case if payments are received and disbursed prior to the appeal ruling. If an overpayment potential exists for a case while the case is under appeal, place a hold to avoid distributing payments until the appeal is resolved.

    b. Place a hold on the NCP's participant account when the appeal affects all CPs with whom the NCP has cases.

    c. Place a hold on the CP's participant account when the appeal only affects a specific CP.

    d. Do not specify a release date.

    e. Release the hold when the appeal is resolved.

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 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>

       The automated system 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 the automated system.

b. Conversion Hold, Code is <X>

1) The automated system 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 (09/2014)**

Undistributed receipts payments are payments that have never been disbursed or that have been returned to DCSE. They appear on the Undistributed Receipts Reports (URR). The *URR* lists all undistributed receipts payments on the automated system 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. Check, money order, or cash payments submitted by the NCP

d. Federal tax intercepts - single and joint returns

e. Unapproved adjustments

f. Amounts of $1 or less

2. The Undistributed Receipts Reports must 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. Returned and/or Cancelled Checks

   a. Research the notes in the automated system behind the DISB line for the transaction to determine why the check was returned and cancelled.

   b. Research the address information on the case.

      1) If the current address of the payee is found, confirm address prior to reissuance of check.

      2) If the payee's current address is not found, make diligent locate efforts (i.e. DMV, VEC, STARS, ADAPT etc.) to find the current address.

         a) Check FCR, Assets, Location Services on the automated system.

         b) Utilize other locate resources as outlined in Locate Resources.

         c) After verifying the current address for the payee, update the payee address and release the payment(s).

   c. Document all locate efforts on the automated system under the participant level.

   d. When trying to locate the CP, generate a *Notification of Action Taken by DCSE* document to the last known address. If the *Notification of Action Taken* document is returned due to a bad address, refer the case to the case worker to initiate a Closure Intent Notice if the case meets a case closure criterion.

   e. Notify the NCP and the employer (if an income withholding is in place) to suspend sending payments to DCSE because the CP's address is unknown. This can only be done if there are no other cases for this NCP.

   f. Advise the NCP that the support order remains in effect.

   g. Wait 30 days after a *Closure Intent Notice* is sent to initiate a request to Home Office to transfer undistributed payments to the unclaimed property (Account 91). The request to Home Office for unclaimed property must be sent to SDU and must include:

      1) The original date of receipt of the payment(s);

      2) The adjustment or rcp number of transactions to be moved;

      3) The reason for moving the payment to unclaimed property;

      4) The name of the person to whom the money belongs;

      5) The MPI number of the person;

6) The SSN of the person; and

7) The last known valid address of the person.

8) Close the case on the automated system once the undistributed receipts have been transferred to the unclaimed property account and the case closure time frames have been met as outlined in Case Closure Steps.

5. Withholdings and Other Enforcement Remedies

a. Research the case to see if a "hold" has been placed at the "participant level" or "case level" in the automated system. If there is a "hold" placed, determine why the "hold" was placed and take appropriate steps to see if the "hold" can be released.

b. Check the effective date of the undistributed receipts. Research the amount of the current support and arrearages due, the next charge date, the obligation amount, and the emancipation date(s) of child(ren) to determine if the withholding needs to be modified or released.

c. Refer the case to the case worker if the income withholding needs to be modified.

d. If the undistributed receipt is due to an enforcement remedy and if research reveals that the NCP has overpaid and is due a refund, initiate a refund to the NCP of the undistributed amount as appropriate.

1) Research should include reviewing a copy of the check or money order if the payment amount differs from the income withholding payments or if a payment is posted on an account without any enforcement action. These payments could be mispostings.

2) Before generating a refund, verify that the NCP's address is current. If the address is over a year old, run locate (DMV, VEC, State Tax, IDEC, Credit Reporting Agency, etc.)

3) If the NCP cannot be located, before requesting a transfer of a payment at the NCP level to unclaimed property, determine if the check was remitted by an out of state child support agency. These payments can be sent back to that agency as a refund.

e. The automated system places a 30-day hold on payment(s) on a closed case. The payment(s) appears on the Undistributed Receipts Report with a code "W" (income withholding). The worker should research the reason for the payment on a closed case.

f. If, after initial review, it is determined that the NCP is due a refund for the undistributed amount, release the hold. Document case/participant events as appropriate to indicate the steps taken to research and resolve the issue. After the hold is released, the automated system will automatically generate a refund.

1) If, after initial review, it is determined that the payment should remain on hold pending further review, use one of the following review reason codes to continue the hold beyond

the 30-day period and change the release date, if known, or leave blank:

M = misposted payment
I = out-of-state agency
W = income withholding
P = payment from another source

2) Once the issue has been resolved, release the hold on the payment and document the case/participant events as appropriate to indicate the steps taken to research and resolve the issue. After the hold is released, the automated system will automatically generate a refund.

6. Payments resulting from court issued Income Deduction Orders should not be refunded to the NCP.

   a. If an income withholding needs to be released or modified on a Non-IV-D case, the termination or modification must be issued by the court. Most courts require that one of the parties on the case file a motion to terminate or modify the withholding order

   b. After all balances have been paid on all cases for an NCP, the Division will disburse any additional payments submitted as a result of a court issued income withholding to the CP on the case.

   c. When there is no current support or arrears balance on the case, the payment will appear on the URR. These payments must be reviewed daily.

   d. Research to determine that the payment resulted from a court issued Income Deduction Order. This will be critical in the event that an NCP has another case that is being enforced.

   e. For open Non-IV-D cases, once it is verified that the payment resulted from a court issued Income Deduction Order, establish a voluntary subaccount on the Non-IV-D case so that the payment can disburse to the CP. The voluntary account should be established even if the NCP has another case that is being enforced.

   f. If the NCP also has a IV-D case or cases being enforced by the Division, it will be critical to determine which payment(s) result from the court issued Income Deduction Order and which result from an IWO or other payment source. Any payment that did not result from the court issued Income Deduction Order should not disburse to the CP on the Non-IV-D case through a voluntary extension.

   g. Once a voluntary account is established, any undistributed receipts payment associated with the NCP on the Non-IV-D case must be reviewed daily. Payments only appear on the URR for one day prior to distributing to a voluntary account.

   h. For closed Non-IV-D cases, if there are less than 10 payments, move the payments from the NCP level to the CP level and disburse them to the CP. Once more than 10 payments have

been received, open the case and establish the voluntary account so the payments may disburse to the CP point forward.

i. If a payment is returned or is unable to disburse due to a bad address on a Non-IV-D case, do not attempt locate for the CP. If the CP subsequently updates his/her address, the payment(s) may be released to the new address. If not, payment(s) should be held on the account for 6 months. At that time, the matter should be referred to legal for resolution.

7. Federal Tax Intercepts

a. Single returns

1) Research the case to see if a hold has been placed at the participant or case level in the automated system. 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) Research the case to determine if there is any documented reason that money should not be allowed 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.

3) Verify CP and NCP current addresses on the automated system.

4) 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.

5) If additional arrearages exist, apply any remaining FTAX funds to those arrearages. Do not apply FTAX funds to fees owed unless the NCP has given permission to apply the FTAX offset to fees.

6) Refund any remaining overpayment to the NCP.

7) Document Case Events on all of the NCP’s cases in the automated system.

b. Joint returns

1) Research and resolve joint returns the same way as single returns (steps 1-5 above). However, distributed amounts of a joint return are held for 6 months before monies are disbursed to the CP.

2) Overpayments should be refunded to the NCP immediately.

3) Do not release joint FTAX to the CP before the 6 month hold expires.

4) Document Case Events, 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.

(04/2014)

## III. DISBURSEMENTS

### A. General

Disbursements are automatic functions performed in the automated system, and normally occurs immediately after the allocation and distribution process takes place. The automated system Disbursement 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 (06/2016)

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. The automated system disburses support payments to Non-TANF CPs within 2 business days after the State Disbursement Unit (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 must complete the *Electronic Funds Transfer Information and Authorization Agreement*, sign it, attach a copy of appropriate documentation and forward the agreement directly to the Electronic Funds Transfer (EFT) Unit in Home Office.

   b. Upon setting up a direct deposit account, the EFT Unit staff updates the EFT Indicator on the automated system.

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 submitting the *Electronic Funds Transfer Information and Authorization Agreement* to the EFT Unit.

e. Contact the EFT Unit with any requests or questions regarding direct deposits.

4. A CP may have payments disbursed via debit card instead of direct deposit.

a. A CP may elect/opt into the debit card program. Contact the EFT Unit 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 EFT the CP will automatically be placed into the debit card program when the CP meets the criteria of 2 payments in 2 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 EFT Unit staff update the EFT Indicator on the Electronic Funds Transfer page. Division staff outside of the EFT Unit can view the EFT Indicator on the Participant Detail page for the CP and on the Third Party Detail page for another entity's child support agency.

d. A participant may terminate participation in the debit card program at any time by submitting the *Electronic Funds Transfer Information and Authorization Agreement* to the EFT Unit.

**C. TANF Disbursements**

TANF Disbursements related to payments allocated to TANF or IV-E FC cases are disbursed in the following order:

1. $100 Pass-through Payments to the CP are disbursements that do not apply to IV-E 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. The automated system 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. The automated system 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 (04/2016)**

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 unless the overpayment is the result of a modification that retroactively decreased current support.

**E. Automated Refunds for an Overpayment Refund**

1. The automated system 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, the automated system will automatically generate the refund after the 30-day hold period expires.

2. The automated system does not automatically generate a refund to an NCP who overpays on an open case. Refer to 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. Dual Disbursements (03/2015)**

1. Dual disbursements occur when funds have been disbursed to a CP or refunded to an NCP and it is later discovered that the transaction was in error. Actions such as misposted payments or inappropriate enforcement actions can necessitate a dual disbursement.

2. In general, dual disbursements should only be initiated when the Division is responsible for the error.

3. Refund requests from the Social Security Administration (SSA) for payments forwarded after the death of the NCP should not be returned to the SSA unless:

   a. they have not been disbursed,

   b. they are returned by the CP, or

   c. recoup from the CP is likely.

4. Payments posted to an incorrect NCP and disbursed to a CP:

   a. If the payment was accompanied by the correct identifying information and the error was on the part of the Division. In this instance the payment should be transferred using the *Request for Payment Transfer/Refund* form and standard recoup procedures should be followed.

   b. If the payment was not accompanied by the correct identifying information, the error was on the part of the employer, or other entity that submitted the payment.

      1) Call the employer, or other party, and request a re-issue of the payment(s). The re-issued payment should be sent to the district office making the request, as this transaction will require special handling. The phone call must be followed by a letter requesting repayment and giving the same repayment instructions.

      2) If the employer or other party agrees to submit a re-issued payment, post the re-issued payment and transfer it to the appropriate NCP when received.

3) If the employer, or other party, does not submit a reissue payment, ask the CP to return the error payment. If the CP refuses to return the error payment, transfer and recoup using the *Request for Payment Transfer/Refund* form.

**G. Manual (Non-Automated) Refunds ( 04/2016)**

1. Issue an overpayment refund manually to an NCP when:

   a. The NCP overpays total arrears owed on all cases and subaccounts. In most circumstances, refunds should not be issued when funds have been disbursed, unless the collection and disbursement was due to an error by the Division.

   b. The payment was collected using an inappropriate involuntary collection action resulting 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.

2. District Office will, in circumstances involving an error on the part of the Division, generate a refund request for funds that have been disbursed to the CP by completing the *Request for Payment Transfer/Refund*.

   a. District Offices will forward the approved request with attachments to the appropriate Director of Operations' Office for approval.

   b. If approved by the Director of Operations, forward the request to SDU for processing the refund.

3. Issuing Refund to NCP for Overpayment – General Rules

   a. Review the NCP address screen prior to making the adjustment to process the refund. If the refund is to be sent through another IV-D agency, ensure that the payee code '3' and the other agency's FIPS information is properly updated in the NCP address screen. This will ensure the validity of the address and reduce the number of checks returned. For in state NCP's, review the MPI events for updated information such as IRS or new hire address information, especially if notices or contacts have not been made with the NCP in the past year. Also check SPIDeR and CLEAR, 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. Do not issue a refund to the NCP when the payment results from a court issued Income Deduction Order.

   d. Do not issue a refund to the NCP when an overpayment is the result of a modification that retroactively decreased current support**.**

e. Review the NCP's MPI account to ensure that payments were posted properly. Review check copies to verify inconsistent amounts.

f. Monitor the modification or release of wage withholdings to ensure payments are modified or terminated timely. Employers should be contacted to confirm the wage release was received and processed to reduce the number of refund checks generated.

g. Exception Processing Unit, in SDU, changes NCP/CP addresses in the automated system 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.

4. SDU, Exceptions Processing Unit, will perform the following:

   a. Document the automated system 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.

5. 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 the automated system 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 the automated system 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. FTAX offsets from Joint Federal Tax Returns are not disbursed to the CP until 6 months have passed since the payment was intercepted. However, if all arrearages have been paid, refund the IRS tax intercept excess money to the NCP immediately (and the joint tax return filer). Note: FTAX offsets may not be applied to fees without the specific, documented permission of the NCP.

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.

c) Both names appear on the Participant Address screen.

2) District office staff

a) Access the 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 Participant Address screen for the IRS address for the year of the intercept; verify that the IRS address has 2 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 3 conditions above are not true.

4) If all 3 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 the automated system, 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 3 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 10 work days of identification, if the payer address is available, using a Revenue Refund Voucher.

(04/2014) (03/2015)

**H. 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. The automated system 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.

**I. 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 Case Events

   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 the automated system 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 Case Events 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 Case Events.

3) If both (1) and (2) are true,

   a) Review the documentation on Case Events;

   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 of Check Fraud by Payee*. Refer to Alleged Forgery Claims for instructions.

   e) Initiate a request for stop payment, as follows, after the *Stop Payment Request Affidavit* has been completed and signed by the payee:

      (1) worklist the designated SDU worker.

      (2) document Case Events.

      (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 Case Events 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 Case Events.

(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 10 (for in-state) or 15 (for out-of-state) working days have elapsed since the date of mailing. Document Case Events.

d) If the check has been canceled, worklist the requester; attach a note explaining the action taken and the cancellation reason. Document Case Events.

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 Case Events.

(3) The following work day, verify through the bank's Account Reconcilement system

that stop payment was placed.

(4) Cancel adjustment back to the automated system. Cancel adjustment must be approved by team leader or supervisor.

(5) Release hold for reissue if appropriate.

(6) The automated system 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 Case Events.

b. The Department of Treasury sends the replacement check to the payee.

**J. 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 3 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 Case Events 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 on-line document generation facility to generate the *Affidavit of Check Fraud by Payee* 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 of Check Fraud by Payee* 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 the automated system generates the *Affidavit of Check Fraud by Payee*, it also generates a

   a. Case Event entry.

   b. Worklist item.

4. SDU EPU Staff

   a. Make a photocopy of the *Affidavit of Check Fraud Payee*.

   b. Forward the 2 copies received from the district office to the Commonwealth's bank, if the date the check was cashed does not exceed the statute of limitation.

   c. Document Case Events.

   d. File a copy of the Affidavit of Check Fraud by Payee and related documents.

5. Response to the *Affidavit of Check Fraud by Payee* 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 the automated system.

   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 Case Events.

**K. 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 Case Events, and attach notes to the event.

4) Cancel the remaining miscellaneous checks using the 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 the automated system, 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. Receivables Section

Provides procedures and information regarding establishing and maintaining receivable subaccounts and financial records.

### B. General Rules of Accounts Receivables

1. Enter the obligation on the automated system within 2 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 CP or the Commonwealth.

3. Establish receivable subaccounts using the support order or adjustment module.

**C. Types of Support Receivables**

1. Each type can have an extension for current support, arrears, and interest. Types of support receivables are as follows:

2. Child Support-A receivable that records obligations and payments for child support.

3. 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.

4. 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.

5. Spousal Support- A receivable that records obligations and payments for spousal support.

6. Miscellaneous Support-A receivable that records payments received by DCSE for a type of support other than the 4 types of support mentioned above.

**D. 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 (IV-E FC) Instate and Out-of-State

3. Medicaid-only

4. State and Local Foster Care (SLFC)

5. Non-TANF

6. Non-IV-D

**E. Fees**

1. Genetic Test Fee

Refer to Genetic Test Fee for additional information and steps to set up a genetic test fee subaccount on the automated system.

2. Attorney Fee

   Refer to Attorney Fees for additional information the steps to set up an attorney fee subaccount on the automated system.

3. IRS Intercept Fee

   Refer to IRS Intercept Fee for additional information.

4. Fee Charged to an NCP by Another State

   Refer to Fees Other States Charge NCPs for additional information.

5. Fee Charged to a CP by Another State

   Refer to Fees Other States Charge CPs for additional information.

6. Reapplication Fee

   Charged to the CP for opening case in less than 6 months. These fees are not on the automated system.

7. Charges for Copying Files

**F. 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.

**G. Adding Orders to the Automated System**

1. Entering an Initial Order in the Automated System for ASOs and Court Orders.

   a. Create an order on the 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.

2) An initial ASO for debt to the State is assessed from the date of receipt of TANF, IV-E FC, or non-IV-E FC. Assess the debt of a Department of Juvenile Justice (DJJ) case from the date DJJ received the dependent. The date cannot be earlier than the date that paternity is established.

3) An initial judicial (court) 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.

b. Enter terms of the order and notes (i.e. periodic repayment of arrears).

c. Create a current support extension to add the current support amount. The automated system will automatically charge the current support amount on the first day of the following month if the order is entered in the automated system prior to the start date. If the order is entered after the start date, the automated system will automatically charge for the month in which the order is entered.

d. Add any arrears stated in the order.

e. Immediately refer the case to district office fiscal staff to perform the following:

1) Fiscal workers use the adjustment module in the automated system to enter the arrears amount of 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 the automated system 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.

2. Entering a Modified order in the Automated System for ASO and Court Order

a. Enter the end date for the old order in the automated system on the Support Order screen. Select the old order to enter the end date. The end date on the old order must be the day before the start date of the modified order (example: modified order start date is 8/1/06, enter 7/31/06 as the end date on the old order).

b. Create a modified order in the automated system using the Support Order screen, entering the order date, start date and effective date as explained below

   1) A modified ASO is effective the date 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. 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.

   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.

c. Enter terms of the order and notes (i.e. periodic repayments of arrears, “prior current support”).

d. Update the current support extension. Do not manually adjust the current support subaccount. For a modified order, the proper way to correct the amount of the current support is through the Support Order screen in the automated system. The automated system will automatically adjust the current support subaccount based on the amount of current support entered through the Support Order screen.

e. Immediately refer the case to fiscal staff to perform the following steps:

   1) Fiscal workers use the adjustment module in the automated system to adjust the arrears (pursuant to the modified order) through the end of the current month.

   2) The calculations for the arrears adjustment may require the determination of the difference between the old order and the modified order for both the partial month from the effective date through the end of that month and any full month’s obligation until the order begins charging on the automated system.

   3) If the ASO contains 2 current support amounts (“current child support beginning 7/1/2014” and “prior current child support”) consider the following when calculating the arrears:

      a) Arrears established in the order.

b) The partial month owed under the old order from the arrears effective date through the effective date of the new order.

c) The debt owed based upon the "prior current child support" amount which may include a partial month.

d) The "current child support beginning 7/1/2014."

4) Fiscal worker should reset the charge date field in the automated system. Reset the charge date to the first day of the following month (example: fiscal worker updates the case on 8/10/06, the charge date should be reset to charge on 9/1/06). It is not necessary to reset the charge date to the first of the month if the charge date in the automated system is already set to the first of the month based on the old order.

5) Do not reset the start date.

3. Do not create a new order record in the automated system if the only change to the order is to establish/adjudicate the arrears and/or the judge sets a dollar amount to be paid towards the arrears on a monthly or other periodic basis. Fiscal staff should adjust the arrears subaccount balance only on these accounts.

4. When adding arrears extensions:

a. Do not complete the ordered frequency and amount fields for arrears extensions on the automated system 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 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.

1) NOTE: entering an ordered frequency and amount on the extension is not an option in iAPECS, as iAPECS does not support this function.

c. If an 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. The automated system will distribute the payments, according to the established distribution hierarchy, without this information.

5. Set the intercept and consumer reporting agency indicators when an arrears receivable is not to be certified or referred.

6. Use the manual adjustment module and not the order module to establish the following subaccounts:

a. Genetic test fee

b. Attorney fee

c. Credit card fee

d. insufficient fee

e. Service process fee (verify)

f. IRS fee (verify)

g. Parental Fee (parental kidnapping fee never used)

h. Voluntary payment

**H. Charging of Support Orders**

1. Charging of support orders for the current month is an automated system function.

   a. Orders charge on the effective date of the order if the order was initially established on the automated system. 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. The automated system 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 2 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 2.

4) Quarterly Orders- Divide the order amount by 3.

5) Yearly Orders- Divide the order amount by 12.

2. If a modified support obligation is entered in the automated system during the charge cycle by a worker using the order module, the automated system 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 the automated system.

## I. Receivables Maintenance (12/2014)

The receivables balance on a case in the automated system is an automated function based on charging of the support order and application of payments to the case. The receivables balance may need to be adjusted in the automated system for a variety of reasons including but not limited to: entry of arrears at application (new case) or reapplication (previously closed case) with an existing order, change in the ordered amount, an error made on the case (such as an incorrect order amount entered or a delay in updating a change in the order amount), court set arrears, or emancipation. An adjustment to the receivables balance can never be based on a request by a CP to arbitrarily change the arrearage amount or to forgive an arrearage.

1. Newly opened or reopened cases with a support order

   a. Ensure there is a complete and legible *Statement of Payments Received* covering any period that the case was obligated and not open to IV-D services. If the CP has failed to provide a *Statement of Payments Received*, no arrears will be added for the period that would be covered by that statement.

   b. Ensure that the NCP has been sent a copy of the *Statement of Payments Received* for review. If the NCP has not responded within the 10 day timeframe, proceed to calculate and add the arrears. If the NCP has responded with discrepancies, do not add the arrears until the discrepancies are resolved.

   c. Once any discrepancies have been resolved, proceed to calculate and add the arrears and interest.

      1) For a reopen case, add back all arrears and interest that were adjusted off at closure.

      2) Calculate the arrears for the closed time period (reopen and new case) by adding all the obligations due prior to the case opening (reopening) and subtracting any payments made during that same time period.

      3) Calculate the interest for the closed time period. Interest is computed monthly, based on unpaid arrears totaled at the end of the charge cycle. The monthly interest rate on Virginia orders is .005 (06/12) beginning July 2004. Interest rates for prior time periods can be

found here Interest Rates. Interest for other state orders is computed in the same manner, using the other state's interest rate for the specified time period.

4) If a court order was issued addressing the arrearage prior to the case opening (reopening), use the court ordered amount to calculate the current arrearage and interest.

2. For cases with foreign currency orders:

a. 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. The notice should clearly explain that yearly reconciliation will occur with the foreign country based on the currency fluctuation to determine the NCP's arrears, if any.

b. DCSE should perform a yearly reconciliation that is similar to the reconciling process for intergovernmental cases (reviewing payments and arrears balance between the U.S. and the other country).

1) A self-generated worklist should be created by the district office staff for cases with a foreign currency order, as a reminder of the need to reconcile the accounting every 12 months from the date of the order was entered on the system.

2) DCSE shall request an updated accounting record from the foreign country every year. 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.

3) Once the yearly reconciliation is complete, send the NCP, the CP, and the foreign country a notice of the new balance in writing.

c. If no response (acceptance or revision of the yearly recalculated balance) is received from the corresponding foreign country within 60 days of the mailing of the account balance, the arrears will be set as stated in the letter of reconciliation for the year.

d. Three to 4 months prior to the child's emancipation, DCSE shall reconcile the accounting on the case. This action is taken in an effort to reduce the effects of a large arrearage or credit balance occurring at the date of emancipation.

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:

   a. Prior to the NCP being ordered by a court or administrative order to make payments to DCSE or the NCP being served with a *Change in Payee Notice*, credit for direct payments made may be given based on the *Statement of Payments Received* or documents from item #3, above.

   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, do not give the NCP credit for payments paid to anyone other than DCSE, or a court, or IV-D agency in another state.

6. 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.

7. If a child support obligation decreases due to the emancipation of a dependent, the automated system will adjust current support for the month the system is updated. If time has lapsed between the month of emancipation and the month the order is updated, an adjustment will need to be completed.

8. Voluntary Receivables

   a. Allow voluntary payments to distribute to the CP until an order is established.

   b. Establish a voluntary receivable when the NCP or putative father (PUTF) pays before an order is established or received.

c. Close the voluntary sub-account when an order is established.

d. Establish a voluntary sub-account on a Non-IV-D case when payments from a court issued withholding order continue to be received after all current support and arrears balances have been paid.

e. Payments posted to voluntary accounts are reported on the federal OCSE 157 and the quarterly Accounts Receivable Report as voluntary payments.

9. 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 Eligibility for Services to decide if enforcement of spousal support is a IV-D service.

10. 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 the automated system. Set indicators to exclude the amount from automated enforcement.

c. Create a self-generated worklist to review the case in one year or an earlier date if an end date or review date is stated in the order.

11. 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). The automated system 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 the automated system for an existing case involving the CP and the NCP against whom good cause is claimed. If a case is found on the automated system, change the case type, as appropriate, and close the

case using good cause as the closure reason. Refer to Case Closure Steps 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 the automated system. The arrears can be enforced when good cause no longer exists.

12. Foster Care Cases

Refer to Establishment of a Debt for Reimbursement to the State for the discussion of non-IV-E and IV-E foster care. In the event that a child on an obligated non-IV-E case is approved for IV-E foster care, the IV-E foster care case should be charged the obligation and receive payment from the date of approval. Current support should not be prorate, but should be charged in full to the IV-E foster care case for the month of approval to IV-E. Any payments distributed to the non-IV-E case for that month should be transferred to the IV-E case.

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, within 2 business days of receiving a Statement of Payments Received, establish a TANF receivable for support owed to the CP that accrued since assistance began and a Non-TANF receivable for support owed to the CP that accrued prior to assistance.

b. On a Non-TANF case the automated system automatically redirects the current support receivable to TANF when the CP is approved for 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 NCP is responsible for children receiving TANF and children on Non-TANF that reside with a single caretaker, the district office staff takes all of the following actions:

1) Prorate any arrears that accumulated since assistance began between the children.

2) Transfer the portion for the child(ren) receiving TANF to a TANF arrears receivable. Establish/adjust a Non-TANF receivable for the arrears that accumulated prior to the child(ren) receiving TANF, plus any portion that accumulated since assistance began for a child or children not 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.

3) 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. Case Closure

a. Remove the arrears in TANF, IV-E FC, and non-IV-E 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.

(07/2013) (07/2014) (09/2014)

**J. Discharge of Arrears**

1. The Commissioner has the authority to discharge

a. Uncollectible TANF and IV-E 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 in the automated system.

2. District office staff take the following actions to initiate the discharge of uncollectible TANF or IV-E 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 12 months.

d. Review the Participant and Case Events to verify that there is no recent information which could result in a collection of the TANF or IV-E 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 Case Closure Steps. Do not zero out the subaccount balances.

3. The uncollectible TANF or IV-E 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 the automated system.

### K. 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. The automated system 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. The automated system 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, the automated system 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.

b. Financial information transferred to the automated system 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

a. Moves cash to 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 moves payments from the NCP level, to the case level, to the payee level.

5. The "Disbursement" function 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 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 Recovery and Recoupment.

2) Add a note to the transaction explaining the action taken.

2. Research the need for a cash adjustment.

a. If your research reveals any of the following, do not request an adjustment:

1) TANF case was approved mid-month with a retroactive effective date. A payment disbursed to the CP before the TANF approval date.

2) TANF arrears payment posted and disbursed to the non-TANF CP

a) Non-TANF arrears owed (same NCP and CP)

b) Add a note to the transaction explaining the action

3) Non-TANF payment posted as a payment in excess (B-3 or B-5) payment.

a) The payment disbursed to the CP (same NCP and CP)

b) Add a note to the transaction explaining the situation.

b. If your research reveals that current support was not posted for the month, request an adjustment.

c. 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

If the adjustment has been processed by the automated system, reverse the original entry.

2) Incorrect account or subaccount adjusted

If the adjustment has been processed by the automated system, 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 Case Event 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 the automated system;

b) Master participant number (MPI) entered was incorrect and matched another

participant number in the automated system;

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 (03/2015)**

1. Approval of a redistribution request certifies the following:

a. The requested action is valid,

b. Automated system 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: for any request that requires a Request for Payment Transfer/Refund form:

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 Director of Operations 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 Director of Operations' office to review and approve the request, and

2) Emails the request to the Director of Operations' office.

b. Director of Operations' Office Staff

1) Reviews and approve the request, and

2) Emails the 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 a Director of Operations or the Payment Processing Manager.

**F. District Office Process Redistribution Requests (03/2015)**

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, if necessary, and forward it to the SDU. In general, redistributions that do not involve dual disbursements may be keyed in the district office.

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 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. Include a note with each manual adjustment. Record the following information in the note:

      1) Reason for the adjustment

      2) Approvals obtained

   b. 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. The automated system does not process adjustments that are not approved

2. Record approval on the automated system 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 Overpayment Notification.

**H. Receivables General (05/2014)**

1. Home Office staff establishes the following fee subaccount:

   a. Parental kidnapping 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. The automated system establishes the Internal Revenue Service (IRS) intercept fee subaccount. Refer to 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.

   b. Use the Account Statement for periods after conversion of the case to APECS.

   c. Staff should not print information from the automated system containing FTI, unless it is necessary to complete an audit.

1) When the case or participant account statement is printed, IRS regulations require that several pieces of information about the printouts, including the disposal date and method be recorded in a log. Refer to IRS Publication 1075 section 3.2 for a sample log to use.

2) One log should be kept for each office. While it will generally be accounting staff who have the need to print this information, anyone in the office who prints any FTI will be required to ensure their printout is recorded on the log and destroyed appropriately by shredding. Refer to IRS Publication 1075 section 8.3 for shredding requirements.

3) The printout destruction log should be kept in accounting, or by another individual as designated by office management.

6. When the adjustment brings the receivable balance to zero, verify that all enforcement actions have been released. Refer to Enforcement Rules and Enforcement by Other Methods.

7. Process adjustment using the adjustment module or the order module.

8. Use the Reason Codes 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 (03/2015)

1. Refunds General

   a. In most cases, refunds should only be issued when the payment(s) in question have not been disbursed. See below for specific guidance for disbursed payments.

   b. Refunds should only be issued if the NCP owes no arrears or fees on any case.

      1) IRS intercept payments have specific regulations.

      2) If an NCP owes additional arrears, transfer the overpayment to any case with arrears or fees owed to bring that case current. Refund only the overage after all arrears and fees have been satisfied

2. Overpayment Refunds

   a. Verify Payments.

      1) Locate payments that need to be refunded,

      2) Locate the accounts or subaccounts to which the payments distributed,

      3) Determine if the payment has been disbursed.

         a) Payments that have not been disbursed are available for manual refund

         b) Payments that have been disbursed will not be refunded unless certain criteria are met. Refer to Manual Refunds for those criteria.

   b. A complete audit of the account (manual fiscal record) may be required to determine the appropriate subaccount balances and adjustments needed, if the payments to be refunded have distributed through subaccounts on the case.

   c. If the payment to be refunded has distributed through the case, adjust receivable subaccount balances. The balance in all arrears, fees, and interest subaccounts must be zero after the refund is processed. The current support subaccount should not be adjusted.

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 Case Event entry to document receipt of this document. Include the following data in the entry:

      1) Name of document

      2) Date received

   b. 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 the automated system.

   c. If the intercept has not been received by the Division of Child Support Enforcement, initiate the payment using the AP IRS Refund Option.

   d. Place a hold on the payment at the payee level, if the intercept is from a joint return.

   e. Refer to 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 (IV-E 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 IV-E FC program.

      1) Adjustment is made to transfer funds to the IV-E 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) The automated system information was 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 the automated system 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. The automated system redistributes the payment.

**K. Unidentified Payments**

1. SDU Exception Processing Unit supervisor receives the Unidentified Receipts Report for the prior business day.

2. Compare the Unidentified Receipts Report to the Unidentified Payor Outstanding section of the Undistributed Receipts Report

3. Exception Processing Unit staff

   a. Receive a section of the *Undistributed Receipts Report, Unidentified Payor Outstanding section* for payments that posted the previous day, and a copy of each payment or payment listing.

   b. Complete the following data elements on each attached check, money order, EFT payment and My Child Support Payment:

      1) Receipt date

      2) Transaction event id

      3) Control number

      4) Posting date

      5) Amount of payment

   c. 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 the automated system or ADAPT on-line, PPU DISH research, Control D online, DMV, VEC Databases, CLEAR and any other online resource to identify the payment for posting.

      3) Search by name and social security number to identify possible matches.

      4) Compare the name and address on the systems with the name and address on the payment copy or payment listing copy.

   d. Use the Employer/Agency data in the automated system to obtain the employer's telephone number. If the telephone number is not on the screen, locate the telephone number using CLEAR or any other online resource.

e. 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 2 days to contact the payer.

f. Access the Hold/Release Transaction screen. 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

   4) Enter a <U> in the hold reason field to designate the payment as unclaimed property.

g. Record the information obtained in the comment section on the unidentified adjustments number notes section in the automated system: the name of the company or agency, the telephone number and the date.

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 h.

   2) If the writing appears to match, ask a second staff to compare the writing on the 2 documents. If both staff agree that the writing matches, refer to step k.

j. Write the mailing address on the Unidentified Payment Event number 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

3) Access the Hold/Release transaction screen in the automated system.

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) Adjust additional payments located when adjusting the payment in the Unidentified Payor Account.

k. Create a self-generated worklist to the district office specialist to provide a new social security, addresses, or name obtained in identifying the payment.

1) <New social security number obtained>

2) <New address obtained>

3) <New name obtained>

l. Add a note to the worklist to include the new information.

m. When the payment is identified, post the payment to the NCP's MPI number or

1) Refund a payment when the payment is sent to DCSE in error, when the payment is not identified on the automated system, when the case is closed or when an order cannot be established in the automated system; or

2) If a payment is received with insufficient information, it is referred to Unclaimed Property.

**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 IV-E FC grants

   b. Minus NCP payments

   c. Plus B1, B3, B5 and hold harmless payments.

**M. Debt Compromise (08/2016)**

**The Division's Debt Compromise program was created to provide an incentive for NCPs to discharge a portion of their state owed child support debt and interest, based upon criteria set by the Division and the NCP's ability to pay.**

**For additional guidance regarding the current program, including eligibility, time period and automated processes, please see the Debt Compromise Guide on SPARK.**

## VI. INTEREST

### A. Interest charged or paid includes:

1. Charging interest on support arrears.

2. Paying interest to CP

3. Paying interest to NCP on state tax refunds intercepted in error.

### B. Charging Interest on Support Arrears (04/2016)

1. The automated system sets the Charge Interest Indicator to <Y> when an arrears subaccount is established. The Division of Child Support Enforcement 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. The automated system runs a program, monthly, before charging, to read the Date of Birth field. The automated system automatically changes the Charge Interest Indicator to <N> if the NCP is under the age of 18.

   b. Effective July1, 2001, the automated system 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 the

Division 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. The Division 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 Allocation and Distribution for the payment posting priority.

5. Automated System 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 (IV-E 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; the automated system does not charge interest on a current obligation until the second charge cycle after the obligation posts to the automated system.

d. Charges interest on arrears added to the automated system 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 the automated system 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 IV-E 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 Enforcement by Intercept Processes.

j. Includes interest in the arrears referred to consumer reporting agencies.

k. Rolls interest over from Non-TANF to TANF.

6. When providing arrears and interest amounts to a judge, provide the 2 amounts separately. This is necessary because the Division does not charge interest on interest. If the judge sets one amount for both, the automated system 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. The automated system 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.

        2) Type the annual interest rate in the Annual Interest Rate field.

    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 Reference Guide (IRG), Section F, Support Details, 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 Automated System Function

1) Select option to Add Support Order.

2) Type the annual interest rate in the Annual Interest Rate field. 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 the automated system;

1) If the automated system 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.

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 the automated system 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 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 Calculate Interest screen for the rate.

   b. The rate may change quarterly. Obtain the monthly rate by dividing the quarterly rate by 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 Calculate Interest screen when DCSE owes interest to the CP, or the NCP, or when the arrears balance for prior months increases or decreases after July l, 1995; calculate the new amount of interest due for each prior month when adjusting an arrears subaccount balance.

   a. Select option to Calculate Interest; 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 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 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.

4. Redistribute funds from Account 11, Interest, to the payee subaccount for interest payments to Non-TANF CPs or NCPs; refer to Adjustments.

### G. Interest Payments Returned by Another State

1. When interest is charged on the automated system 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.

### H. Interest Earned by DCSE

1. SDU computes interest earned on support collections deposited in the bank.

2. The automated system computes interest earned by DCSE on TANF and IV-E 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 the automated system daily. Each staff processing financial adjustments on the automated system 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 5 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 (04/2016)

1. The term 'recovery' is used when the NCP or CP repays the Division.

2. The term 'recoupment' is used when the Division withholds monies from support payments to repay the Division.

3. A recovery and recoupment is appropriate when:

   a. A payment to the Division of Child Support Enforcement is returned unpaid by the bank.

   b. A Non-TANF CP is overpaid. Do not forward a referral for recoupment when the overpayment to the CP is the result of a modification that retroactively decreased current support.

   c. A TANF CP retains assigned support payments or is overpaid by the Division.

   d. An NCP is sent a refund check in error.

4. Designated staff in the State Disbursement Unit set up recoupment subaccounts on the automated system.

### B. Dishonored Payments Returned by the Bank (03/2016)

1. Home Office staff

   a. Generate the *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) The automated system generates a Case Event. <RETURNED CHECK LETTER> when the Returned Check Letter is generated.

3) The automated system also generates a worklist <RETURNED CHECK LETTER> in 15 days to verify if the payment has been recovered.

b. The automated system generates a returned check letter if the payment was written by the NCP's employer or another agency, which generates a Participant Event entry and worklist.

c. The District Office is notified if the returned check is from a show cause, driver's license reinstatement or lump sum check.

d. Prepare a *Revenue Refund Voucher* and buy the dishonored payment back from the bank.

e. Process a financial adjustment in the automated system to set up a recoupment subaccount for the NCP or the CP, as applicable. The automated system will retain 100% of subsequent payments until the recoupment subaccount is paid in full.

f. Check the subaccount when the worklist is received to find out if the dishonored payment has 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.

**C. 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 3 notices before recouping. To start the recoupment process, Home Office staff will check the Participant Data 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. The automated system creates an NREC case event when the *Notice of Recoupment* is generated and a 20-day NREC worklist.

   a. If a payment is received in full within 20 days, enter RRPF disposition on the NREC case event, which will delete the NREC worklist. The automated system 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, which will delete the NREC worklist. The automated system 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 from the CP in 20 days, enter NRBR disposition on the NREC case event, which will delete the NREC worklist. The automated system 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. The automated system generates an NOPE case event and 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, which will delete the NOPE worklist. The automated system 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, which will delete the NOPE worklist. The automated system 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, the automated system will generate the *Second Notice of Payment in Error* and the *Repayment Options Form* and mail them to the CP. The automated system enters a disposition of SNOR to end the NOPE case event. The automated system also creates an SPEL case event when the *Second Notice of Payment in Error* and the *Repayment Options Form* are generated and 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, which will delete the SPEL worklist. The automated system 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, which will delete the SPEL worklist. The automated system 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, the automated system will generate the *Final Notice of Payment in Error* and the *Repayment Options Form* and mail them to the CP. The automated system enters a disposition of FNOR to end the SPEL case event. The automated system also creates an FNPE case event when the *Final Notice of Payment in Error* and the *Repayment Options Form* are generated and 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, which will delete the FNPE worklist. The automated system 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, which will delete the FNPE worklist. The automated system 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, which will delete the FNPE worklist. The automated system 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.

**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, Reconciliation Unit, notifying them to deduct the amount of the payment from the federal share of TANF or Aid to Families with Dependent Children in Foster Care (IV-E FC) funds transferred by the Division of Finance.

### E. Recoupment from an NCP (03/2016)

When a refund is issued to an NCP in error, a recoupment account may need to be set up manually, using 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). The automated system will retain 100% of payments towards arrears until the recoupment subaccount is paid in full. If the NCP is also a CP, then the automated system will also retain 10% of current support payments received and 100% of arrears payments received.

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 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 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 (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. The fee should not be assessed if the CP has received assistance under a former State AFDC program, under a State TANF program or assistance under a Tribal TANF program.

5. A Re-application fee of $25 is charged to the CP's case if she closes and opens her case within a 6 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 fee requirement is applicable to cases that close on or after 10/01/07, it must be paid prior to the Division re-opening the case, and it must be paid by money order or cashier's check, payable to the Treasurer of Virginia.

    a. The Reapplication Deposit Form and the Reapplication Fee Monthly Summary are the documents to be used for recording these payments.

    b. If a reapplication fee was collected and processed in error, a refund should be processed using a revenue refund voucher.

(12/2012)

**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 *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 the automated system 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 the automated system; or

   2) If the fee subaccount is being added to an existing order already entered on the automated system.

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. The automated system 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 the automated system, 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.

   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 (03/2015)**

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 the automated system. The Genetic Test Fee

subaccount is set up on the automated system using the support type MISC and subaccount type AFBT.

a. Use the Adjustment Module to prevent the review date of an order from being changed, to set up a genetic test fee subaccount

1) If the fee subaccount is being added to a case before the initial order has been entered on the automated system; or

2) If the fee subaccount is being added to an existing order already entered on the automated system.

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

a. Set up the CP genetic test fee subaccount using the adjustment module at the CP participant level. There is an edit on the automated system which requires the CP to be the mother.

b. Select option Client Blood Test Fee Recoup. 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. In intergovernmental cases, the responding state is responsible for paying any costs it incurs in processing intergovernmental IV-D cases (genetic testing, etc.)

b. If paternity is established, the responding state may seek to recover the cost of testing.

10. If paternity is established, set up a genetic test fee subaccount on the automated system according to the normal process.

11. Mail the Notice of Fee Payment Due document.

a. The automated system 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 the automated system, 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.

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. The automated system 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 the automated system, prepare and send to Home Office a special fee *Daily Payment Transaction Report (531)*.

2. If the NCP fails to make the fee payment, take appropriate enforcement actions. If the CP fails to make the fee payment, contact the CP to obtain payment on the fee.

**H. IRS Intercept Fee**

1. The IRS charges DCSE a fee for each payment deducted from an NCP's tax refund and forwarded to DCSE.

   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. When a collection is made from tax returns for more than one year, a fee is charged for each year.

   d. The fee is not due the Commonwealth when the entire intercept payment is refunded to the NCP. Refer to Adjustments for detailed procedures.

2. Beginning with federal tax year 1995, the automated system 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
   u. 2012 - $14.65
   v. 2013 - $14.65

## I. Fees Other States Charge NCPs

When the CP is in Virginia and the NCP is in the other state, no action is required. When the CP is in the other state and the NCP is in Virginia, increase the receivable subaccount by the amount of the fee.

1. Notify the NCP of fees charged by the state receiving his payments.

2. Create a self-generated Participant Event 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**

When the CP is in Virginia and the NCP is in the other state, decrease the receivable subaccount by the amount of the fee. 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.

1. Notify the CP of fees charged by the state enforcing his/her case

2. Create a self-generated Participant Event 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 (07/2014)**

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 PUTF 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 PUTF 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. Follow these steps when entering the private service of process fee:

5. The fee subaccount can be established through either the support order or the adjustment module.

    a. Use the support type MISC (miscellaneous) when building the AFSP

    b. Use the transaction type AFEE to establish the fee through the adjustment module.

    c. *The Notice of Fee Payment Due* document will automatically generate when any of the fee subaccounts are created and with a balance.

    d. The batch notice will not automatically generate if there is no MAIL address for the NCP on the automated system.

    e. Workers have access to the notice online.

**L. Parental Kidnapping (never used) (07/2013)**

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. Hand-deliver the fee to SDU the same day received. Take the receipt book with the payment.

4. Reconcile the receipt book monthly. Refer to Reconciliation.

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. 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 intercept fee cases.

## X. STATE DISBURSEMENT UNIT

### A. Payment Processing Functions by Home Office Staff

1. Receive mail daily (Monday through Friday) by courier at 7:15am and 9:00am.

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. Staff verify that the mail is addressed to 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. 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. There are several types of Special Receipts, listed below, and each has its own FIR document:

    a. When a cash payment is received, staff immediately notify the Receipts Supervisor. The supervisor and one other staff will verify the amount of cash received. The cash amount is

recorded in a receipt book to be processed with work, and the actual cash is given to the Deposit area supervisor for deposit.

b. When foreign Currency (Canadian, German, etc.) is received, it is given to the Deposit area supervisor or designee who will take the foreign currency to bank for conversion to U.S. dollars. After conversion, a copy of the check, with the appropriate information for posting, is given to Receipt supervisor or designated person to be processed.

c. Electronic Data Interchange (EDI), Electronic Funds Transfers (EFT), Fees, and Interagency Transfers (IAT) will be processed with the appropriate Financial Instrument Replacement (FIR).

6. 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 and SMILE (Support Money Impacts Lives Everyday).

7. 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 address

11) Tax ID forms

8. Payment Method and Acronyms 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)

9. Payment Source and Acronyms 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)

10. 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 (REUT) module is used for additional research to ensure postings are correct. Research tools includes the following:

1) Verify information through the SMILE search screen, the automated system or CLEAR

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

11. 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.

12. 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”

13. Deposit and Encoding process includes retrieving Financial Instruments that are batched in groups of (50) or less and processed in a designated Deposit Area.

14. 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.

15. Replacement Checks are issued to replace a lost check. The employer returns the checks for redeposit for stop payment or duplicate check posting. The employer returns the check to the following address:

    Department of Social Services
    Division of Child Support Enforcement
    PO Box 708
    Richmond, Va. 23218
    ATTN: Deposit Unit

16. Non-Sufficient Fund Checks are received from the Exception Processing Unit.

17. 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 day's work on the current processing day.

18. 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. NCPs

    d. Payors

    e. Courts

    f. Employer

    g. Co-workers

19. *Request for Payment Transfer/Refund* (TARICs) 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. Electronic Funds Transfer Unit (EFT) (06/2016)**

1. Virginia law requires 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 Unit or by the EFT Unit 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

      4) Account number

      5) Routing number

      6) Swift Code (International)

      7) Federal taxpayer ID

      8) FIPS Code

      9) Accepted file formats

      10) VDSS EFT contact information

      11) Payment instructions and file formatting details

      12) Bank ACH Department phone number, 800-221-9792

   c. The employer submits a case reconciliation to the EFT Unit to verify their employee(s) has an established case in the automated system.

   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.

f. The Commonwealth's bank electronically transmits the file to the Department of Social Services, in the agreed file format automatically posting the payments to the automated system.

g. As a result, the automated system 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 the automated system. The EFT Unit researches these payments to identify the NCP and the payments are manually posted in the Payment Processing Unit (PPU).

4) EDI Duplicate Payment Error Report – Provides detail information of new payments which appear to already be posted to the automated system. The EFT Unit researches these payments and those that are not actually duplicates are manually posted in PPU.

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. When the payment appears on the automated system the following day, the EFT Unit backs off the amount of the fee retained by the sending state. The EFT Unit also adjusts the debt on the case by the amount of the fee retained, to keep Virginia's case balance aligned with the reciprocating state's case.

2. EFT My Child Support Payment allows NCPs and employers to make child support payments via a secure online payment application that can be accessed from the following website: https://mychildsupport.dss.virginia.gov:

a. Employers may enroll online with the My Child Support Payment for payment application. The following items must be provided:

1) Username and password,

2) Employer FEIN and contact information, and

3) Employer financial institution information

b. The employer may report a single income withholding payment or multiple employee payments at one time.

c. The employer can submit payment any time using the My Child Support Payment Interactive Voice Response application by calling 1-877-670-2941.

3. NCPs may enroll online with the My Child Support Payment for payment application, which includes the following information:

   a. Username and password,

   b. NCP contact information including SSN, and

   c. NCP financial institution information.

   d. Once successfully enrolled, the NCP can make payments

      1) Pending verification of funds, first time payments of $400 or more are held for 5 business days.

      2) NCPs can make payment anytime using the My Child Support Payment Interactive Voice Response application by calling 1-877-670-2941.

4. At 4:30 p.m., IT Ops will transmit that day's scheduled payments to the Commonwealth's bank for processing. A file is also sent to the Department of Social Services.

5. The automated system generates a My Child Support Payment report that provides detail information of payments made by employers, NCPs, OBOs (On Behalf of Others: payments made by another person) and guests.

6. The report is reviewed for duplicate payments and first time payments that are over $400. Holds are placed on these payments for 5 business days

7. The following day, the Commonwealth's bank transmits a file to IT Ops with processed and failed transactions. The payment status is updated in the online payment site according to the report on the 5th business day.

8. The EFT Unit accesses the ACH Final Debits Report in the Commonwealth bank's Connections website.

9. EFT Unit staff enters the SSN submitted with the payment and the participant ID, if it exists; writes "Recoup" next to items that need to have recoupment set up; and forwards this information to the Exceptions Processing Unit. These payments are on hold in the automated system until the EFT Unit backs those items off the automated system.

10. The EFT Unit Manager or designee contacts, by telephone, payors whose payments were returned due to:

a. Invalid account number

b. No account/cannot locate

c. Non-participating Depository Financial Institution (DFI)

d. Unauthorized corporate debit

11. Recurring Bank Debits assist NCPs enlisted in the military in making child support payments in a timely manner. Existing recurring bank debits remain in place, but new requests are no longer being accepted as NCPs can use My Child Support to submit payments.

12. Federal Tax Intercept Procedures

    a. Access the OCSE computer system to answer all inquiries from Division staff, NCPs and CPs regarding IRS tax intercept payments and reversals.

    b. Print the Federal Tax Adjustments Report (C414) and Daily Adjustment Report (D320) from Control D.

    c. Respond to inquiries regarding passport denials.

13. Virginia Department of Taxation Intercept Procedures

    a. Vendor Debt Offset

        1) Access the Virginia Department of Taxation's external web application Integrated Revenue Management System (IRMS) daily for potential cases with payment offsets.

        2) Each case is researched in the automated system 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 the Division's files.

        4) The *Vendor Payment Intercept Notification* is automatically sent to each individual certified for offset through the automated system

        5) The individual payments are reconciled to the reported total of the list

    b. State Tax Refund/ Lottery Winnings Intercepts- Check the following 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 the automated system 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 weekly for Default List. These are cases that are close to default and have not been finalized.

4) View the case debt on the automated system, and note the determination to certify or release money on the Default List.

5) Maintain the disposition of each case in IRMS.

6) Contested Cases- View the automated system to determine appeal status:

a) If a case status is still contested, Appeals and Fair Hearings is consulted to verify the status of the case.

b) When a case is no longer contested, call the EFT Tax Intercept Coordinator to have the case certified or deleted in IRMS.

14. EFT Outgoing Payments

EFT outgoing payments allow the CP to have his/her child support payments deposited into a financial institution or on a state-issued debit card.

a. There are 2 ways a CP can receive their his/her support payments electronically.

1) Direct deposit authorizes the Division's EFT Unit to electronically deposit the CP's child support payments directly into a checking or savings account.

2) Way2Go Card allows a CP to receive child support payments electronically through a state-issued debit card by retrieving his/her child support funds through an ATM or from a participating retailer.

b. Direct deposit:

1) To enroll in direct deposit, the CP sends the EFT Unit the *Electronic Funds Transfer Information and Authorization Agreement* via fax or through the mail, selecting the direct deposit option.

2) The agreement must have 1of 4 verifying documents attached to it before direct deposit can be established:

a) A voided check with the client's name, address and financial institution account number preprinted by their financial institution. Starter and counter checks are not accepted. The financial institution account must be in the CP's name.

b) A deposit slip with the CP's name, address and financial institution account preprinted by their financial institution.

c) A copy of the CP's financial institution statement with their name, address and financial institution account number preprinted by their financial institution.

d) An account verification form prepared by the CP's financial institution.

3) The agreement must be signed and dated by the CP requesting direct deposit.

4) The verifying document must agree with the checking or savings account information written on the *Electronic Funds Transfer Information and Authorization Agreement*.

5) If no verifying document is submitted or the agreement is not signed, an EFT Customer Service Representative mails a letter to the CP to request the missing information. A participant event is entered in the automated system under the CP's participant ID to document the letter to the CP. The rejected agreement is filed in the EFT Unit.

6) If the agreement has all of the necessary information, EFT Unit staff enter the routing number, account number and type of account (checking or savings) into the automated system with the CP's participant ID.

7) When the automated system is updated, the system automatically:

a) Generates the pre-notification letter to the CP to inform him/her of the banking information set up for their direct deposit payments. The letter asks for verification of the account number and advises the CP to call the EFT Unit if the account number is incorrect; otherwise, payments will be sent to this account number after 15 days.

b) Creates a CP participant event that a direct deposit has been set up.

c) Enters a "PRENOTIFICATION MAILED TO CLIENT FOR VERIFICATION" in the EFT Indicator on the automated system.

d) Changes the "PRENOTIFICATION MAILED TO CLIENT FOR VERIFICATION" to a "CLIENT/AGENCY IS PARTICIPATING IN DIRECT DEPOSIT" after 15 days, unless EFT Unit staff manually change the information.

e) Generate a CP participant event note to indicate that the direct deposit has been activated.

8) Within 48 hours of receipt into the EFT Unit, all agreements are rejected or entered into the automated system. Most requests are processed with 24 hours of receipt.

9) The EFT Unit maintains 2 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 the automated system.

10) The automated system generates a participant event every time a change is made to a direct deposit account. EFT Unit staff add any additional information to the event page in the automated system.

11) If a CP wishes to reactivate the direct deposit in the future, the CP must complete a new *Electronic Funds Transfer Information and Authorization Agreement*.

12) The Commonwealth's bank generates a daily *Return Item & Notification of Change Report*, commonly known as the *Bank Settlement Report*. The EFT Unit receives the report by fax and uses it to update CPs' direct deposit records in the automated system. The *Bank Settlement Report* also lists the child support payments returned to the Division because the CP's account is closed or unable to be located. Staff must place each payment back on the CP's level in the automated system daily.

c. Way2Go Card

1) This option allows the CP to receive his/her child support payments electronically through a state-issued debit card. The CP can select this option on the *Electronic Funds Transfer Information and Authorization Agreement* and submit the request to the EFT Unit.

2) The automated system generates a monthly file of CPs eligible for the Way2Go Card. The criteria for eligibility includes:

a) The CP has received a regular child support payment (no special collections) for 2 consecutive months.

b) The CP does not have direct deposit.

c) The CP does not receive payments collected by the Division through another state's SDU.

d) The CP is not incarcerated.

e) The CP resides in the United States.

3) The Division sends a letter to these CPs giving each a choice between direct deposit or Way2Go Card.

4) Two weeks later, the automated system generates a second file of eligible CPs. This file is sent to the Commonwealth's vendor, who in turn forwards the file to the Commonwealth's

chosen financial institution, who will then mail a Way2Go Card to each CP. The automated system enters an "S" in the EFT Indicator and generates a participant event to denote a debit card will be mailed to the CP.

5) The next day, the vendor sends the file back to the Division with the Way2Go Card account information for each CP. This information is uploaded into the automated system.

6) Ten days later, the automated system activates all of the new debit card accounts and disburses the payments to the CPs' Way2Go Cards.

7) A CP must send a written request to the EFT Unit to cancel the debit card account. EFT Unit staff update the system appropriately to exclude the CP from the debit card program.

8) EFT Unit staff create a participant event in the automated system stating "CP excluded from debit card program by faxed or mailed request" and mail the CP a letter stating that his/her debit card account has been cancelled in the automated system.

9) It is the CP's responsibility to notify the Commonwealth's vendor to cancel his or her debit card.

d. Unpinned Report-The EFT Unit receives an Unpinned Report quarterly from the vendor. This report contains a list of CPs who have not pinned (activated) their Way2Go Cards, but payments have disbursed to their debit card account. The report is worked daily if there is a large volume of unpinned CPs. The EFT Unit staff must notify each CP on the report that they have funds on their Way2Go Card.

1) Staff access the vendor's administrative module (website) to verify that the Way2Go Card is still unpinned

2) If the card is still not pinned, then the events for each of the CP's cases in the automated system are researched for any card or CP related notes.

3) If the CP 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 CPs to inform them that they were issued an Way2Go Card, 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.

6) If no forwarding address is provided, staff research the address through CLEAR and check all cases in the automated system related to the CP for information to locate the CP. If an address is located, a new letter is mailed.

7) If a telephone number is found, an attempt is made to call the CP.

8) If either the mail or telephone contact is successful, document case events.

9) If the CP never received the Way2Go Card, the CP must contact the vendor's call center and request a reissued Way2Go Card.

10) If a CP appears on the new Unpinned Report and has previously been sent 2 letters, their name and participant ID is placed on the Research Address List.

11) The Research Address List includes the CP's participant ID, name, dates of previous letters sent, old address, researched address1, research address2, new letter sent, and date letters were returned.

12) If a CP cannot be found, EFT staff calls the Specialist and explains the situation. The Specialist also tries to locate the CP. If the CP is not found, the Specialist starts the procedures to close the case.

13) 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 CPs contacted, and the number of reversals requested. A graph is included in this report showing the increase or decrease of data captured.

14) A CP must send a written request to the EFT Unit to cancel his/her debit card.

15) A CP can switch to direct deposit from the debit card at any time by submitting an *Electronic Funds Transfer Information and Authorization Agreement* to the EFT Unit.

16) It is the CP's responsibility to contact the vendor to withdraw any remaining funds from the debit card and to cancel their card.

e. Way2Go Card reversal requests are requested from the vendor for payments of deceased CPs, jailed CPs, interstate cases, TANF cases, and Foster Care cases. Take the following steps when sending reversal requests to the vendor.

1) A letter is submitted to the vendor to request the reversal of funds.

2) The letters for reversal requests are prepared semi- monthly (1-15 and 16-30/31).

3) As applicable, the following backup documentation must be submitted with the request from the automated system:

a) A copy of the Federal Case Registry (FCR) Death Notice,

b) The CP's address at the correctional facility, or

c) any notes from the automated system indicating that the case is an interstate, TANF, or foster care case.

4) The automated system is documented at the participant 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 CPs which are returned to the Division due to closed or invalid account numbers; funds disbursed from the Division for international payments to CPs; and My Child Support Payment debits returned to the Division due to insufficient funds or incorrect routing and account numbers.

2) The DC is prepared and verified to the Detailed Inquiry Report and signed by the EFT Manager.

g. International Payments Procedures

1) The EFT Unit processes international child support payments to CPs and child support agencies. A hold is placed in the automated system on any CP whose payments are transferred by international ACH.

2) The Undistributed Receipts Report (C221) in Control D is reviewed daily to determine if there are payments on these CPs' accounts that need to be transferred.

(01/2015) (03/2015)

**C. Exceptions Processing Unit (EPU) (06/2015)**

1. Stop Payments Procedures and Due Diligence for Returned Checks

a. Stop payment requests on issued child support checks are made by the district offices through the automated system generated worklists.

b. Each worklist is printed as back up for the stop payment request file and reconciliation.

c. The Commonwealth 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 Commonwealth'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 the automated system.

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 of Check Fraud by Payee” printed pre-filled from the automated system. This is a 1-sided form.

3) If incorrect form is submitted, complete an Affidavit Correction Letter (Forgery Affidavit Correction Letter) 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 3 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. The automated system 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 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 to notify EPU worker in 15 days to check for payment.

7. 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 in DISH.

c. Enter a receipt date and control number in corresponding fields in DISH 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 the automated system, DMV, VEC data bases or at internet resources such as CLEAR. Additional information can be compared to participant information in the automated system 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 the automated system, 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 payor is not identified in the automated system, or when an order cannot be established in the automated system. If payment receipts are received with insufficient information, it is referred to Unclaimed Property.

h. The automated system 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 the automated system, use

the information found to contact the company or individual who sent the EDI payment. Internet resources such as Google and CLEAR are useful for identifying business and payees.

8. 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 the automated system.

      2) Once the adjustment is made in the automated system, the data is entered into SMILE. The "Adjustment Date" and "Adjust By" screens are completed in SMILES to make the record complete.

   b. Returned Checks (Batch #8100) are received, imaged into the SMILE system, and deposited into the bank account. New checks are prepared and reissued from the automated system to the 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 the automated system 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 the automated system, or from post office on the envelope received. Original check is remailed to client with new address. This is labeled as Batch #8200.

1) All checks are sorted into 2 categories: returns (deposits) and re-mails.

   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 the automated system

   a) For new address on checks received with no new information from the Post Office.

   b) If no new information on the automated system, update the address to old and update notes on the automated system.

   c) Update the automated system with new address provided by the post office and update notes.

   d) Combine checks with new address provided by the Post Office with checks where new addresses were found on the automated system. 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 the automated system in notes section of remail status, new mail address and check number.

# CHAPTER 17- FAMILY ENGAGEMENT PROGRAMS

## A. Purpose of the Family Engagement Programs

The Division of Child Support Enforcement engages families for success through the operation of programs that offer progressive, holistic, family-centered approaches that promote the well-being of children. Through collaboration with community partners and other governmental agencies, the Division helps parents overcome obstacles that inhibit their ability to provide the emotional and financial support their children need to grow and thrive. Family Engagement Programs are designed to support the Division's Vision of "Civil servants committed to ensuring Virginia's children have the financial and family support they need to grow and thrive" and to increase the frequency and amount of child support payments, to enhance cooperation between parents and to foster greater family self-sufficiency. DCSE Case Managers work closely with noncustodial parents to identify and overcome barriers that limit their ability to support themselves and their children with a special emphasis on parents with TANF cases.

## B. Components of the Family Engagement Programs (11/2015)

1. The 3 primary elements that comprise the Division's Family Engagement Programs (FEP) are:

   a. Intensive Case Monitoring Program (ICMP)

   b. Administrative Intensive Case Monitoring Programs which serves as an alternative to immediate enforcement actions, offering NCPs the opportunity to voluntarily participate in the following programs:

      1) Parents Striving for Success (PASS)

      2) Family Strong Re-Entry Program (FSRP)

   c. Paternity Establishment Program (VPEP)

2. Program Management

   The programs are managed by both Home Office and District Office staff.

   a. Home Office Staff

      The Home Office Family Engagement Team shall support the operation of Family Engagement Programs by identifying needs and funding opportunities, planning start-up and execution of programs, developing, publishing and interpreting program guidance, coordinating program operations and providing technical assistance to field staff by identifying program goals, aggregating data, tracking outcomes, assessing program performance, developing and distributing reports, offering counsel and suggesting solutions to address specific situations or problems.

1) Family Engagement Program Manager- This person is responsible for oversight of all of DCSE's Family Engagement Programs including operations, reports, evaluations and outcomes. This person shall also lead annual meetings with Directors, District Managers and Legal to discuss performance goals, reporting, outcomes, outreach, best practices, recruitment and other relevant topics.

2) Family Engagement Program Coordinator- This person is responsible for:

   a) Providing technical assistance to district office FEP Case Managers including receiving, reviewing and appropriately approving Fund Requests;

   b) Identifying community partners and connecting them with the FEP Case Managers;

   c) Compiling special reports, evaluating and summarizing outcomes; and

   d) Leading quarterly District Office FEP Case Manager meetings to discuss performance goals, outcomes, reporting, outreach, case management, time management, best practices and other items as necessary.

   e) Participating in the Local Re-entry Council Leadership Team meetings;

   f) Identifying, assessing and developing proposals for grant funding opportunities; and

   g) Monitoring grant and partner performance.

3) Family Engagement Paternity Establishment Consultant- This person will:

   a) Serve as the subject matter expert for the Paternity Establishment Program;

   b) Serve as the technical liaison for the PEP vendor, the Division of Vital Records (DVR) and Division of Health Statistics (DHS); and

   c) Provide technical assistance on matters related to paternity establishment including reports, outcomes and evaluation.

4) Family Engagement Operational Support Specialist III- This person will perform administrative functions relating to:

   a) the Paternity Establishment Program, including the Electronic Birth Query System (EBQS) and

   b) other Home Office Administrative Programs.

b. District Office Staff

1) District Manager- This role supports the Family Engagement Programs by:

a) Ensuring that there is at least one designated full-time classified employee to serve exclusively as the Family Engagement Programs Case Manager and manage a specialized child support caseload. If a District Office is unable to generate a sufficient number of NCPs to employ a full time FEP Case Manager due to having small TANF, re-entry and small total caseloads, the District Manager may seek an exception from their Director of Operations for the case manager to be assigned other case types;

b) Hiring, training and facilitating supervision of the FEP Case Manager;

c) Ensuring that District Office training includes:

(1) Basic child support enforcement policies and procedures,

(2) Instruction on the automated system,

(3) Orientation with the Family Engagement Program Coordinator and

(4) Position specific DCSE training for Case Managers;

d) Providing the Case Manager with the appropriate office space, equipment, supplies and other needs as provided for all staff;

e) Ensuring that all FEP participant cases are assigned to the FEP Case Manager's worker code in the automated system;

f) Ensuring that the Case Manager has the assistance, resources and time out of the office necessary to develop and cultivate community partnerships (including local DSS partners) needed to provide services to participants and achieve desired program outcomes;

g) Identifying parents who are candidates for participation in specific Family Engagement Programs based on that program's established guidelines

h) Collaborating with the assigned FEP Program Coordinator to establish office procedures for referral of parents to Family Engagement Programs and to submit procedures to the FEP Program Coordinator for review and feedback; and

i) Assessing outcomes based on pre-defined performance goals

2) District Office Family Engagement Programs Case Manager- The duties of this position are listed in Case Management.

3. Program Goals and Outcomes

a. The goals of the Division's Family Engagement Programs are:

1) Workforce Re-entry: Connecting parents to job readiness, skills training, job referrals, etc.;

2) Parents Striving for Success: Reducing the number of cases with large arrearages due to nonpayment;

3) Right Sizing Orders: Modifying current support orders so that they are based on the NCP's current ability to pay;

4) Enhanced Parenting Skills: Referring parents to fatherhood programs, parenting and co-parenting education;

5) Family Re-integration: Working with Division Access and Visitation contractors to facilitate increased access to and visitation with children for NCPs.

6) Decrease in Court Petitions: Getting payments back on track before judicial enforcement becomes necessary.

7) Cost Effectiveness: By not incarcerating NCPs and by assisting with keeping the recidivism rate down.

8) DCSE Image Change: Reeducating NCPs that the Division is an agency that facilitates both financial and family support.

b. The expected outcomes of DCSE Family Engagement Programs are:

1) Regular child support payments as measured by:

a) the increase in the percentage of current support paid and

b) the number of actual payments made on cases with arrears only balances;

2) Right-sized child support orders as measured by the number of completed reviews; and

3) Increased visitation with children as measured by the establishment of parenting agreements and/or an increase in the amount of NCP time spent with children.

(02/2015)

**C. Intensive Case Monitoring Program**

1. Purpose of the Program

The Intensive Case Monitoring Program is a collaborative program with Juvenile and Domestic Relations District Court judges that orders participation as an alternative to incarceration for noncustodial parents found in civil contempt for failure to pay child support. Parents facing incarceration for failure to pay are entered into the ICMP by the court to be closely monitored by a DCSE Case Manager who, with the help of a network of community partners, assists them in securing employment, housing, training, and other services needed to overcome barriers that have made them less likely to support their children.

a. Objectives

ICMP objectives are:

1) To provide an alternative to incarceration,

2) To closely monitor to overcome barriers,

3) To refer to community supports,

4) To increase collections, and

5) To reduce the number of cases with large arrearages

2. Participants

a. Selection Criteria

1) NCPs may be appropriate for participant in ICMP if they are pending a Show Cause hearing and demonstrating one or more of the following characteristics:

a) Experiencing barriers such as inability to find steady employment, possibly due to lack of education or vocational training or mental health issues;

b) Previous incarceration for non-payment and not able to purge the jail sentence;

c) Previous incarceration for non-payment of child support one or more times and able to purge the jail sentence but has now exhausted resources to obtain additional funds; or

d) Historically needing more than average administrative time and assistance.

2) To select appropriate participants for ICMP:

a) The Show Cause hearing docket will be reviewed by the Family Engagement Case Manager and Court Specialist prior to court to recommend NCPs to the Assistant Attorney General for inclusion in ICMP.

b) The final determination for placement into ICMP is the decision of the judge.

c) The decision to recommend a participant for ICMP will be at the discretion of DCSE, not based on the approval of the custodial parent.

b. Case Manager Responsibilities

See Case Management.

**D. Administrative Intensive Case Monitoring Programs (02/2015)**

1. Parents Striving for Success

a. Purpose of the Program

Parents Striving for Success (PASS) provides district offices with an option to help noncustodial parents who are unemployed or underemployed and need assistance with overcoming the barriers preventing them from complying with their child support obligation. The program includes more intense one on one contact with a Case Manager and referral to community resources in lieu of additional enforcement actions. Participation in Parents Striving for Success is voluntary and is available to NCPs who are newly obligated or facing enforcement for failure to pay.

b. Objectives

Parents Striving for Success Objectives are:

1) To prevent additional enforcement actions,

2) To provide more intense one on one contact to overcome barriers, and

3) To refer to community supports.

c. Targeted Participants

NCPs who are:

1) Either newly obligated or facing enforcement action for failure to pay support, and

2) Unemployed or underemployed and need assistance with overcoming some or all of the following types of barriers which prevent them from complying with their child support orders:

a) Limited education/job skills,

b) Transient living arrangements,

c) Substance abuse issues,

d) Limited connection with children,

e) Poor parenting and co-parenting skills, and

f) Strained relationship with other parent.

d. Selection and Referral

1) The Establishment Specialist will:

a) Upon obligating an appropriate NCP, explain the Family Engagement Program and provide the parent with the program brochure while the NCP is in the office;

b) Refer parents interested in participating to the Family Engagement Case Manager.

c) If the NCP is not in the office at the time the obligation is completed (court order, ASO served by sheriff, etc.), refer the case to the Family Engagement Case Manager.

2) The Enforcement Specialist will:

a) At the time a case of an appropriate NCP is reviewed for possible enforcement action, refer the case to the Family Engagement Case Manager.

b) If meeting with an appropriate NCP in the office, explain the Family Engagement Program and provide the parent with the program brochure, then refer only parents interested in participating to the Family Engagement Case Manager.

3) The Family Engagement Case Manager will:

a) Mail the *Family Engagement Appointment Letter* and program brochure to the NCP.

b) Interview interested NCPs, explain the program and determine whether participation in the Family Engagement Program is appropriate.

c) If the NCP is not selected to participate, create a Case Event to document the reason the NCP was not selected.

d) Upon enrollment, code all of the NCPs cases AICM and move them into the Family Engagement Case Manager's caseload.

e) If the NCP is not interested in the program, generate a Case Event "NCP REFUSED/NOT INTERESTED IN FAMILY ENGAGEMENT PROGRAM". Include notes explaining the reason the NCP refused to participate and that the NCP was informed that enforcement action will be initiated on his/her case(s).

f) Document if the NCP was abusive or argumentative.

2. Family Strong Re-entry Program

a. Purpose of the Program

The Family Strong Re-entry Program (FSRP) is designed to assist noncustodial parents facing barriers related to current incarceration and prior criminal convictions. The participants work closely with a Case Manager to address barriers limiting their ability to support their children. The Case Manager will connect the participant with community resources and assist the participant with finding stable employment, obtaining orders based on current ability to pay and successfully reintegrating into society and their children's lives. Parents currently incarcerated in the Virginia state prison system and local or regional jails are offered, pre-release, general information about child support processes, specific information about their cases and the opportunity to immediately participate in the Family Strong Re-entry Program upon release.

b. Objectives

Re-Entry Objectives are:

1) To provide more intense one on one contact to overcome barriers,

2) To refer to community supports,

3) To find stable employment,

4) To ensure orders are based on ability to pay, and

5) To assist NCPs with positive reintegration into society and their children's lives.

c. Selection and Referral

1) The Establishment Specialist will:

a) Upon obligating an appropriate NCP, explain the Family Engagement Program and provide the parent with the program brochure while the NCP is in the office;

b) Refer Parents interested in participating to the Family Engagement Case Manager.

c) If the NCP is not in the office at the time the obligation is completed (court order, ASO served by sheriff, etc.), refer the case to the Family Engagement Case Manager.

2) The Enforcement Specialist will:

a) At the time a case of an appropriate NCP is reviewed for possible enforcement action, refer the case to the Family Engagement Case Manager.

b) If meeting with an appropriate NCP in the office, explain the Family Engagement Program and provide the parent with the program brochure, then refer only parents interested in participating to the Family Engagement Case Manager.

3) The Family Engagement Case Manager will:

a) Mail the *Family Engagement Appointment Letter* and program brochure to the NCP.

b) Interview interested NCPs, explain the program and determine whether participation in the Family Engagement Program is appropriate.

c) If the NCP is not selected to participate, create a Case Event to document the reason the NCP was not selected.

d) Upon enrollment, code all of the NCPs cases FSSP and move them into the Family Engagement Case Manager's caseload.

e) If the NCP is not interested in the program, generate a Case Event "NCP REFUSED/NOT INTERESTED IN FAMILY ENGAGEMENT PROGRAM". Include notes explaining the reason the NCP refused to participate and that the NCP was informed that enforcement action will be initiated on his/her case(s).

f) Document if the NCP was abusive or argumentative.

## E. Outreach (02/2015)

1. Purpose of the Program

Outreach connects parents with services. The Division's services enable children to have the financial and family support they need to grow and thrive. Both proactive and reactive outreach is an important aspect of the agency that must be managed effectively. Agency goals, employee time, choice of activities and cost are important factors in determining the scope of outreach activities and must be measured against the achieved outcomes for families. Outreach activities primarily occur locally and are best responded to locally. Localities vary regarding resources and community needs. District office staff conduct outreach activities throughout the year at a wide range of events. Some community events are structured, occur regularly and cover a wide range of community partners, while other events are responses to a particular need and may be more targeted such as specified family support initiatives and re-entry programs.

2. Objectives

Outreach objectives are:

a. To introduce parents to the benefit of child support services,

b. To provide information about services,

c. To offer an immediate opportunity to apply for services,

d. To provide a clear, uncomplicated path to apply for services at a later date, if necessary, and

e. To identify inmates at local jails and state prisons with Virginia child support cases and provide an opportunity for these parents to enroll in the Family Strong Re-Entry Program.

3. District Office Roles

a. Establishing collaborative relationships with local and state partners, including local jails and state prisons. District office staff work with local and state prison officials and staff to gain entry to facilities and access to incarcerated parents;

b. Conducting group presentations to provide parents, including inmates, with general information about the Division of Child Support Enforcement and the Family Engagement Programs;

c. Conducting individual interviews with parents to provide case specific information, to explain details and benefits of participation in programs such as the Re-entry Program, and to enroll participants; and

d. Providing DCSE program information and Family Engagement Program information and answering questions at a wide range of community outreach events, including at local jails and state prison facilities.

e. Forwarding all media requests to regional Director of Operations for appropriate response.

4. Home Office Roles

a. Identifying needs and funding opportunities;

b. Planning start-up and execution of programs;

c. Developing, publishing and interpreting program guidance;

d. Coordinating program operations;

e. Providing technical assistance to field staff by:

1) Identifying program goals,

2) Aggregating data,

3) Tracking outcomes,

4) Assessing program performance,

5) Developing and distributing reports, and

6) Supporting statewide outreach activities;

7) Compiling statewide outreach reports (dates, type, location, number of enrolled participants, number of applications taken, etc.); and

8) Supporting community outreach activities by providing monthly reports and other data to district office staff for upcoming events, collaborating during presentation preparation and accompanying district office staff during high impact events (such as department or other special initiatives), or if Home Office resources have been deemed necessary by management.

**F. Reporting and Tracking (11/2015)**

1. Case Managers will enter data into the Family Engagement Reporting System (FEPRS) to enroll and track participation. Participant enrollment and status changes will be keyed immediately as they occur.

2. Statewide FEP reports are available in the Family Engagement folder on the Division's SQL Server Reporting Services dashboard.

3. Detailed instructions for use of the FEPRS and access reports are found in the FEPRS User Guide.

(02/2015)

**G. Case Management (11/ 2015)**

1. General

The District Office Family Engagement Programs (FEP) Case Manager manages all Family Engagement Programs. The FEP Case Manager's caseload is exclusively FEP cases which are identified by a special project code that applies to the program in which the NCP is participating and are manually moved into the caseload established under the FEP Case Manager's worker code. The Case Manager is responsible for intensively monitoring the participation of the NCPs enrolled in these programs and assisting them with overcoming the barriers that limit their ability to provide consistent financial and emotional support for their children. The success of the DCSE Family Engagement Programs depends on the Case Manager's ability to facilitate strong working relationships with a variety of individuals, organizations, and businesses.

2. Caseload size

   For an FEP Case Manager to be effective in intensively monitoring NCP participation, the overall caseload should not exceed 150 cases. However, since the mix of participants will differ in each locality, the number of participants a Case Manager can reasonably handle may vary depending on the barriers of participants in the caseload. For example, the number of employed vs. unemployed participants will determine the amount of time and attention the Case Manager will need to devote to each participant. When a Case Manager reaches the maximum number of participants, the District Office should notify the Court and other referral sources in advance, that there are no spaces available for new participants.

3. Case Manager Responsibilities

   a. General

      1) Locating and developing working relationships with various local nonprofit and governmental organizations and groups offering the following types of services to participants of the DCSE Family Engagement Program:

         a) Employment services,

         b) Family services,

         c) Educational services,

         d) Housing services, and

         e) Rehabilitative services.

      2) Developing and maintaining a strong working relationship with:

         a) the Local Department(s) of Social Services,

         b) the Assistant Attorneys General, and

         c) the court system.

      3) Attending court hearings as needed:

         a) To receive referrals from the DCSE dockets and

         b) To provide information for ICMP review hearings.

      4) Preparing the “ICMP Court Compliance Report” to provide the Court with information on the participant’s participation to include:

a) cooperation with Case Manager,

b) maintaining contact with Case Manager as directed,

c) attendance at orientation session, appointments, etc.,

d) employment status, and

e) payment of child support as agreed/ordered.

5) Updating FEPRS by enrolling new participants and updating participant status changes and recording monthly contact compliance information.

6) Making purchases for participants of the DCSE Family Engagement Programs, after proper approval is received

7) Adding the appropriate Special Project Indicator to all of the NCP's cases in all localities.

a) AICM for the Parents Striving for Success

b) ICMP for the Intensive Case Monitoring Program

c) FSSP for the Family Strong Re-entry Program

8) Conducting an Orientation Session with the new participant within 10 business days of the participant being ordered into or signing up for the program. This session is to include

a) Having the participant complete the *Noncustodial Parent Enrollment* and the *Consent to Obtain and Release Information* forms,

b) Reviewing and thoroughly explaining the program expectations, including an explanation of each item in the *Orientation Requirements* which advises the NCP of the program's compliance requirements, and

c) Once the program has been explained, having the participant complete and sign the *Participation Agreement* and initial and sign the *Orientation Requirements*.

9) Developing a plan to assist the NCP with obtaining needed services and overcoming barriers, tailored to the NCP's specific needs. The plan should include, as applicable:

a) Referral to employment centers for job readiness skills, job training, and placement;

b) Assistance in obtaining GED or other education;

c) Assistance in obtaining documents or licenses necessary for employment;

d) Referrals to housing assistance facilities/ homeless shelters; and

e) Assistance with finding/providing transportation.

10) Once the plan has been developed, completing the *Program Agreement*, outlining the actions to be taken by the Case Manager and the NCP. Both the Case Manager and the NCP participant will sign the *Program Agreement*.

11) Sending an *Intro Letter to CP* to the CP for any NCP enrolled in the FEP to notify him/her of the NCP's involvement.

12) Scheduling subsequent meetings/phone contacts with the participant to meet or talk weekly until employment is secured, then on a bi-weekly or monthly basis after employed.

a) Initiate follow-up contact within 2 business days when appointments/contacts are missed. The *Failure To Appear Letter* is available for use to contact the NCP to have them call or come into the office.

13) The automated system will be documented at the participant level with all contact with the participant, including meetings, phone calls and correspondence; all activities; and all progress.

14) The Special Project Indicator will be removed from all the NCP's cases in all localities when the participant is removed (graduated or terminated) from the program and the case will be moved out of the DCSE Family Engagement Program Case Manager's caseload.

b. Working with Other Localities

1) Situations arise that make it necessary to transfer a participant to the DCSE FEP Case Manager in another District Office for services. This can happen when the participant moves or resides in a location causing transportation issues. The Division's policy will be to put customer service first and make it as easy as possible for the participant to meet with us and community partners. When a participant is transferred to another district office, the Case Manager in the new locality will:

a) Handle the transferred participant as they would their own locality participants, providing all available services;

b) Request the approval for expenditures and make the purchase, once the approval is received; and

c) Document compliance of the participant and provide documentation to the referring Case Manager.

c. Birth Certificate Requests

1) In-state birth certificates may be obtained at full service DMV Customer Service Centers or the *DMV 2 Go* mobile unit, if the participant has the necessary forms of identification. The cost is $14 and payment can be made with the small purchase credit card. Request for approval to make the purchase through DMV should still be made according to established operating expense procedures. For additional information on the forms of identification that are acceptable, visit the DMV website.

2) In-state birth certificates can also be obtained for participants who do not have required forms of identification to otherwise obtain the document by:

   a) Forwarding a *Funds Request*, signed by the District Manager, to the appropriate regional Program Coordinator in Home Office

   b) Along with the approval, the Program Coordinator will return a *Billing Authorization Notice* that must be attached with the application when it is forwarded to the Division of Vital Records (DVR)

   c) Completing the Application for Certification of a Vital Record with the Case Manager's name as the requesting party and the party to whom the birth certificate should be sent:

      (1) for relationship, check "Other" and write in "FEP Case Manager"

      (2) include a clear copy of the Case Manager's Employee ID card

      (3) include the *Consent to Request Birth Certificate*, signed by the participant

      (4) include the *Billing Authorization Notice*

   d) Document the automated system when the birth certificate is requested.

   e) When the birth certificate is received, document the automated system and notify the FEP Operational Support Specialist via email to notify him/her that the birth certificate has been received.

d. The Review and Adjustment process will be initiated on all appropriate cases to right size orders based upon the participants current ability to pay. The Case Manager will assist by:

   1) Explaining the *Request for Review and Adjustment* and assisting the NCP with completing the form. Ensure the form is signed.

   2) Explaining the *Financial Statement* and assisting the NCP with completing the form. Ensure the form is signed.

   3) Ensuring that the CP has been sent the *Intro Letter to the CP*.

4) Processing the *Request for Review and Adjustment* per office procedures and worklisting self for follow-up.

For more information, see Deciding Whether to Conduct the Review and Special Circumstances Criteria for Earlier Review.

e. Enforcement Considerations

Enforcement actions will not be initiated against an NCP as long as he/she is complying with the requirements of the FEP. This includes the filing of show cause petitions and the suspension of driver's licenses.

1) Administrative Enforcement

a) Restricted Driver's License

(1) The Court has the discretion to issue a restricted driver's license for a number of reasons, including participation in AICMP or ICMP.

(2) If an FEP participant has a suspended driver's license and is interested in pursuing a restricted license, refer the NCP to the Clerk's office at the appropriate court to file a petition. DCSE will not file this petition on the NCP's behalf. The NCP may request permission to drive for all reasons that apply to his/her situation.

(3) If the court issues the restricted license only to allow the person to participate in the ICMP, the law requires the NCP to carry on his/her person written proof of the date and time of any appointments related to participation in ICMP. The *Authorization to Drive to Appointment(s) Required As a Participant in the Intensive Case Monitoring Program* is used in these instances.

(4) The NCP must understand the restricted license only gives permission to drive on the date at the time of day listed, for a logical amount of time to reach the appointment and return home, and only on the route between home and the location of the appointment.

b) Reinstatement of Driver's License

(1) The Case Manager shall initiate reinstatement of the driver's license of AICMP or ICMP graduates; (NCPs who have successfully completed the program and are making consistent payments).

(2) The Case Manager shall initiate reinstatement of the driver's license of AICMP or ICMP participants when:

(a) The NCP is in compliance with the requirements of the assigned FEP, as documented by the Case Manager, and

(b) There is a logical need to reinstate the license, e. g. the NCP has a verified job offer that requires a CDL or the NCP has a verified job offer and the only means of transportation involves the NCP driving.

(c) Approval of District Office management must be obtained before the case manager will proceed with any action to reinstate the driver's license.

(d) It will not be necessary for the NCP to make a payment or to enter into a payment agreement to have the license reinstated.

(e) DCSE FEP funds will not be used to pay the DMV fee to reinstate the driver's license.

c) Addressing Arrears

(1) When the NCP obtains employment, the Case Manager will generate a manual IWO as follows:

(a) Current support (if applicable) and

(b) The ordered arrears payment or if the order does not include an amount to be collected on arrears, $65 per month or 25% of the current obligation, whichever is greater.

(2) When a DCSE Family Engagement Programs case is heard in court on a Review and Adjustment petition, the Division will ask for a payment to be set on arrears at $65 per month or 25% of the current obligation, whichever is greater, or a lesser amount as appropriate.

2) Judicial Enforcement

a) Do not take judicial enforcement actions, such as filing a show cause petition, when an NCP is successfully complying with the requirements of a DCSE FEP as documented by the Case Manager.

b) If a show cause petition has already been filed with the court on an NCP who is in a DCSE FEP in another jurisdiction, the Division will 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.

c) When an NCP graduates or is terminated from a Family Engagement Program, the case should be reviewed as it would normally be for court referral.

f. Program Purchases

1) Case Managers will refer participants to community partners for assistance, when available. If community resources are not available, Case Managers may request expenditure of DCSE funds for the following types of expenses associated with assisting participants in the DCSE Family Engagement Programs to begin work

   a) Preparation for Employment to include

      (1) required physicals

      (2) drug testing

      (3) alcohol evaluations

      (4) counseling and rehabilitation services

      (5) bonding

      (6) GED and adult educational training

      (7) vocational training

   b) Job Readiness

      (1) coveralls/work uniform

      (2) work boots/shoes

      (3) gloves/hats

      (4) required documents (birth certificate, SSN card, etc.)

      (5) work related tools-if needed to start verified job

      (6) Occupational License fee

      (7) any state certificate or license required

      (8) transportation to interviews, to medical, rehab, therapy appointments, to and from work (only until first paycheck).

2) Purchase Process

   a) To access funds, the Case Manager completes a fund request and submits the form to the Program Coordinator for approval, copying the Case Manager's supervisor. The Case Manager's typed name is sufficient for the signature.

b) After review, the Program Coordinator will assign a unique approval number on approved expenditures for reconciliation purposes.

c) The Program Coordinator will return the approved form to the Case Manager, copying the District Manager and Supervisor. For transportation expenses, the Procurement Officer in General Services will be copied per agency and accounting guidelines.

d) The District Manager or Director of Operations makes the final determination on approval for purchase. If approved, the form is printed and signed.

e) The purchase will be made by the designated small purchase credit card user.

(1) The small purchase credit card (SPCC) is always the preferred choice of payment for purchases and should be used unless it is not accepted by the supplier.

(2) SPCC purchases for individual participants do not have to be entered in eVA. The purchase must be keyed into the SPCC system within FAAS. "DCSE Family Engagement" should be entered as the description. The fully approved funds request form and all applicable receipts must be attached to the reconciliation as supporting documents.

(3) District Offices may have a small purchase credit card issued for the Case Manager of the DCSE Family Engagement Programs.

(a) The SPCC will be used to make purchases for participants of the DCSE Family Engagement Programs, after approval is obtained through the process outlined in this chapter.

(b) The Case Manager, together with the Senior Accountant (or other designated staff member) in the District Office, will be responsible for payment of the SPCC on a monthly basis.

f) Some transactions with other state agencies can be handled through inter-agency billings. For example, birth certificates ordered from DVR are accompanied by a notice informing DVR to bill DCSE for the certificate.

g) It is not typically acceptable to use petty cash to pay for purchases; however, occasionally a situation arises when cash is the only acceptable means of payment. When this happens, contact the Program Coordinator so that permission can be requested.

h) If the purchase is made by any means other than SPCC, the District Office will enter the expenditure in eVA.

g. Termination from the Program

1) The "Termination Notice" will be mailed if the decision is made to terminate a participant from the Family Engagement Program. This action will be taken when:

   a) Appointments with DCSE and/or community partners are not being routinely kept, or

   b) The participant demonstrates or says that s/he is not interested in participating, or

   c) The participant fails to submit weekly job search forms, or

   d) The participant is working but making no payments, or

   e) The participant becomes incarcerated, or unable to participate due to non-DCSE legal problems, or

   f) The participant exhibits abusive behavior, excessive anger, and/or untreated or uncontrolled substance abuse issues, or

   g) Contact is lost with the participant, or

   h) When a capias is issued for failure to appear for the review hearing. The AAG will request the removal of the ICMP NCP at the missed review hearing.

(02/2015) (06/2015)

**H. Paternity Establishment Program (02/2015)**

1. Purpose of the Program

   Seventy percent of all paternities established in Virginia come from the in hospital paternity program. The remaining 30% are established by the courts, vital records, child support offices and local social services. The Paternity Establishment Program (PEP) at the Home Office gives assistance and guidance to district office staff establishing paternity on putative fathers on IV-D cases and supports the establishment of paternity for children born to unwed parents who do not have cases with the Division by overseeing the Hospital Paternity Establishment Program (VPEP) that works with Virginia's 58 birthing hospitals to offer and promote the voluntary establishment of paternity for newborns. This program also provides training to birth registrars and other professionals on how to best engage unwed parents and promote the importance and benefits of paternity establishment.

   a. Goals

      The goal of the PEP program is to establish paternity for at least 90% of children born to unwed parents in Virginia as measured by the number of paternities established compared to the number of out-of-wedlock births in the prior federal fiscal year.

   b. Organizational Partners

DCSE works closely with the following institutions:

1) Division of Vital Records (DVR) and Division of Health Statistics (DHS)

2) Center for Support of Families (CSF) (VPEP Contractor)

3) VDSS- Division of Family Services (Adoptions)

4) Virginia JDRDCs

5) LDSS

6) Birthing Facilities in Virginia

2. Home Office Responsibilities

a. The Paternity Consultant will:

1) Plan and develop policy and trainings for the paternity establishment program statewide;

2) Review and approve training curriculum for the VPEP trainings at the hospitals;

3) Track the paternity establishment rates monthly;

4) Assist with the federal paternity audit;

5) Serve as the expert for the DCSE Paternity Establishment program;

6) Offer counsel and suggestion solutions to DCSE workers to resolve specific situations or problems;

7) Act as the liaison with Vital Records, JDR courts, Adoptions and DCSE;

8) Conduct quality review of all rejected paternity court orders from Vital Records to the courts;

9) Supervise the EBQS process from central office to all of the field offices;

10) Assist with oversight of VPEP; and

11) Create and distribute to District Offices the Quarterly Judicial Match Report.

b. The Operational Specialist will:

1) Be responsible for administrative functions of PEP relating to the Electronic Birth Query System (EBQS) and other requests from the district offices such as certified copies of birth certificates and AOPs;

2) Provide support to the Family Engagement Programs as it relates to Access and Visitation, and ICMP;

3) Assist the field offices with status update on their EBQS/BC & AOP's requests;

4) Provide support to out of state (OSA) agencies with their requests for paternity documents on Transmittal III forms;

5) Assist the Paternity Consultant with the processing of the rejected ODPs, quality review of domesticated orders, reviewing ODPs for the Judicial Paternity Match project, and preparation of training materials;

6) Gather and analyze paternity data records and research data as needed to respond to internal and external customers' inquiries;

7) Process email inquiries for paternity status from the district offices and regular mail from the courts and OSA;

8) Serve as primary point of contact for out-of-state paternity document requests;

9) Process all birth certificates and AOPs received from DVR via districts' requests and checked for accuracy of requests;

10) Process payments through FAAS and EVA systems;

11) Ensure the accuracy of invoices and process them for PEP; and

12) Distribute the requested documents to the districts and other agencies.

3. District Office Responsibilities

a. Quarterly Judicial Match Project

This report shows all Orders Determining Parentage (ODP) established on DCSE cases that are not shown in the certified database at DVR.

District Office staff will review the ODPs established by courts in their area by:

1) Checking case files for a certified copy of the ODP;

2) Contacting the JDR court clerk to obtain the document if the certified copy is not in the case file; and

3) Sending certified ODPs to the Paternity Consultant for submission to DVR for inclusion in their certified database and so count towards the DCSE paternity establishment goal.

4. Reporting and Tracking

Progress towards the DCSE Paternity Goal is tracked as follows:

a. Monthly paternity establishment data obtained from Division of Health Statistics (DHS) is analyzed to forecast the number of paternities needed to reach the 90% goal and to compare progress towards goal with the same time during the prior year.

b. Weekly status report documenting progress toward goal and the number of EBQS and certified birth certificate requests.

c. Daily EBQS requests and requests for certified copies of birth certificates and AOPs are received from the district offices via the EBQS web application

d. All requests are logged and tracked in a spreadsheet file in the “w” drive by the Operations Support Specialist.

e. Requests are tracked for timeliness, accuracy, and to provide a status of a request.

f. A weekly report is completed on all EBQS progress and sent to the Paternity Consultant.

## I. Family Engagement Projects (02/2015)

1. Purpose

Establishing and maintaining effective relationships with partners is vital to the success of achieving FEP Objectives. DCSE partners with Virginia Department of Corrections, State Probation and Parole, Local Departments of Human Services, Virginia Employment Commission, Workforce Re-entry and Employment organizations, Community Colleges, Faith based organizations, etc.

2. Fatherhood Initiatives

DCSE is a primary partner with other VDSS divisions, in supporting the establishment and sustainability of local fatherhood initiatives. The FEP Coordinator will work collaboratively with VDSS staff and local community leaders as a resource providing information about DCSE and the needs of NCPs participating in its Family Engagement Programs. DCSE will collaborate with local departments of human services and community organizations to increase the availability of fatherhood life skill programs statewide that can provide services for FEP participants. (e.g., Club Re-Invent).

3. Local Re-entry Councils

DCSE will coordinate VDSS and DCSE support for local re-entry councils working as a primary partner with the Virginia Department of Corrections (VDOC) to convene and support the Local Re-entry Council Leadership Team. DCSE Home Office staff will work closely with VDOC re-entry representatives to plan and schedule and convene quarterly Leadership Team videoconferences. Designated DCSE District Managers will serve as resources at Leadership Team meeting sites. District Office staff will attend local re-entry council meetings as members and resources for information about DCSE and FEP. DCSE will work collaboratively with VDOC and the Re-entry Leadership Council to help local re-entry councils to be stable and self-sustaining.

## J. Grants (11/2015)

The Division actively seeks grant funding to support existing programs and to test and implement new approaches to help parents better support their children. This is accomplished by responding to announcements and notices of the availability of such funding from various public and private sources. The FEP Coordinator searches potential public and private sources of grant funding available in on-line resources and in notifications by federal partners of the availability of upcoming grant funding. Though this will be directly dependent on each grant proposal and the specific requirements of each grant, in general the Division anticipates working closely with community service organizations and courts to achieve the unit's FEP goals and objectives.

1. Purpose

   DCSE will apply for grants funds that can be used to provide services to families in the DCSE caseload particularly NCPs and CPs enrolled in FEP.

   a. Goals

      1) Supplement funding for existing DCSE programs.

      2) Test new approaches to help parents better support their children.

2. Home Office Responsibilities

   The Home Office Family Engagement Team will:

   a. Explore available grant funding;

   b. Summarize application requirements to include:

      1) Application deadline,

      2) Funding particulars, including required grant match,

      3) Goals/objectives of the grant, and

4) Resources/Partners in executing the grant;

c. Take the lead in writing grant applications/proposals;

d. Manage grants by:

1) Monitoring the delivery of services provided,

2) Assuring that services are delivered in accordance with the contract terms and conditions,

3) Monitoring quality-of-services (e.g., appropriateness of the services provided),

4) Coordinating the provision of agency or other resources,

5) Certifying receipt of services billed were delivered in accordance with the contract terms and conditions,

6) Completing periodic evaluations of contractor performance,

7) Addressing delivery failures or contractor performance problems with the contractor. If satisfactory resolution is not reached, and/or if performance problems or contract issues persist promptly notify the Procurement Office,

8) Assuring that the contract amount is not exceeded without proper authorization from the Contract Officer,

9) Requesting amendments and/or contract renewals in a timely fashion, and

10) Keeping an accurate auditable paper trail of contract administration

3. Reporting and Tracking

The following will be prepared by the Home Office Family Engagement Team:

a. Monthly reports for Division use to summarize activities and achievements and

b. Periodic and final reports as required by funding source.

4. Virginia Access and Visitation (Grant) Program

The AV grant is a federal grant funded by the Office of Child Support Enforcement (OCSE) that provides NCPs with access to and visitation with their children which improves the quality of the parent/child relationship. There is a required 10% match, the responsibility for payment of which DCSE passes on to sub-grantees as part of their contract, helping to ensure their commitment to the project.

a. Goals and Outcomes

The goal of the Virginia Access and Visitation Program is to facilitate access to and visitation of children by their noncustodial parents. Achievement of this goal is measured by whether or not the NCP was able to spend more time with his/her child as a result of the AV services received under the grant.

b. Targeted Participants

1) Participants must be parents of minor children, the majority of whom must have an active DCSE case

2) Sub-grantees recruit their own participants, however, DCSE may refer IV-D parents to receive AV services,

c. Referring Parents for Access and Visitation Services

1) Every parent interviewed by district office staff, excluding those whose cases have Family Violence Indicators, should be queried to assess their interest in parent education, establishing a parenting agreement or participating in mediation to resolve visitation issues. Parents with cases for which paternity or an obligation is newly established and enforcement cases where access to children is a key issue in non-support may be prime candidates for these services. Interested parents will be scheduled to meet with the Access and Visitation contractor serving that area for mediation and parenting education services, as needed, to reach such an agreement. The District must obtain the interested parent's signed permission to provide the contractor with information necessary to schedule the initial meeting.

2) Participants in FEP will be scheduled to meet with an Access and Visitation contractor after having demonstrated successful progress in the program. Successful progress includes but is not limited to maintaining agreed upon contact and cooperating with the FEP Case Manager and community partners; keeping at least 75% of scheduled appointments and providing notice when unable to attend a scheduled appointment; and actively seeking full-time employment, and providing documentation of weekly job searches.

3) In the event that there is no Access and Visitation contractor that serves the interested parent's locality, the District should instruct the parent to contact the Clerk of Court for their local Juvenile and Domestic Relations Court to access mediation services.

d. Partners

Partners are sub-grantees and may include government and private non-profit organizations. Private non-profit community service organizations are selected using competitive negotiation in the request for proposals process under state. Current partners are:

1) Supreme Court of Virginia's Office of Dispute Resolution,

2) The Total Action Against Poverty (TAP),

3) The Virginia Association for Community Conflict Resolution (VACCR) member centers;

a) ReSOLUTIONS, Inc.

b) Better Agreements, Inc.

c) CMG Foundation

d) Conflict Resolution Center of Children's Trust

e) Fairfield Center

f) Mediation Center of Charlottesville

g) Northern Virginia Mediation Service

h) Peaceful Alternatives Community Mediation Services, Inc.

i) Piedmont Dispute Resolution Center

e. Services Provided Under the AV Grant Funding

1) Parent Education, Mediation and Development of Parenting Plans (VACCR)

2) Supervised Parenting Time (TAP)

f. Reporting and Tracking Requirements

Federal reporting requirements for the AV grant include a comprehensive annual report by December 31 of the federal fiscal year in which the grant period ends (in September 30 of the same year). The Division requires monthly and quarterly reports of services provided to parents.

5. EleVAte SNAP Education & Training Program

The EleVAte SNAP Education and Training program (EleVAte) is funded by a U.S. Department of Agriculture / Food and Nutrition Service grant designed to identify more effective interventions for providing employment and training services to Supplemental Nutrition Assistance Program (SNAP) recipients. EleVAte is a collaboration of the Virginia Department of Social Services, the Virginia Community College System and the Virginia Department of Adult Learning Resources that will operate in 7 community college regions and 30 local social services

areas served by 12 DCSE district offices: Abingdon, Charlottesville, Chesapeake, Danville, Hampton, Lynchburg, Newport News, Norfolk, Petersburg, Portsmouth, Roanoke, and Suffolk.

Following orientation and extensive testing by EleVAte SNAPET staff, participants will be randomly assigned by computer to either the treatment or control group. The treatment group will be offered training through 1 of 3 program components designed for adult learners with their education and literacy levels. Training for participants at the lowest educational attainment levels will take 6-12 weeks to complete; training for the highest attainment levels will take 6-8 months. The control group can take advantage of already existing non-EleVAte SNAPET training, education and support services in their area.

a. Goals

The goals of the EleVAte Program are to increase the number of SNAP registrants who obtain unsubsidized employment, to increase the earned income of work registrants, to reduce reliance of participants on public assistance and to increase the ability of NCPs to make consistent child support payments.

b. Targeted Participants

1) SNAP recipients who are:

a) Able Bodied Adults Without Dependents (ABAWDs), no dependents living with them

b) 18 to 49 years old

c. Identifying and Referring Parents for EleVAte

District office staff should provide EleVAte information and assess targeted NCPs interest in participation in the program. Interested NCPs already receiving SNAP should be referred to the local agency to apply for EleVAte. NCPs not receiving SNAP but who are unemployed or underemployed should be referred to the local agency for SNAP eligibility determination and participation in EleVAte.

d. When DCSE receives notification that an NCP is enrolled in EleVAte, the FEP Case Manager will enroll the NCP in the most appropriate FEP program.

# CHAPTER 18- INTERACTION BETWEEN DCSE AND LDSS

## A. General (03/2016)

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

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

3. IV-E FC 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 Support Orders for IV-E and Non-IV-E Cases and Retroactive Liability for Support.

4. When a TANF or foster care case closes, the family is entitled to continue to receive Division services without needing to complete an application for services. When a TANF case closes or is suspended, the *Transition Letter* is issued to notify the CP of his/her right to continue to receive the Division's services. The *Transition Letter* also provides the CP a description of the Division's services.

5. On obligated cases, the Division sends the quarterly *Support Collection Notice to CP* to notify CPs on current TANF cases and former TANF cases with a debt still owed to the Commonwealth of collections made on their case(s).

(07/2014)

**B. Referral of Information to DCSE (11/2015)**

1. TANF and IV-E FC Cases

   Eligibility staff in the LDSS send DCSE information about NCPs in TANF and IV-E FC cases. They automatically refer the NCPs using the *MAPPER 501*. Currently, the TANF cases are on the ADAPT system and IV-E 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 the IV-A automated system.

   b. Additional information provided by the *MAPPER 501* system include a ranking of PUTFs named and information on the PUTF or the NCP that would assist DCSE in identifying and/or locating the PUTF or NCP. This additional information is displayed 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 the automated system 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.

   e. The LDSS also provides the Division with information to facilitate location of the NCP or putative father. When more than one putative father is named as a possible father for a child, a ranking of putative fathers is required by the LDSS. Any of the following information is to

be provided for each NCP or putative father: schools attended, additional motor vehicle information, and places of social contact. Transfer this information manually from the NCP 501 Notes screens (UNA and UNB), to the NCP Supplemental page in the automated system:

1) Putative Father Ranking

When the referral is for a putative father, upon receipt of the information indicating the ranking given to the PUTF, i.e., PUTF #1, PUTF #2, etc., add the following note to the Case Detail screen: <(PUTF name) is ranked as PUTF # (numeric designation) on IV-A case # (VACIS #) for child (Participant ID)>.

2) Schools Attended

3) Additional Motor Vehicle Information

4) Places of Social Contact

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 the *Child Support Enforcement Services Application*.

1) The LDSS is the applicant and the CP.

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

3. Non-IV-E and IV-E Foster Care Cases

The Division may receive a case via the interface for a IV-E FC case and there is already an existing, open non-IV-E FC case on the automated system for the same child and PUTF or NCP. In these instances, the following steps should be taken:

a. If the non-IV-E FC case is unobligated, the case needs to remain open pending review to see if there will be an assessment for arrears. See Establishment of a Debt for Reimbursement to the State.

b. If the non-IV-E FC case is obligated, follow guidance as found in Receivables Maintenance to assess arrears.

1) It is not necessary to issue a *Change in Physical Custody* or *Change in Payee Notice*.

2) If the existing support order lists the obligee/petitioner as the LDSS, no new order is needed. See Support Orders for IV-E and Non-IV-E Cases.

**C. Requirement to Cooperate (07/2014)**

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

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

   a. Providing DCSE with identifying information the CP knows about the NCP or putative father:

      1) Name of Parent

         a) The CP must provide, under a penalty of perjury, the first and last name of the individual for whom paternity and/ or an obligation to provide child support is to be established, modified, or enforced.

         b) If the CP is not certain of the child's paternity, the CP must identify all individuals who may be the father of the child. DSS requires the CP to complete the *List of Putative Fathers* form, listing the individuals who may be the father of the child in rank order of their probability of being the father.

         c) If the CP only named one putative father and that person is excluded by genetic testing, DCSE should notify DSS as the CP must be given the opportunity to name any and all other putative fathers for the child. If the named individual(s) is/are excluded, DSS requires that the CP complete the *Attesting to the Lack of Information Form*. Non-cooperation exists if the CP fails or refuses to sign the form.

         d) If the mother of the child was married at the time of the child's birth, but someone other than the husband is named as the child's biological father, DSS must refer both men to DCSE.

      2) Along with the name of the parent, the CP is required to provide at least 3 additional identifying pieces of information. If the CP is unable to provide this information to DSS at the time of application, the CP must complete the *Attesting to the Lack of Information Form*. If more than one parent is named that the CP cannot provide sufficient information for, the CP is required to complete a form for each. When a CP has completed this form, DSS will update the information in ADAPT with a Good Cause code of 75, which will prevent the referral to DCSE.

         a) If the CP is a grandparent of the child, s/he must provide at least 3 additional pieces of information in addition to the first and last name for the NCP who is his/her own child.

   b. Appearing at an office of the LDSS or DCSE, as requested, to provide

1) verbal or written information about the NCP

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

c. Appearing as a witness at judicial or administrative hearings or proceedings

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

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

f. Paying for all additional genetic testing after the first 5 alleged fathers have been tested and excluded as the father of the child.

**D. Noncooperation (12/2014)**

1. Noncooperation exists in TANF cases in the following circumstances. The CP

a. fails to forward to DCSE payment(s) received directly from the NCP after assignment of support rights; or

b. fails to respond by telephone or in writing to 2 consecutive requests to provide information; or

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

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

e. misses 2 consecutive scheduled appointments other than genetic blood test or court appearance and does not contact DCSE to reschedule them; or

f. fails to provide the name of another individual who may be the father after the only man named as the PUTF is excluded; or

g. does not designate in writing the men most likely to be the father of the child. If all men are excluded, the CP is considered to be non-cooperating. DCSE will pay for genetic testing for up to 5 putative fathers; after 5 exclusions, the CP will be responsible for paying for any additional testing. If the CP does not pay for the testing or refuses to pay for testing, this is considered non-cooperation and DCSE must notify DSS; or

h. refuses or fails to sign the attesting to Lack of Information (ATL) form, after stating that she is unable to provide the name and other identifying information about the NCP.

2. District Office staff report the CP for noncooperation when one of the reasons listed in D.1.a-g above exists. (Noncooperation is reported to DCSE by IV-A when the reason listed in h exists. See note.) 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 3 below. If noncooperation is determined:

   a. Generate the "*Cooperation / Noncooperation Notification*" document 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 cases);

      2) Updates the "CP Cooperative" indicator on the Case Screen with a "N" (for TANF 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. Mail a copy of the letter to the CP whenever a referral is made in his/her cooperation status.

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

   Note: When IV-A makes a determination of noncooperation of the TANF CP, as in h, this information is documented on the Comment section of the Absence Documentation screen in ADAPT. This documentation will ensure that DCSE is notified of the noncooperation through the interface.

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.

   a. If a sanction is imposed by the IV-A agency as the result of a DCSE notice of noncooperation and the CP appeals the sanction, DSS eligibility staff may contact DCSE and request supporting documentation to be included in their appeal summary. Such documentation may include copies of court summons; court issued Show Cause against the CP for failure to appear; administrative summons; motions; petitions; and other legal and administrative correspondence that reflect the CP's failure to cooperate. Provide this information immediately to the eligibility staff when requested. This information may also be requested by the hearings officer.

   b. If requested, 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.

(07/2014)

**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 *Cooperation/Noncooperation Notification* with an "X" in the appropriate block indicating the CP is now cooperating.

2. When the document is generated, the automated system generates the events NCRM and updates the "CP Cooperative indicator to "Y" on the Case Screen.

3. 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, the automated system will send an automated referral with the cooperation information to ADAPT which will notify the LDSS.

4. 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 (11/2015)**

1. A finding of good cause exempts a public assistance recipient from the requirement to cooperate with DCSE in the pursuit of child support.

2. The LDSS may assert good cause for the following reasons:

   a. the child(ren) and/or CP are at risk for emotional and/or physical harm if the CP cooperates with DCSE, or

   b. the child was conceived as a result of rape or incest and the pursuit of support would not be in the best interest of the child, this includes participants in the Address Confidentiality Program (ACP),or

   c. the CP is working with a public or private to determine whether or not to place the child for adoption, or

   d. the child has an adoption pending in court, or

e. in foster care cases, the foster care plan is to return the child to one or both parents. If the child is being returned to one parent, good cause would only apply to that parent.

3. If good cause is determined at the time of application for TANF or IV-E FC, DSS will review the case and determine if the CP previously received TANF or there is an active case with DCSE.

   a. If either is true, DSS will notify the Division manually via the *Good Cause Communication* Form.

   b. Upon receipt of the *Good Cause Communication f*orm, search the automated system for a case involving the CP and the NCP against whom good cause is claimed. If a case is found on the automated system and is not already a TANF case, change the case type to TANF and close the case using good cause as the closure reason and as per Reasons for Case Closure.

4. If DCSE is notified that case has a pending good cause claim, all actions to establish or enforce a support obligation are to be suspended while the claim is pending. Once a good cause claim is asserted, the LDSS has 45 days to make a determination if good cause exists or not.

   a. If LDSS notifies DCSE that good cause was not substantiated, DCSE is to resume activities to establish and/or enforce child support activities.

   b. If LDSS notifies DCSE that good cause was substantiated and is being asserted, close the case.

5. For TANF cases, when DSS reviews the case for continued eligibility, DSS also reviews the case to see if the determination of good cause continues to apply. Based on case circumstances, foster care cases may also have a change in good cause determination. If there is a change in good cause determination on a non-IV-E foster care case, the Division is notified via the Good Cause Communication form. If there is a change in the good cause determination for TANF and IV-E cases, LDSS will update their system and this information is transmitted to the automated system.

   a. For cases where good cause was previously not found and LDSS is asserting a good cause claim, the good cause claim status will change on the automated system and the worker is notified via worklist.

   b. The case should be closed as per case closure guidance.

   c. For cases that were previously closed due to good cause and LDSS finds that good cause no longer applies, the good cause claim status will change on the automated system.

   d. The case will re-open and the worker is notified via worklist of the change in good cause status.

   e. Review the case to determine if paternity and/or a current child support order needs to be established.

## H. 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 Case Events 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.

# APPENDICES

These appendices are a companion to the DCSE Program Manual. They contain information of general interest in connection with the child support enforcement program of the Commonwealth of Virginia.

Appendix 1.01 Glossary of Abbreviations
Appendix 1.02 Definitions of Program Terms
Appendix 2.01 Locality Codes
Appendix 4.01 Incomes that Warrant a Review Based Upon Updated Guidelines
Appendix 6.01 UIFSA Notice Requirements
Appendix 13.01 Division Documents: Purpose, Service, Distribution and Worklist
Appendix 13.02 Records Retention Schedule for DCSE
Appendix 16.01 Distribution Hierarchy

## Appendix 1.01 Glossary Of Abbreviations (08/2016)

**Division** Abbreviations (See also the list of abbreviations and acronyms from OCSE)

| | |
|---|---|
| AAG | Assistant Attorney General |
| ACF | Administration for Children and Families |
| ACH | Automated Clearing House |
| ACP | Address Confidentiality Program |
| ADAPT | Application Benefit Delivery Automation Project |
| ADC | Aid to Dependent Children (TANF). The automated system uses this code. |
| ADCU | Aid to Dependent Children with Unemployed Parents (TANF-UP). The automated system uses this code. |
| ADJ | Adjust or Adjustment |
| AEI | Automated Administrative Enforcement in Interstate Cases |
| AFF | Affidavit |
| AG | Attorney General |
| ALOC | Allocate |
| AOP | Acknowledgment of Paternity |
| APA | Auditor of Public Accounts |
| APECS | Automated Program to Enforce Child Support |
| ARRN | Non-TANF Arrears Only |
| ARRP | TANF Arrears Only |
| ARRS | Arrears |
| ASO | Administrative Support Order |
| AT | Action Transmittal |
| ATTY | Attorney |

| | |
|---|---|
| AU | Assistance Unit |
| **AUSA** | **Assistant United States Attorney** |
| B1-B5 | These 5 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 IV-E 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 IV-E FC grants. |
| B5 | Arrears payments that exceed the amount of unreimbursed TANF or IV-E FC grants. |
| BAL | Balance |
| BIMO | Bi-monthly |
| BIWK | Bi-weekly |
| CANC | Cancel or Canceled |
| CCPA | Consumer Credit Protection Act |
| CDL | Commercial Driver's License |
| CEJ | Continuing Exclusive Jurisdiction |
| CFR | Code of Federal Regulations |
| CHLD | Child |
| CHRG | Charge |
| CIP | Change in Payee |
| CLK | Clerk |
| CNTY | County |

| | |
|---|---|
| COLL | Collection or Collected (Process Status) |
| CONT | Continued |
| CORR | Corrections |
| COV | Commonwealth of Virginia |
| CP | Custodial Parent or Person |
| CR | Credit |
| CRA | Consumer Reporting Agency |
| CRT | Court |
| CSE | Child Support Enforcement |
| CSENet | Child Support Enforcement Network |
| CSLN | Child Support Lien Network |
| CSU | Customer Services Unit |
| CSUP | Current Support |
| CTY | City |
| DC | District of Columbia or District Court or Deposit Certificate |
| DCA | Government Data Collection and Dissemination Practices Act |
| DCL | Dear Colleague Letter |
| DCSE | Division of Child Support Enforcement |
| DD | Direct Deposit |
| DELQ | Delinquent (Process Status) |
| **DHS** | **Division of Health Statistics** |
| DISB | Disburse or Disbursement |
| DIST | Distribution or Distribute |

| | |
|---|---|
| DIV | Division |
| DJJ | Department of Juvenile Justice |
| DL | Driver's License |
| DM | District Manager |
| DMAS | Department of Medical Assistance Services |
| DMDC | Defense Manpower Data Center |
| DMV | Department of Motor Vehicles |
| DO | District Office |
| DOA | Department of Accounts |
| DOB | Date of Birth |
| DOC | Department of Corrections |
| DOD | Date of Death or Department of Defense |
| DOF | Division of Finance |
| DOT | Virginia Department of the Treasury |
| DSS | Department of Social Services |
| DTS | Debt to State |
| DV | Domestic Violence |
| DVA | Department of Veterans Affairs (formerly Veterans Administration) |
| **DVR** | **Division of Vital Records**<br>**Paternity acknowledgments obtained by the Division are sent to Virginia's DVR to be recorded on the birth records. The Division has access to DVR's EBQS to obtain information from the birth record. Division staff also can request certified copies of the birth certificate and AOP if required. Refer to Paternity for specific information.** |
| DWOP | Dismissed Without Prejudice |
| EBQS | Electronic Birth Query System |

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|---|---|
| EDI | Electronic Data Interchange |
| EFT | Electronic Funds Transfer |
| EIN | (State or Federal) Employer Identification Number |
| EIWO | Electronic Income Withholding Order |
| ENF | Enforcement |
| ENFA | Enforcement – Administrative (Worker Unit) |
| ENFJ | Enforcement – Judicial (Worker Unit) |
| ERISA | Employee Retirement Income Security Act |
| EST | Establishment |
| ESTA | Establishment – Administrative (Process Status/Worker Unit) |
| ESTJ | Establishment – Judicial (Process Status/Worker Unit) |
| EVS | Enumeration Verification System |
| EW | Eligibility Worker |
| EXT | Extension |
| FAAS | Finance Accounting and Analysis System |
| FAMIS | Family Access to Medical Insurance Security |
| FBI | Federal Bureau of Investigation |
| FC | Foster Care |
| FCR | Federal Case Registry |
| FED | Federal |
| FEDCTR | Federal Central Office - An abbreviation used before the FIPS code in the Intergovernmental Reference Guide to identify the type of office. |
| FEDREG | Federal Regional Office - An abbreviation used before the FIPS code in the Intergovernmental Reference Guide to identify the type of office. |

FEIN Federal Employer Identification Number

FENA Federal Enforcement Action- Denotes federal tax offset process.

FEP Family Engagement Programs or Full Employment Program

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 STMT
Financial Statement

FIPS Federal Information Processing Standard - Refer to Appendix 2.01.

FMS Federal Financial Management Service

FOIA Freedom of Information Act

FPLS Federal Parent Locator Service

FR Fiscal Record

**FRTIB Federal Retirement Thrift Investment Board**

FSA Family Support Act (1988)

FS Food Stamp Program (SNAP)

FTA Failure to Appear

FTAX Federal Tax

FTI Federal Tax Information

FUEL Fuel Assistance Program (Energy Assistance)

FV Family Violence

FVI Family Violence Indicator

| | |
|---|---|
| FY | Fiscal Year (state of Virginia: July 1 to June 30; federal: October 1 to September 30) |
| **GAL** | **Guardian ad Litem** |
| GIF | Game and Inland Fisheries |
| GMI | Gross Monthly Income (see Va. Code § 20-108.2(C)) |
| GPRA | Government Performance and Results Act |
| GT | Genetic Testing |
| HCC | Health Care Coverage |
| HH | Hold Harmless Payment |
| HHS | Federal Department of Health and Human Services |
| HHR | Virginia Secretariat of Health and Human Resources |
| HO | Home Office (Division headquarters in Richmond) |
| HQ | Headquarters-refers to Home Office |
| iAPECS | Internet Automated Program to Enforce Child Support |
| ID # | Identification Number |
| IDEC | Interstate Data Exchange Consortium |
| IDO | Income Deduction Order |
| IEVS | Income Eligibility Verification System |
| ILA | International Longshoremen's Association |
| INIT | Intake or Initiation (Process Status/Worker Unit) |
| INS | Immigration and Naturalization Service (now known as U.S. Citizenship and Immigration Services) |
| INTCA | International Collection Agency (an abbreviation used before the FIPS code in the Intergovernmental Reference Guide to identify the type of office) |
| IRG | Intergovernmental Reference Guide |

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| IRMS | Integrated Revenue Management System |
| 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. |
| 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 # | 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 federal/state program that provides support to people or institutions that are raising children that are not their own (foster care). The IV-E Foster Care Program operates out of local departments of social services. |
| IWO | Income Withholding **for Support** (formerly known as ONWI, or Order and Notice to Withhold Income) |
| JDR | Juvenile and Domestic Relations |
| 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 |
| LOC | Locate |
| LOCO | Locate Only (Case Type) |
| LOCCOL | Local Collection Agency (An abbreviation used before the FIPS code in the Intergovernmental Reference Guide to identify the type of office.) |
| LOCRES | Local Responding Agency (An abbreviation used before the FIPS code in the Intergovernmental Reference Guide to identify the type of office.) |

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|---|---|
| LOCT | Locate (Process Status/Worker Unit) |
| MIL | Military |
| MNTH | Month |
| MOD | Modification |
| MPI | Master Participant Index |
| MPI# | Unique Identifier for a Participant |
| MSFIDM | Multistate Financial Institution Data Match |
| MTA | Motion to Amend |
| NADC | Non or Not Aid to Families with Dependent Children (Non-TANF). The automated system uses this code. |
| NAWRS | National Association for Welfare Research and Statistics |
| NCCUSL | National Conference of Commissioners on Uniform State Laws |
| NCOA | National Change of Address Database |
| NCP | Noncustodial Parent |
| NCSEA | National Child Support Enforcement Association |
| NDNH | National Directory of New Hires |
| NH | New Hire |
| NHRM | New Hire Report Match |
| NIVD | Non-IV-D |
| NLETS | National Law Enforcement Telecommunications System |
| NMSN | National Medical Support Notice |
| NOA | Notification of Action **Taken** |
| NOPR | Notice of Proposed Review |

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|---|---|
| NP | Notary Public |
| NPA | Nonpublic Assistance |
| NPAA | Nonpublic Assistance Arrears |
| NPRC | National Personnel Records Center |
| NSA | National Security Agency |
| NSF | Nonsufficient Funds |
| NSP | Non-Support Petition |
| OBLIG | Obligation |
| OCSE | Federal Office of Child Support Enforcement |
| OD | Order to Deliver (related to Order to Withhold) |
| **ODP** | **Order Determining Parentage** |
| OLIC | Occupational License |
| OMB | Office of Management and Budget (federal) |
| OOS | Out-of-State |
| OPM | Office of Personnel Management (federal) |
| ORD | Order |
| OV | Office Visit |
| OW | Order to Withhold |
| PA | Public Assistance |
| PAT | Paternity |
| PATA | Paternity – Administrative (Process Status/Worker Unit) |
| PATJ | Paternity – Judicial (Process Status/Worker Unit) |
| PAT R&R | Paternity Rights and Responsibility |

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|---|---|
| PD | Paid |
| PEM | Program Evaluation and Monitoring |
| PEP | Virginia Paternity Establishment Program |
| PGT | Program Guidance Team |
| P.L. | Public Law |
| PM | Postmaster |
| PML | Postmaster Letter |
| PMT/AGMT | Payment Agreement |
| POB | Place of Birth |
| POE | Place of Employment |
| PPU | Payment Processing Unit |
| PROB | Probation |
| PROC | Procedures |
| PRWORA | Personal Responsibility and Work Opportunity Reconciliation Act of 1996 |
| PSOC | Project Save Our Children |
| PUTF | Putative Father |
| QMCSO | Qualified Medical Child Support Order |
| R&A | Review and Adjustment |
| 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 |
| RECOUP | Recoupment |

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|---|---|
| REQ | Request |
| RES | Residence |
| REV | Review |
| RFP | Request for Proposal |
| RLSE | Release |
| RPS | OCSE Regional Program Specialist |
| RT | Route |
| S/C | Show Cause |
| **SCC** | **State Corporation Commission** |
| SCR | State Case Registry |
| SCRA | Servicemembers Civil Relief Act |
| S/CNSL | Special Counsel |
| SDNH | State Directory of New Hires |
| SDX | State Data Exchange |
| SDU | State Disbursement Unit |
| SES | Support Enforcement Specialist |
| SESA | State Employment Security Agencies |
| SES,SR | Support Enforcement Specialist Senior |
| **SFU** | **Standard Filing Unit** |
| SFY | State Fiscal Year (July 1 to June 30) |
| SHHR | Secretary of Health and Human Resources |
| SLFC | State and Local Foster Care (Non-IV-E Foster Care). The automated system uses this code. |

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| SMILE | Support Money Impacts Lives Everyday |
| **SNAP** | **Supplemental Nutrition Assistance Program** |
| 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. |
| SPLS | State Parent Locator Service |
| SSA | Social Security Administration or Social Security Act |
| SSAMS | Social Services Automated Management System |
| **SSDI** | **Social Security Disability Insurance** |
| SSI | Supplemental Security Income |
| SSN | Social Security Number |
| STTX | Virginia State Tax |
| SUPE | Support Enforcement Public Assistance Computer System. AFDC Computer System before APECS. |
| SUPT | Support |
| SUSP | Suspend or Suspended |
| SVES | State Verification and Exchange 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 |
| TC | Telephone Call |
| TOP | Federal Treasury Offset Program |

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| **TSP** | **Thrift Savings Plan** |
| UC | Unemployment Compensation |
| UCFE | Unemployment Compensation for Federal Employees |
| UCX | Unemployment Claim for Ex-Servicemembers |
| UDC | Undistributed Collections |
| UDR | Undistributed Receipts. The automated system uses this code. |
| UIB | Unemployment Insurance Benefit |
| UIFSA | Uniform Interstate Family Support Act |
| UIP | Unidentified Payer |
| URESA | Uniform Reciprocal Enforcement Support Act (superseded by UIFSA) |
| URR | Undistributed Receipts Report |
| URPA | Unreimbursed Public Assistance |
| **USAO** | **United States Attorney's Office** |
| U.S.C. | United States Code |
| **USPS** | **United States Postal Services** |
| VA | Virginia OR Department of Veterans Affairs (formerly Veterans Administration) |
| VAC | Virginia Administrative Code |
| VACCIS | Virginia Automated Comprehensive Correctional Information System |
| VACIS | Virginia Client Information System (the IV-A and IV-E Automated System) |
| VAP | Virginia Power (now known as Dominion) |
| VDOT | Virginia Department of Transportation |
| VDSS | Virginia Department of Social Services |
| VEC | Virginia Employment Commission |

VIEW Virginia Initiative for Employment not Welfare

VOL Voluntary

VPEP Virginia's Paternity Establishment Program

VSP Department of State Police

W/L Worklist

WRKR COMP
Workers' Compensation

XFER Transfer

(07/2014) (12/2014) (03/2016) (06/2016)

## Appendix 1.02 Definitions of Program Terms (08/2016)

Accrual Sum of child support payments that are due or overdue

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

Action Transmittal
Document sent out as needed 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 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 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 **the Division** 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

Arrearage Past due, unpaid child support owed by the NCP. If the **NCP** has arrearages, s/he is said to be "in arrears."

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, IV-E 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 **the Division** 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.

B-1 – B-5 Payments

NOTE: The following 5 designations, B-1 through B-5, are still occasionally used by **Division** 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 PUTF. 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 Initiation
First step in the child support enforcement process

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

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

Confidential Information
Information that includes, but is not limited to, individual's SSN, address, employment information, financial information. 45 CFR 303.21

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.

Control-D
A repository of various reports that document various activities in the **iAPECS** 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 3 years. They are restricted to viewing and printing by the workers user group in Security.

Convention
The Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at the Hague on November 23, 2007.

Cooperation
The CP providing, under a penalty of perjury, for each NCP or **PUTF** 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 **PUTF**.

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.

Date of Collection
The date an employer withholds **income** 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 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 an NCP 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.

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 a ***Child Support Enforcement Services Application*.**

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.

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.

District Office
A local **Division** 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.

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 **Division** 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.

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.

e-OSCAR Electronic Online Solution for Complete and Accurate Reporting. A computer system used by the **Consumer** 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.

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 2 major mandates: the use of immediate **income** 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.

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 5 digit code that identifies child support jurisdictions, (*i.e.*, States, counties, central state registries).

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 Tax Information

Any return or return information received from the IRS or secondary source, such as SSA, OCSE or Bureau of Fiscal Service. Includes any information created by the recipient that is derived from return or return information.

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 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.

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 Country

A country, including a political subdivision thereof, other than the United States that authorizes the issuance of support orders and that has been declared under the law of the United States to be a foreign reciprocating country. See UIFSA, Va. Code § 20-88.32, for the full definition.

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.

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 **income** and/or assets is withheld for payment of a debt. This term is usually used to specify that an income withholding is involuntary.

General Relief (GR)
An optional local **DSS** 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 IV-E FC cases. See the TANF Manual.

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 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support, and, if a child is less than 6 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 6 month or other period.

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.

**Income Deduction Order**
**An income withholding entered by the court when the court enters the support order. It is used to collect current support and arrears.**

Income Withholding
Procedure by which automatic deductions are made from income to pay a debt such as child support. Income withholding often is incorporated into the child support order.

Income Withholding Order
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 an NCP's employer in another State.

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

Initiating Tribunal
The court, administrative agency, or quasi-judicial entity in the state that begins a UIFSA or other interstate action.

Intentional Program Violation
An action by an individual to obtain TANF fraudulently.

Intercept
A method of securing child support by taking a portion of non-wage payments made to an NCP. Non-wage payments subject to interception include Federal tax refunds, State tax refunds, unemployment benefits, and disability benefits.

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.

Issuing Tribunal
The tribunal that issues a support order or renders a judgment determining paternity.

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 **The Division** 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.

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 PUTF 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 PUTF 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 2 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.

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.

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.

National Change Of Address (NCOA)
An electronic address verification resource provided by the United States Postal Service. Accessed through the FCR, address information for NCPs is updated weekly.

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 **income withholding**.

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 PUTF.

Noncustodial 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 CP 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, IV-E FC, non-IV-E FC, or Medicaid, receive support enforcement services

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.

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 an 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 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 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 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 **required before an order may be established**.

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 Identifying Information (PII)
Any information **about an individual maintained by the Division which can be used to distinguish or trace an individual's identity, including but not limited to education, financial transactions, medical history and criminal or employment history**. PII data includes names, mailing addresses, taxpayer ID numbers, email addresses, telephone numbers, social security numbers, bank account numbers, date and place of birth, mother's maiden name, biometric data (height, weight, eye color), and any **other personal information which is linked to an individual and any** combination of the preceding.

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.

Presumed Father
The individual that the law presumes, until shown otherwise, to be the legal father of a child. In Virginia, the husband is presumed to be the father of a child born during a marriage.

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.

Public Assistance
Benefits granted from State or Federal programs to aid eligible recipients, such as Temporary Assistance for Needy Families (TANF); auxiliary grants (cash payments) to the aged, blind and disabled; medical assistance; energy assistance; Supplementary Nutritional Assistance Program (SNAP/ food stamps); employment services; child care; and general relief.

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
Pertaining to health care coverage for dependent children means available, in an amount not to exceed 5% of the parents' combined gross income, and accessible through employers, unions or other groups, or Department-sponsored health care coverage, without regard to service delivery mechanism; unless the court deems otherwise in the best interests of the child or by agreement of the parties.

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 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.

Return/Return Information
Any information collected or generated by the IRS from returns (1040s, W-2s, 1099s, etc.).

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.

Revised Uniform Reciprocal Enforcement of Support Act (RURESA)
The revised URESA law, in use before the enactment of UIFSA, **which** set forth reciprocal law concerning the enforcement of support between states.

RID Acronym meaning Report ID; a web-based Control-D report.

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 Case or Participant Events by a worker.

Sensitive Data
Any data of which the compromise with respect to confidentiality, integrity, and/or availability could have a material adverse effect on COV interests, the conduct of Agency programs, or the privacy to which individuals are entitled.

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 codified at 50 U.S.C. App. § 501 *et seq.*, **which** 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.

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.

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.

**Social Security Number Verification Services (SSNVS)**
**System used to verify and correct SSNs and identify multiple SSNs of participants in child support cases. Operated by the Social Security Administration.**

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 assistance 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 **The Division** 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.

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

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

State Parent Locator 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.

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.

**State Workforce Agencies (SWAs)**
**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.**

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.

Support Enforcement Cases

IV-D cases resulting from applications for support enforcement services by individuals not receiving TANF, IV-E FC, or State/Local Foster Care, 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."

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 NCP.

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.

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.

Undistributed Collections (UDC)
Child support payments that have been collected by child support agencies but have not yet been sent to CPs or other government agencies or returned to NCPs.

Uniform Interstate Family Support Act (UIFSA)
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 NCP.

Virginia Initiative for Employment not Welfare Program (VIEW)
Employment program for individuals who receive TANF.

(11/2013) (07/2014) (10/2014) (12/2014) (06/2015) (03/2016)

**Appendix 2.01 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:

| | | | | | |
|---|---|---|---|---|---|
| **001** | **Accomack** | **051** | **Dickenson** | **105** | **Lee** |
| **003** | **Albemarle** | **053** | **Dinwiddie** | **673** | **Lexington City** |
| **510** | **Alexandria City** | **595** | **Emporia** | **107** | **Loudoun** |
| **005** | **Alleghany** | **057** | **Essex** | **109** | **Louisa** |
| **007** | **Amelia** | **059** | **Fairfax** | **111** | **Lunenburg** |
| **009** | **Amherst** | **600** | **Fairfax City** | **680** | **Lynchburg City** |
| **011** | **Appomattox** | **610** | **Falls Church City** | **113** | **Madison** |
| **013** | **Arlington** | **061** | **Fauquier** | **683** | **Manassas City** |
| **015** | **Augusta** | **063** | **Floyd** | **685** | **Manassas Park City** |
| **017** | **Bath** | **065** | **Fluvanna** | **690** | **Martinsville City** |
| **019** | **Bedford County** | **067** | **Franklin** | **115** | **Mathews** |
| **515** | **Bedford County** | **620** | **Franklin City** | **117** | **Mecklenburg** |
| **021** | **Bland** | **069** | **Frederick** | **119** | **Middlesex** |
| **023** | **Botetourt** | **630** | **Fredericksburg City** | **121** | **Montgomery** |
| **520** | **Bristol City** | **640** | **Galax City** | **125** | **Nelson** |
| **025** | **Brunswick** | **071** | **Giles** | **127** | **New Kent** |
| **027** | **Buchanan** | **073** | **Gloucester** | **700** | **Newport News City** |
| **029** | **Buckingham** | **075** | **Goochland** | **710** | **Norfolk City** |
| **530** | **Buena Vista City** | **077** | **Grayson** | **131** | **Northampton** |
| **031** | **Campbell** | **079** | **Greene** | **133** | **Northumberland** |
| **033** | **Caroline** | **081** | **Greensville** | **720** | **Norton City** |
| **035** | **Carroll** | **083** | **Halifax** | **135** | **Nottoway** |
| **036** | **Charles City** | **650** | **Hampton City** | **137** | **Orange** |
| **037** | **Charlotte** | **085** | **Hanover** | **139** | **Page** |
| **540** | **Charlottesville City** | **660** | **Harrisonburg City** | **141** | **Patrick** |
| **550** | **Chesapeake City** | **087** | **Henrico** | **730** | **Petersburg City** |
| **041** | **Chesterfield** | **089** | **Henry** | **143** | **Pittsylvania** |
| **043** | **Clarke** | **091** | **Highland** | **735** | **Poquoson City** |
| **560** | **Clifton Forge City** | **670** | **Hopewell City** | **740** | **Portsmouth City** |
| **570** | **Colonial Heights City** | **093** | **Isle of Wight** | **145** | **Powhatan** |
| **580** | **Covington City** | **095** | **James City** | **147** | **Prince Edward** |
| **045** | **Craig** | **097** | **King and Queen** | **149** | **Prince George** |
| **047** | **Culpeper** | **099** | **King George** | **153** | **Prince William** |
| **049** | **Cumberland** | **101** | **King William** | **155** | **Pulaski** |
| **590** | **Danville** | **103** | **Lancaster** | **750** | **Radford City** |

| | | | | | |
|---|---|---|---|---|---|
| **157** | **Rappahannock** | **173** | **Smyth** | **187** | **Warren** |
| **159** | **Richmond** | **175** | **Southampton** | **191** | **Washington** |
| **760** | **Richmond City** | **780** | **South Boston City** | **820** | **Waynesboro City** |
| **161** | **Roanoke** | **177** | **Spotsylvania** | **193** | **Westmoreland** |
| **770** | **Roanoke City** | **179** | **Stafford** | **830** | **Williamsburg City** |
| **163** | **Rockbridge** | **790** | **Staunton City** | **840** | **Winchester City** |
| **165** | **Rockingham** | **800** | **Suffolk City** | **195** | **Wise** |
| **167** | **Russell** | **181** | **Surry** | **197** | **Wythe** |
| **775** | **Salem City** | **183** | **Sussex** | **199** | **York** |
| **169** | **Scott** | **810** | **Virginia Beach City** | **900** | **Central Registry (Interstate/Locate)** |
| **171** | **Shenandoah** | **185** | **Tazewell** | | |

**Appendix 4.01 Incomes that Warrant a Review Based Upon Updated Guidelines (06/2014)**

The following table is to be used in conjunction with Chapter 4 to determine whether to conduct a review based upon the updated guidelines effective 7/1/14. The table shows which combined adjusted monthly gross incomes do and do not reflect a difference of at least 10% (higher or lower) and a change of at least $25 per month between the combined monthly basic child support obligation determined by the prior guidelines (effective through 6/30/14) and the updated guidelines (effective 7/1/14). The table can be used to determine if a significant change has occurred to grant a special circumstance review.

To use the table, determine the combined adjusted monthly gross income used on the guideline worksheet completed at the time the existing order was done. Locate the row with that income in the column identified as *Combined Adjusted Gross Income*. If the box in that row under the column for the appropriate number of children (i.e. *One*, *Two*) is shaded, then the case would qualify for a special circumstance review based upon a significant change in the guidelines. If the box is not shaded, then the case would not qualify for a special circumstance review based upon a significant change in the guidelines. The income of the parties at the time the review is requested (current income) should not be used as a part of this process.

| Combined Adjusted Gross Income | One Child | Two Children | Three Children | Four Children | Five Children | Six Children |
|---|---|---|---|---|---|---|
| 0-350 | | ■ | ■ | ■ | ■ | ■ |
| 400 | | ■ | ■ | ■ | ■ | ■ |
| 450 | | ■ | ■ | ■ | ■ | ■ |
| 500 | ■ | ■ | ■ | ■ | ■ | ■ |
| 550 | ■ | ■ | ■ | ■ | ■ | ■ |
| 600 | | ■ | ■ | ■ | ■ | ■ |
| 650 | | ■ | ■ | ■ | ■ | ■ |
| 700 | | ■ | ■ | ■ | ■ | ■ |
| 750 | | | ■ | ■ | ■ | ■ |
| 800 | | | ■ | ■ | ■ | ■ |
| 850 | | | ■ | ■ | ■ | ■ |
| 900 | | | ■ | ■ | ■ | ■ |
| 950 | | | | ■ | ■ | ■ |
| 1000 | | | | ■ | ■ | ■ |
| 1050 | | | | | ■ | ■ |
| 1100 | | | | | ■ | ■ |
| 1150 | | | | | | ■ |
| 1200 | | | | | | ■ |
| 1250 | | | | | | ■ |
| 2800 | ■ | | | | | |
| 2850 | ■ | | | | | |
| 2900 | ■ | | | | | |
| 2950 | ■ | | | | | |
| 3000 | ■ | | | | | |
| 3050 | ■ | | | | | |
| 3100 | ■ | ■ | | | | |
| 3150 | ■ | ■ | | | | |
| 3200 | ■ | ■ | | | | |

| Combined Adjusted Gross Income | One Child | Two Children | Three Children | Four Children | Five Children | Six Children |
|---|---|---|---|---|---|---|
| 4950 | ■ | ■ | | | | |
| 5000 | ■ | | | | | |
| 5050 | ■ | | | | | |
| 5100 | ■ | | | | | |
| 5150 | ■ | | | | | |
| 5200 | ■ | | | | | |
| 5250 | ■ | | | | | |
| 5300 | ■ | | | | | |
| 5350 | ■ | | | | | |
| 5400 | ■ | | | | | |
| 5450 | ■ | | | | | |
| 5500 | ■ | | | | | |
| 5550 | ■ | | | | | |
| 5600 | ■ | | | | | |
| 9100 | | | | ■ | | |
| 9150 | | | | ■ | | |
| 9200 | | | | ■ | | |
| 11300 | ■ | | | | | |
| 11350 | ■ | | | | | |
| 11400 | ■ | | | | | |
| 11450 | ■ | | | | | |
| 11500 | ■ | | | | | |
| 11550 | ■ | | | | | |
| 11600 | ■ | | | | | |
| 11650 | ■ | | | | | |
| 11700 | ■ | | | | | |
| 11750 | ■ | | | | | |
| 11800 | ■ | | | | | |

| Combined Adjusted Gross Income | One Child | Two Children | Three Children | Four Children | Five Children | Six Children |
|---|---|---|---|---|---|---|
| 3250 | | | | | | |
| 3300 | | | | | | |
| 3350 | | | | | | |
| 3400 | | | | | | |
| 3450 | | | | | | |
| 3500 | | | | | | |
| 3550 | | | | | | |
| 3600 | | | | | | |
| 3650 | | | | | | |
| 3700 | | | | | | |
| 3750 | | | | | | |
| 3800 | | | | | | |
| 3850 | | | | | | |
| 3900 | | | | | | |
| 3950 | | | | | | |
| 4000 | | | | | | |
| 4050 | | | | | | |
| 4100 | | | | | | |
| 4150 | | | | | | |
| 4200 | | | | | | |
| 4250 | | | | | | |
| 4300 | | | | | | |
| 4350 | | | | | | |
| 4400 | | | | | | |
| 4450 | | | | | | |
| 4500 | | | | | | |
| 4550 | | | | | | |
| 4600 | | | | | | |
| 4650 | | | | | | |
| 4700 | | | | | | |
| 4750 | | | | | | |
| 4800 | | | | | | |
| 4850 | | | | | | |
| 4900 | | | | | | |
| 13550 | | | | | | |
| 13600 | | | | | | |
| 13650 | | | | | | |
| 13700 | | | | | | |
| 13750 | | | | | | |
| 13800 | | | | | | |
| 13850 | | | | | | |
| 13900 | | | | | | |
| 13950 | | | | | | |
| 14000 | | | | | | |
| 14050 | | | | | | |
| 14100 | | | | | | |
| 14150 | | | | | | |

| Combined Adjusted Gross Income | One Child | Two Children | Three Children | Four Children | Five Children | Six Children |
|---|---|---|---|---|---|---|
| 11850 | | | | | | |
| 11900 | | | | | | |
| 11950 | | | | | | |
| 12000 | | | | | | |
| 12050 | | | | | | |
| 12100 | | | | | | |
| 12150 | | | | | | |
| 12200 | | | | | | |
| 12250 | | | | | | |
| 12300 | | | | | | |
| 12350 | | | | | | |
| 12400 | | | | | | |
| 12450 | | | | | | |
| 12500 | | | | | | |
| 12550 | | | | | | |
| 12600 | | | | | | |
| 12650 | | | | | | |
| 12700 | | | | | | |
| 12750 | | | | | | |
| 12800 | | | | | | |
| 12850 | | | | | | |
| 12900 | | | | | | |
| 12950 | | | | | | |
| 13000 | | | | | | |
| 13050 | | | | | | |
| 13100 | | | | | | |
| 13150 | | | | | | |
| 13200 | | | | | | |
| 13250 | | | | | | |
| 13300 | | | | | | |
| 13350 | | | | | | |
| 13400 | | | | | | |
| 13450 | | | | | | |
| 13500 | | | | | | |
| 16850 | | | | | | |
| 16900 | | | | | | |
| 16950 | | | | | | |
| 17000 | | | | | | |
| 17050 | | | | | | |
| 17100 | | | | | | |
| 17150 | | | | | | |
| 17200 | | | | | | |
| 17250 | | | | | | |
| 17300 | | | | | | |
| 17350 | | | | | | |
| 17400 | | | | | | |
| 17450 | | | | | | |

| Combined Adjusted Gross Income | One Child | Two Children | Three Children | Four Children | Five Children | Six Children |
|---|---|---|---|---|---|---|
| 14200 | | | | | | |
| 14250 | | | | | | |
| 14300 | | | | | | |
| 14350 | | | | | | |
| 14400 | | | | | | |
| 14450 | | | | | | |
| 14500 | | | | | | |
| 14550 | | | | | | |
| 14600 | | | | | | |
| 14650 | | | | | | |
| 14700 | | | | | | |
| 14750 | | | | | | |
| 14800 | | | | | | |
| 14850 | | | | | | |
| 14900 | | | | | | |
| 14950 | | | | | | |
| 15000 | | | | | | |
| 15050 | | | | | | |
| 15100 | | | | | | |
| 15150 | | | | | | |
| 15200 | | | | | | |
| 15250 | | | | | | |
| 15300 | | | | | | |
| 15350 | | | | | | |
| 15400 | | | | | | |
| 15450 | | | | | | |
| 15500 | | | | | | |
| 15550 | | | | | | |
| 15600 | | | | | | |
| 15650 | | | | | | |
| 15700 | | | | | | |
| 15750 | | | | | | |
| 15800 | | | | | | |
| 15850 | | | | | | |
| 15900 | | | | | | |
| 15950 | | | | | | |
| 16000 | | | | | | |
| 16050 | | | | | | |
| 16100 | | | | | | |
| 16150 | | | | | | |
| 16200 | | | | | | |
| 16250 | | | | | | |
| 16300 | | | | | | |
| 16350 | | | | | | |
| 16400 | | | | | | |
| 16450 | | | | | | |
| 16500 | | | | | | |

| Combined Adjusted Gross Income | One Child | Two Children | Three Children | Four Children | Five Children | Six Children |
|---|---|---|---|---|---|---|
| 17500 | | | | | | |
| 17550 | | | | | | |
| 17600 | | | | | | |
| 17650 | | | | | | |
| 17700 | | | | | | |
| 17750 | | | | | | |
| 17800 | | | | | | |
| 17850 | | | | | | |
| 17900 | | | | | | |
| 17950 | | | | | | |
| 18000 | | | | | | |
| 18050 | | | | | | |
| 18100 | | | | | | |
| 18150 | | | | | | |
| 18200 | | | | | | |
| 18250 | | | | | | |
| 18300 | | | | | | |
| 18350 | | | | | | |
| 18400 | | | | | | |
| 18450 | | | | | | |
| 18500 | | | | | | |
| 18550 | | | | | | |
| 18600 | | | | | | |
| 18650 | | | | | | |
| 18700 | | | | | | |
| 18750 | | | | | | |
| 18800 | | | | | | |
| 18850 | | | | | | |
| 18900 | | | | | | |
| 18950 | | | | | | |
| 19000 | | | | | | |
| 19050 | | | | | | |
| 19100 | | | | | | |
| 19150 | | | | | | |
| 19200 | | | | | | |
| 19250 | | | | | | |
| 19300 | | | | | | |
| 19350 | | | | | | |
| 19400 | | | | | | |
| 19450 | | | | | | |
| 19500 | | | | | | |
| 19550 | | | | | | |
| 19600 | | | | | | |
| 19650 | | | | | | |
| 19700 | | | | | | |
| 19750 | | | | | | |
| Continues | | | | | | |

| Combined Adjusted Gross Income | One Child | Two Children | Three Children | Four Children | Five Children | Six Children |
|---|---|---|---|---|---|---|
| 16550 | | | | | | |
| 16600 | | | | | | |
| 16650 | | | | | | |
| 16700 | | | | | | |
| 16750 | | | | | | |
| 16800 | | | | | | |

| Combined Adjusted Gross Income | One Child | Two Children | Three Children | Four Children | Five Children | Six Children |
|---|---|---|---|---|---|---|
| through combined adjusted gross income of 47000 | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

## Appendix 6.01 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<br>Respondent<br>Initiating Tribunal | Copy of Order | Promptly |
| 20-88.50(A)(4) | Support Enforcement Agency | Petitioner | Copy of any Written Notice Received from an Initiating, Responding, or Registering Tribunal | Within 2 days of Receipt 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 Registered | Certified Copy of Modified Order | Within 30 Days After Issuance of Modified Order |

**Appendix 13.01 Division Documents: Purpose, Service, Distribution and Worklist (08/2016)**

**The Document Matrix provides general information regarding the use of Division documents.**

**Document Name- This field lists all Programmatic Division documents in alphabetical order.**

**Purpose- This field indicates the most common use of the document.**

**Document Location- This field indicates if a document is generated in the automated system or if it is a manual document. Not all documents are accessible to all staff for printing in the automated system. Manual documents (documents that are not generated on the automated systems) are accessed via the DCSE Forms link on SPARK under DCSEP.**

**Service of Process- This field indicates whether the document requires formal service of process. A *Waiver of Formal Service* can be used in lieu of service of process for documents requiring service of process. Use U.S. Postal Service first class mail when service of process is not required. For more information regarding service of process, refer to Methods of Service and How to Accomplish Service.**

**Distribution- This field indicates the recipients of the document. Any document indicating the distribution recipient as "Division" is a document that is only maintained in Division records. For documents filed with the Juvenile and Domestic Relations District Court (JDR Court), the specific number of copies submitted to the court may vary by locality from what is listed in the matrix. Division staff should follow any variances requested by the specific JDR Court.**

**Event- This field indicates the event code the document creates when generated. Most events are case events. Any event type that is followed by an asterisk (*) denotes a participant event. For some documents a different event code is generated based on the option selected at the time the document is generated. This information is captured in the matrix. Division staff must create a self-generated event in the automated system to record manual documents. For more information, refer to Documents.**

**Worklist Timeframe/ Purpose- This field indicates whether or not a worklist is created. For documents that generate a worklist, the timeframes and general purposes of the worklist are indicated in the matrix. For certain documents, updating successful formal service of process creates an additional worklist. The timeframes and general purpose of these worklists are also provided.**

| Document Name | Purpose | Document Location | Service of Process | Distribution | Event | Worklist Timeframe/ Purpose |
|---|---|---|---|---|---|---|
| Acknowledgment of Paternity -- Rights and Responsibilities | To obtain the acknowledgment of both the mother and the father that the PUTF is the biological father of a child born out of wedlock. | APECS | No | Mother, Father, DVR | PDPT | None |
| Address Confidentiality Program Notice | To notify the court that a case participant is a participant in the Address Confidentiality Program (ACP) and should be served using the ACP. | SPARK | No | JDR Court, Legal Counsel | SELF | None |
| Administrative Appeal Ruling | To notify the NCP and CP that a hearing will not be scheduled because the appeal request was invalid, withdrawn or abandoned; issued by Appeals & Fair Hearings only. | APECS | For appellant only | Appellant | APAR | APAR-30 days after generation to check for service of process |
| Administrative Hearing Decision-Instate | To notify the NCP and CP, and if applicable, the joint account holder, of the ruling of the Hearing Officer for cases in which the parties are all in state; issued by Appeals & Fair Hearings only. | APECS | For appellant only | NCP, CP and, if applicable, joint account holder | APHD | APHD- 1 day after generation to check the document repository for a copy of the decision |
| Administrative Hearing Decision-Out of State | To notify the NCP and CP, and if applicable, the joint account holder, of the ruling of the Hearing Officer for cases in which at least one party resides out of state; issued by Appeals & Fair Hearings only. | SPARK | For appellant only | NCP, CP and, if applicable, joint account holder | SELF | None |
| Administrative Review Decision | To notify the NCP of the results of the administrative review and his/ her right to appeal the administrative review results to the Office of Appeals & Fair Hearings | APECS | No | NCP | ARCD | None |
| Administrative Subpoena | To subpoena financial or other information needed to establish, modify or enforce a child support order. | APECS | No | Custodian of records | ISUB | ISUB- 20 days after generation to check for response |
| Administrative Summons | To summons a case participant to appear for an appointment at the District Office or satellite location; must be signed by the District Manager. | APECS | Not required but may be used | NCP, PUTF and/or CP | EORA | EORA- 1 day prior to appointment to verify document was not returned as undeliverable |

| Document Name | Purpose | Document Location | Service of Process | Distribution | Event | Worklist Timeframe/ Purpose |
|---|---|---|---|---|---|---|
| Administrative Support Order | To administratively establish a support obligation. | APECS | Yes | NCP, CP | EASO | EASO- 21 days after generation to check for service<br>EAS1- 15 days after date of formal service to check for appeal, add support order as applicable |
| Advance Notice of Lien- ASO Out of State Order | To notify the NCP that a lien will be filed when the NCP is subject to an ASO or out of state court order. | APECS | No | NCP | AANL | AANL-15 days after generation to review to file lien |
| Advance Notice of Lien- Virginia Court Order | To notify the NCP that a lien will be filed when the NCP is subject to a Virginia court order. | APECS | Yes | NCP | AVAC | AVAC- 15 days after generation to check for service if service date has not been updated indicating successful service<br>AVA1- 15 days after date of formal service to check for appeal; file lien as appropriate |
| Affidavit in Support of Establishing Paternity | To summarize evidence to establish paternity in an intergovernmental case. | APECS | No | Intergovernmental agency | IPAF | None |
| Affidavit of Address Verification | To notify the court or an intergovernmental agency that an address has been verified through the NCOA database. | SPARK | No | Court or Intergovernmental agency | SELF | None |
| Affidavit of Check Fraud by Payee | To allow a payee to assert check fraud. | APECS | No | Payee on check | FACE | FACE- 30 days after generation to check for returned affidavit, reissue check |
| Affidavit Regarding Paternity | To obtain required information for court referral when the mother alleges that her husband is not the biological father of the child. | SPARK | No | JDR Court, Legal Counsel | SELF | None |
| Affidavit/ Certification of Nondisclosure | To identify issues of domestic violence on a specific case when there is no active protective order in place. | APECS | No | Division | ACNC | ACNC- 10 days after generation to check for response |
| Agreement to Provide Health Care Coverage Waiver of Cost Requirement | To obtain the agreement of both parties on a case to enter an order for health care coverage when the cost of health care coverage exceeds reasonable cost. | SPARK | No | Division | SELF | None |

| Document Name | Purpose | Document Location | Service of Process | Distribution | Event | Worklist Timeframe/ Purpose |
|---|---|---|---|---|---|---|
| Agreement to Transfer Jurisdiction | To allow the parties on a case in which Virginia has continuing, exclusive jurisdiction (CEJ) to agree to have the order modified by another state and transfer CEJ to that state. | SPARK | No | Division | SELF | None |
| Alternative Payment Arrangement Agreement | To allow the parties on a case to agree to an exemption from an income withholding order. | APECS | No | Division | APAY | None |
| Application for Collection-Delinquent CS Payments | To request that the IRS enforce collection of past-due child support. | APECS | No | IRS | AIRS | AIRS- 180 Days for worker to follow up with IRS |
| Application for Location Information | To allow authorized persons and agencies to request information available through the Federal Parent Locator Service. | SPARK | No | SPLS Unit | SELF | None |
| Appointment Letter | To notify an FEP participant of a Division scheduled appointment. | SPARK | No | NCP | SELF | None |
| Authorization to Drive to Appointments Required as a Participant in the Intensive Case Monitoring Program | To provide an AICMP or ICMP participant with the necessary documentation to comply with his/her restricted driver's license requirements. | APECS | No | NCP | ATDA | ATDA- same day as generated as a reminder to provide the notice to the NCP |
| Case Referral Checklist for Court Pleadings | To ensure that proper actions have been taken and systems checked prior to referring a case to court. | SPARK | No | Division | SELF | None |
| Change in Payee Notice | To provide notice to the parties that the payee on the case has changed. | APECS | Yes | NCP | ECPN | ECPN- 21days after generation to check for service |
| Change of Name-Address Request | To collect name and/or address changes from clients to update Division records. | SPARK | No | Requesting party | SELF | None |
| Change of Payee Temporary Request | To be used by the CP to 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. | APECS | No | CP | ECPT | None |
| Change of Physical Custody | To notify the parties on the case that there has been an assertion of change of physical custody. | APECS | No | NCP, CP | CPCL | None |
| Child Support Enforcement Services Application | To collect information necessary to open a child support enforcement case. | SPARK | No | Division | N/A | None |

| Document Name | Purpose | Document Location | Service of Process | Distribution | Event | Worklist Timeframe/ Purpose |
|---|---|---|---|---|---|---|
| Child Support Enforcement Services Application for the Department of Juvenile Justice | To collect the information from the Department of Juvenile Justice necessary to open a child support enforcement case. | Department of Juvenile Justice | No | Division | N/A | None |
| Child Support Enforcement Transmittal 1- Initial Request | To refer intergovernmental cases to any responding intergovernmental agency's central registry. | APECS | No | Intergovernmental agency | ICS1 | ICS1- 45 days after generation to check for response |
| Child Support Enforcement Transmittal 2- Subsequent Actions | To request or provide information on a previously referred intergovernmental case. | APECS | No | Intergovernmental agency | ICS2 | ICS2- 45 days after generation to check for response |
| Child Support Enforcement Transmittal 3- Request for Assistance/ Recovery | To request limited assistance from an intergovernmental agency when the case is being worked locally. | APECS | No | Intergovernmental agency | ICS3 | ICS3- 45 days after generation to check for response |
| Child Support Guidelines Worksheet | To calculate the amount of current child support- accompanies the ASO. | iAPECS | No | NCP, CP | CSGW | None |
| Closure Intent Notice | To provide notice to the applicant for services that the Division is proposing to discontinue IV-D services. | APECS | No | Applicant for services | CCIN | CCIN- 1 week prior to closure to review to ensure closure is still appropriate and to take any additional actions necessary |
| Compliance Letter | To notify the employer that Division records indicate they have not complied with an *IWO* and/or *NMSN* and are required to do so. | APECS | Not required but may be used | Employer | WCML | WCML- 15 days after generation to check for payment or employer response |
| Confirmation to Transfer Jurisdiction | To notify another state that the parties have agreed to transfer jurisdiction from Virginia to the other state. | SPARK | No | Intergovernmental agency, NCP, CP; Virginia Court when applicable | SELF | None |
| Consent Form to Obtain and Release Information | To obtain consent from a NCP participating in an FEP to obtain and/or release information. | SPARK | No | Division FEP Partners and Agencies | SELF | None |
| Consent to Release Contact Information for Access and Visitation Services | To obtain consent from a case participant for release of information to participate in the Access and Visitation Program. | SPARK | No | Provider of services | SELF | None |
| Consent to Request Birth Certificate | To obtain consent from an NCP participating in an FEP to request a copy of his/her birth certificate from DVR. | SPARK | No | DVR | SELF | None |
| Consumer Agency Reporting Notice | To notify the NCP that information will be provided to the consumer reporting agencies. | APECS | No | NCP | FCRA* | None |

| Document Name | Purpose | Document Location | Service of Process | Distribution | Event | Worklist Timeframe/ Purpose |
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| Contact Letter to NCP | To contact the NCP to request information or to provide information to him/her. | APECS | No | NCP | ECLA- Option 1<br>ECL1- Option 2 | ECL1- 15 days after generation to check for payment and/or NCP contact (Option 2 only) |
| Contact Letter to Non-Applicant CP | To notify the non-applicant CP that the NCP has applied for services. | SPARK | No | CP | SELF | None |
| Contact Letter to Non-TANF CP | To request the Non-TANF CP to submit information to process a case. | APECS | No | CP | CNPA | CNP1- 10 days after generation to check for CP response (Option 2 only); 15 days after generation to check for CP response (Option 3 or 5)<br>CNPA2- 1 day before scheduled appointment (Option 4 only) |
| Contact Letter to TANF CP | To request the TANF CP to submit information to process a case. | APECS | No | CP | CADC | CAD1- 15 days after generation to check for CP contact (Option 1 only)<br>CAD2- 1 day before scheduled appointment (Option 2 or 3) |
| Cooperation-Noncooperation Notification | To notify the LDSS of the CP's cooperation or noncooperation. | APECS | No | CP, Local DSS | NCLT | None |
| Corporation Request for Customer Information | To request information on the NCP from the customer records of a public corporation. | APECS | No | Public or Private Entity | LCRC* | LCRC- 30 days after generation to check for response |
| Counterfeit Currency Notification | To notify the NCP that the currency submitted for payment is suspected as counterfeit. | SPARK | No | NCP | SELF | None |
| Court Compliance Report | To notify the court of the NCP's participation and cooperation with the requirements of the ICMP. | SPARK | No | JDR Court, Legal Counsel | SELF | None |
| Court Date Notice | To notify parties on a child support matter of pending court action. | APECS | No | NCP, CP or Intergovernmental Agency when Virginia is the responding state | JCDN | None |
| Court Preparation Worksheet | To provide Division staff information needed for court proceedings. | APECS | No | Legal Counsel | CHPS | None |
| Custodial Parent Health Care Information | To collect health care information for the child(ren) when the CP has been ordered to provide health care. | APECS | No | CP | HICP | HICP- 15 days after generation to check for response |

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| Daily Payment Transaction Report | To record payments received by the District Office; includes all fee payments except reapplication fees | SPARK | No | District Office | N/A | None |
| Daily Payments Reconciliation | To provide daily verification and audit of payment logs and receipt books in the District Office | SPARK | No | District Office | N/A | None |
| Electronic Funds Transfer Information and Authorization Agreement | To provide information regarding EFT and obtain authorization from the CP to enroll in EFT. | SPARK | No | CP | SELF | None |
| Emergency Notice of Withdrawal of Passport Denial | To notify the Federal Office of Child Support Enforcement that the NCP qualifies for an emergency release from the Passport Denial Program. | SPARK | No | EFT/EDI Tax Intercept Unit | SELF | None |
| Employer Information Request | To obtain information from an employer about a PUTF's or NCP's location, employment, wages, etc... or a CP's access to health care coverage and/or information about children's enrollment. | APECS | No | Employer | LEIR* | LEIR- 30 days after generation- check for employer response |
| Enrollment Form | To obtain information necessary to enroll the NCP in an FEP and provide appropriate services. | SPARK | No | NCP | SELF | None |
| Family Strong Re-entry Program Contact Letter | To reschedule an NCP who misses an initial FSRP scheduled appointment. | SPARK | No | NCP | SELF | None |
| Final Notice of Payment in Error-Repayment Options | To notify the CP that a payment has been sent to him/ her in error and to determine the requested method of repayment; last notice prior to recoup. | APECS | No | CP | FNPE | FNPE- 15 days after generation to review for payment; send Notice of Recoupment if applicable |
| Financial Statement | To collect financial and other information necessary to establish or modify a support order. | APECS | No | NCP and/ or CP as applicable | EFNS | None |
| Freedom of Information Response | To respond to a Freedom of Information Act request. | APECS | No | Person, entity and/or legal representative submitting request | CFIR | None |
| General Testimony | To provide the detailed information and evidence needed to support the requested action in a petition to an intergovernmental agency. | APECS | No | Intergovernmental agency | IGTU | None |

| Document Name | Purpose | Document Location | Service of Process | Distribution | Event | Worklist Timeframe/ Purpose |
|---|---|---|---|---|---|---|
| Genetic Test Appointment Letter | To notify the PUTF and/or CP of the time and date of their Division scheduled genetic test appointment. | APECS | No | PUTF and/or CP | PBTA | PBTA- 1 day after appointment to verify testing done |
| Health Insurance Notice | To notify the CP that health insurance for the dependents has been obtained, terminated, changed, or is not available through the NCP's employer | APECS | No | CP | MHIN | None |
| Health Insurance Order Release | To notify the employer to release the requirement to enroll all or certain children on the case in employer sponsored health insurance. | APECS | No | Employer | MHIR | MHIR- 15 days to verify that employer has released NMSN |
| Health Insurance Verification Notice | To gather healthcare information from the CP for the children on the case so that an order may be established or modified appropriately. | SPARK | No | CP | SELF | None |
| Important Notice About Child Support | To notify the NCP about important information that affects those responsible for paying support. | APECS | No | NCP | INCS* | None |
| Income Withholding for Support | To notify the employer to withhold support from the NCP's earnings. | APECS | First class mail; electronic service on employer | Employer, NCP (employer provides copy to NCP) | WWEA | WWE1- 35 days after generation if no payment received to review for follow up as applicable |
| Inquiry to Licensing Authority | To obtain information from another state agency regarding the NCP's license, certification, registration or other authority held for purposes of enforcing past due child support. | SPARK | No | State Agency | SELF* | None |
| Intensive Case Monitoring Program Contact Letter | To notify an NCP enrolled in ICMP that s/he must contact the Division. | SPARK | No | NCP | SELF | None |
| Interim Application for Child Support -- Foster Care Only | To collect preliminary information from the LDSS necessary to open a child support enforcement case. | SPARK | No | Division | N/A | None |
| Interstate Case Problem | To request the assistance of another Central Registry in resolving a problem in an intergovernmental case. | APECS | No | Intergovernmental agency Central Registry | ICPL | ICPL- 15 days after generation to check for response |
| Interstate Request for Provision of IV-D Services | To notify District Office staff that an intergovernmental case has been received by Central Registry and assigned to their office. | APECS | No | District Office | IRPS | None |

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|---|---|---|---|---|---|---|
| Intrastate Request for Assistance | To request assistance from another District Office in completing an administrative and/or judicial action. | SPARK | No | Responding District Office | SELF | None |
| **Introduction to the Family Engagement Program** | To notify the CP that the NCP is participating in a Division FEP. | SPARK | No | CP | SELF | None |
| Jurisdiction Consent Form | To obtain voluntary consent from the nonresident NCP for Virginia to have personal jurisdiction over him or her. | SPARK | No | Division | SELF | None |
| Key to Identifying Barriers | To provide the FEP Case Manager with information regarding the NCP's barriers for purposes of providing service referrals- used in conjunction with the Enrollment Form | SPARK | No | Division | SELF | None |
| Legal Guardian Affidavit | To allow the legal guardian of a child to request that the child's birth certificate be amended to include the father's information. | SPARK | No | DVR | SELF | None |
| Legal Services Case Referral | To refer a case to Legal Counsel for review or to submit a legal question. | APECS | No | Legal Counsel | JLS1 JLSC | JLS1- 30 days after generation to check for response |
| Lien for Support Debt | To notify the circuit court that the assets of an NCP are encumbered because of a debt to the Commonwealth or to notify the holder of assets that the assets of the NCP have been encumbered. | APECS | No | Circuit Court (2 copies) | ALSD | ALSD- 15 days after generation to check for response from court and update Participant Lien List |
| Lien for Support Debt Release | To notify the circuit court that an administrative lien filed previously is released. | APECS | No | Circuit Court (2 copies) | ALSR | ALSR- 15 days after generation to check for response from court and update Participant Lien List |
| Locate Request Letter to US Citizenship and Immigration Services | To request information from US Citizenship and Immigration Services on individuals located in their Central Registry. | APECS | No | Immigration Services | LLRL | LLRL- 10 days after generation to check for response. |
| Long Arm Jurisdiction Affidavit | To obtain certification from the CP that circumstances exist allowing Virginia to obtain long arm jurisdiction over the NCP. | SPARK | No | Division | SELF | None |

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|---|---|---|---|---|---|---|
| Motion for Show Cause Summons | To request that the JDR Court issue a Show Cause Summons or Capias. | APECS | No | 1 for Legal Counsel; 1 for Division court file; 3 to JDR Court | JMS1- Option1 JMS2- Option 2 JMS3- Option 3 JMS4- Option 4 JMS5- Option 5 | JMS1- Option1 JMS2- Option 2 JMS3- Option 3 JMS4- Option 4 JMS5- Option 5- applies to all: 21 days after generation to add hearing date to schedule maintenance if date has been received from the court |
| Motion to Amend or Review Order | To request that the JDR Court modify an existing court order. | APECS | No | 1 for Legal Counsel; 1 for Division court file; 3 to JDR Court | JMO1- Option 1 JMO2- Option 2 JMOA- Option 3 | JMO1- Option 1 JMO2- Option 2 JMOA- Option 3- applies to all: 21 days after generation to add hearing date to schedule maintenance if date has been received from the court |
| National Medical Support Notice | To notify the employer to enroll the child(ren) in available health insurance. | APECS | No | Employer or Provider of Health Care Coverage | MHIO | MHI1- 35 days after generation to check for response from employer or provider of services |
| **Nondisclosure Information Notice to TANF CPs** | To provide the TANF recipient information about the right to have his/her information protected from the other party in family violence situations. | APECS | No | CP | LNDI | None |
| Non-Disclosure Addendum | To notify the sheriff or process server that the address of the party to be served is confidential and should not be released; accompanies pleading at time of filing. | APECS | No | JDR Court, Legal Counsel | JNDA | None |
| Nonresident Application Cover Letter | To mail with the Division's application package when a request for services is received from an out-of-state applicant. | SPARK | No | Prospective out-of-state applicant | N/A | None |
| Nonresident Status Letter | To notify a nonresident applicant of the status of his/her application for services. | SPARK | No | Nonresident party | SELF | None |
| Notice of Child Support Payment Processing Procedures | To notify the NIVD parties of the case number and provide payment processing procedures information. | SPARK | No | NIVD NCP and CP | SELF | None |
| Notice of DCSE Appeal Hearing -- In Person | To notify the CP or NCP that a request for a hearing has been received, and to provide information regarding the hearing. | APECS | No | NCP, CP and, if applicable joint account holder | APAH | APAH- 1 day prior to scheduled hearing as a reminder. |

| Document Name | Purpose | Document Location | Service of Process | Distribution | Event | Worklist Timeframe/ Purpose |
|---|---|---|---|---|---|---|
| Notice of DCSE Appeal Hearing -- Telephone | To notify the CP or NCP that a request for a hearing has been received, that they have been scheduled for a telephonic hearing, and to provide information regarding the hearing. | APECS | No | NCP, CP and, if applicable joint account holder | APTH | APTH- 1 day prior to scheduled hearing as a reminder. |
| Notice of Determination of Controlling Order | To notify another intergovernmental agency when a Virginia tribunal has made a determination of a controlling order when there are multiple orders governing the same obligor/obligee/child(ren). | APECS | No | Intergovernmental agency | IDCO | IDCO- 30 days after generation- check for response from other agency |
| Notice of Eligibility for Enrollment | To notify the CP of the children's eligibility for enrollment in DEERS. | APECS | No | CP | MHCC | None |
| Notice of Emancipation of Dependent | To notify the CP that Division records indicate the dependent is reaching age eighteen and child support may terminate on the eighteenth birthday unless the child is still a high school student and is living at home with the CP and to obtain information on the child's school enrollment. | APECS | No | CP | NEMD | NEMD- 20 days after generation to review for response |
| Notice of Fee Payment Due | To notify the NCP or CP of a fee or fees due and provide payment information for fees. | APECS | No | NCP or CP | NFPD | None |
| Notice of Full-Partial Release of Order to Withhold | To notify the financial institution or holder of assets to release all or part of the assets being held based on an *Order to Withhold* issued by the Division. | APECS | Yes | Holder of assets | ROWF- Full Release ROWP- Partial Release | None |
| Notice of Full-Partial Release of Order to Withhold - Insurance Assets (also CSLN Assets) | To notify the insurance company to release all or part of the assets being held based on an *Order to Withhold* issued by the Division. | APECS | Yes | Holder of assets | IORF - Full Release IORP- Partial Release | None |
| Notice of Intent to Petition Court to Suspend Occupational, Professional or Trade License, Certificate, Registration or Other Authority | To notify the NCP that a petition will be filed with the court to suspend a license, certificate, registration or other authorization to engage in business, trade, profession or occupation, or recreational activity as a result of a child support delinquency. | SPARK | Certified mail return receipt with proof of actual receipt; sheriff or private process server | NCP | SELF | None |

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| Notice of Intent to Suspend Driver's License | To notify the NCP of the Division's intent to suspend his/her driver's license if the arrears are not paid in full or arrangements to pay the arrears are not made. | APECS | Yes | NCP | NISD* | RDMV- 33 days after generation to review for driver's license suspension |
| Notice of Lien | To file a lien in another state. | APECS | No | Holder of assets (e.g. Clerk of Court, DMV, County Auditor, etc… in other state) and NCP | ILIE | ILIE- 20 days after generation- check for response from Holder of Assets |
| Notice of Payment in Error- Repayment Options | To notify the CP that a payment has been sent to him/ her in error and to determine the requested method of repayment - initial notice. | APECS | No | CP | NOPE | NOPE- 20 days after generation to review for response; send Second Notice as applicable |
| Notice of Proposed Review | To notify the parties on a case that a review has been initiated and a financial statement is needed. | APECS | Service on non-requesting party/ parties; first class mail to requesting party | NCP, CP | REVP | REVP- 15 days after generation to check for service on the nonrequesting party. |
| Notice of Recoupment- Repayment Options | To notify the participant that a payment sent in error will be recouped unless paid in full and to determine the requested method of repayment. | APECS | No | NCP or CP | NREC | NREC- 20 days after generation to review for payment, set-up recoupment account |
| Notice of Rescheduled Appeal Hearing | To notify the NCP or CP that a hearing has been rescheduled- used by Appeals & Fair Hearings only. | APECS | No | NCP, CP | APRH | APRH- 1 day prior to scheduled hearing as a reminder. |
| Notice of Review Results- Incarcerated Noncustodial Parent | To notify an incarcerated NCP of the review results requested by him/her. | APECS | No | NCP | REVI | None |
| Notice of Review Results of Administrative Support Order | To notify both parties on a case of the results of the review of the support obligation for an ASO. | APECS | No | NCP, CP | REVA | REVA - 15 days after generation. Review to issue ASO. |
| Notice of Review Results of Court Support Order | To notify both parties on a case of the results of the review of the support obligation for a Virginia court order. | APECS | No | NCP, CP | REVC | REVC-35 days after generation to review for court date. |
| Notice to Court of Change in Payee | To notify the court that the Division has changed the payee. | SPARK | No | Virginia Court | SELF | None |
| Notification of Action Taken | To notify the CP of actions taken on the case. | APECS | No | CP | CNAT | None |

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| Notification of Right to Request a Review and Adjustment | To notify the parties on a case of the right to request a review of the obligation every 3 years. | APECS | No | NCP, CP | NRRR | None |
| Order to Deliver | To notify the financial institution or holder of assets to remit to the Division property, assets or money that is being held based on an *Order to Withhold* issued by the Division. | APECS | No | Holder of assets | AORD | AORD- 15 days after generation to check for receipt of funds |
| Order to Deliver - Insurance Assets (also CSLN Assets) | To notify the insurance company to remit to the Division assets that are being held based on an *Order to Withhold* issued by the Division. | APECS | No | Holder of assets | IORD | IOR1- 15 days after generation to check for receipt of funds |
| Order to Withhold | To notify a financial institution or other holder of assets in possession of assets belonging to an NCP that such property is to be withheld to satisfy a support debt and to notify the NCP of his/her appeal rights. | APECS | Yes | Holder of assets, NCP | AORW- Holder of Assets AOAP- NCP | AORW- 5 days after generation to verify service on holder of assets<br>AOAP- 15 days after generation of OW to Holder of Assets to verify OW issued to NCP<br>AOR2- 21 days after generation to Holder of Assets to check for answer<br>AOR3- 15 days after date of successful service of process on NCP; review to issue Order to Deliver<br>AOR4- 60 days after generation if service has not been updated for NCP |
| Order to Withhold - Insurance Assets (also CSLN Assets) | To notify the insurance company in possession of assets belonging to an NCP that such property is to be withheld to satisfy a support debt and to notify the NCP of his/her appeal rights. | APECS | Yes | Holder of assets, NCP | IORW- Insurance Company IOAP- NCP | IOR2- 10 days after generation to verify service on insurance company<br>IOAP- 21 days after date generation to verify service on NCP |
| Order to Withhold Addendum -- NIVD Case | To provide the NCP with the appropriate information to request an appeal when an Order to Withhold has been issued on a NIVD case; accompanies the *Order to Withhold* or *Order to Withhold Insurance Assets* | SPARK | No | Holder of assets, NCP | SELF | None |

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| Order to Withhold Joint Account Holder Notice | To notify a joint account holder that the Division has placed a hold on his/her financial account and to advise of his/her appeal rights. | APECS | Service on both | Joint account holder, Holder of assets | AJAH | AJAH- 6 days after generation to check for service |
| Orientation Checklist | To obtain the NCP's acknowledged agreement to the terms of the FEP. | SPARK | No | NCP, Division | SELF | None |
| Parentage Supplement to Petition | To provide necessary information to the court when requesting that the court establish parentage; accompanies *Petition for Support (Civil).* | APECS | No | JDR Court | JPPS | None |
| Participation Agreement | To obtain the NCP's agreement to participate in the FEP. | SPARK | No | NCP, Division | SELF | None |
| Participation in Administrative Proceeding Acknowledgement | To obtain acknowledgement from an active duty Servicemember that he/she has had the opportunity to fully participate in an administrative proceeding. | SPARK | No | Division | SELF | None |
| Passport Issuance Tracking Letter | To obtain the date of issue for the NCP's passport from the Department of State. | SPARK | No | Department of State | SELF | None |
| Paternity Certification Notice | To notify the PUTF that genetic testing did or did not legally establish paternity. | APECS | No | PUTF | PPCN | None |
| Payment Agreement -- Professional Occupational License | To obtain the NCP's agreement to make ongoing payments to stop the suspension of his/her professional or occupational license. | APECS | No | NCP | SPAL* | None |
| Payment Agreement- Post DMV | To obtain the NCP's agreement to make ongoing payments to reinstate his/her driver's license. | APECS | No | NCP | DMV2* | LPAY- in the prior month, the NCP failed to pay the full amount due as per payment agreement NPAY- in the prior month, the NCP failed make any payment per payment agreement |

| Document Name | Purpose | Document Location | Service of Process | Distribution | Event | Worklist Timeframe/ Purpose |
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| Payment Agreement- Pre DMV | To obtain the NCP's agreement to make ongoing payments to stop the suspension of his/her driver's license. | APECS | No | NCP | DMV1* | LPAY- in the prior month, the NCP failed to pay the full amount due as per payment agreement NPAY- in the prior month, the NCP failed make any payment per payment agreement |
| Payment Record Letter | To provide the CP or NCP with information regarding the payment history on a case. | APECS | No | NCP or CP | CPRA | None |
| Petition and Order to Suspend Driver's License- Failure to Pay Child Support | To request that the court suspend the NCP's driver's license for failure to pay support or failure to comply with a subpoena, summons or warrant. | APECS | No | 1 for Legal Counsel; 1 for Division court file; 3 to JDR Court | JPDS | JPDS- 21 days after generation to add hearing date to schedule maintenance if date has been received from the court |
| Petition for Support -- Civil | To request that the JDR Court issue a support order. | APECS | No | 1 for Legal Counsel; 1 for Division court file; 3 to JDR Court | JPSC- Option 1 JPS3- Option 3 | JPSC- Option 1 JPS3- Option 3 - applies to both : 21 days after generation to add hearing date to schedule maintenance if date has been received from the court |
| Postmaster Verification Request | To obtain or verify a residential and/or mail address for an NCP. | APECS | No | USPS | LPVR* | LPVR-30 days after generation to check for response |
| Program Agreement | To provide the individual specific terms of an NCP's FEP participation requirements. | SPARK | No | NCP, Division | SELF | None |
| Project Save Our Children Referral Checklist | To ensure that the criteria for Project Save Our Children referral are met. | SPARK | No | Division | SELF | None |
| Putative Father Consent Form | To obtain consent from the PUTF CP to send the genetic test results to the LDSS. | SPARK | No | Local DSS | SELF | None |
| Reapplication Fee Deposit Form | To record a reapplication fee received in the District Office | SPARK | No | District Office, SDU | N/A | None |
| Reapplication Fees- Monthly Payment Transaction Report | To create a monthly summary of reapplication fees received in the District Office | SPARK | No | District Office, SDU | N/A | None |
| Registration Statement | To request registration of an order for enforcement and/or modification in an intergovernmental case. | APECS | No | Intergovernmental agency | IRST | None |

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| Release of Income Withholding Order | To notify an employer to release a Division-issued *IWO*. | APECS | No | Employer | WWRL | WWRL- 15 days after generation to verify IWO has been released |
| Report of Search | To provide information found in response to a locate-only request from an authorized source. | APECS | No | Requesting party | LRPS* | None |
| Request for Case Closure | To allow the applicant for services to request a termination of IV-D services. | SPARK | No | Applicant for services | SELF | None |
| Request for Information from Court -- NIVD | To request a copy of the *Income Deduction Order* issued by the court to process a NIVD case. | SPARK | No | Court | SELF | None |
| Request for Payment Transfer/ Refund | To request transfer of payments from one participant to another participant or from one case to another case; or to refund a payment. | SPARK | No | SDU | SELF | None |
| Request for Phone Contact | To remind the NCP of his/ her failure to appear for a scheduled appointment & the need to reschedule. | SPARK | No | NCP | SELF | None |
| Request for Review and Adjustment | To provide information to a case participant interested in requesting a modification and a form on which the request can be made | APECS | No | Requesting party | RQRA | None |
| Request for Virginia Registration of Non-Virginia Support Order | To request that the JDR Court register a foreign support order or orders. | APECS | No | 1 for Legal Counsel; 1 for Division court file; 3 to JDR Court | RQRG | RQRG- 90 days after generation to verify order has been registered |
| Request for Witness Subpoena | To request that the JDR Court issue a Witness Subpoena for a case. | APECS | No | 1 for Legal Counsel; 1 for Division court file; 1 to JDR Court | JRWS | None |
| Returned Check Letter | To notify the NCP that the check submitted to the Division was not honored by the financial institution on which it was drawn. | APECS | No | NCP | FRCL* | FRCL- 15 days after generation to review for replacement funds |
| Returned Check Letter Employer Not Honored | To notify the employer that the check submitted to the Division was not honored by the financial institution on which it was drawn. | APECS | No | Employer | FERL* | FERL- 15 days after generation to review for replacement check |
| Review and Adjustment Termination Notice | To notify both parties on a case that the review and adjustment is being terminated. | APECS | No | NCP, CP | RARW | RARW- 15 days after generation to review to see if the non-requesting party has submitted a request to continue the review |

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|---|---|---|---|---|---|---|
| Review Request Denied | To notify the requestor of a review for possible adjustment that the review cannot be initiated. | APECS | No | Requesting party | RARD | None |
| Second Notice of Payment in Error-Repayment Options | To notify the CP that a payment has been sent to him/her in error and to determine the requested method of repayment - second notice. | APECS | No | CP | SPEL | SPEL -15 days after generation to review for response or send final notice |
| Seizure and Sale Checklist | To ensure that the criteria for seizure and sale are met. | SPARK | No | Division | SELF | None |
| Seizure and Sale Payment Agreement | To obtain the NCP's agreement to make ongoing payments to prevent the seizure and sale of his/her real property. | SPARK | No | NCP | SELF | None |
| Service of Process Cover Letter | To advise the private process server or out of state agency that service is needed. | SPARK | No | OOS agency or private process server | SELF | None |
| State Income Tax-Lottery Winnings Intercept Notification | To notify the NCP that his/her state income tax or lottery winnings will be applied to the child support debt. | APECS | No | NCP | TSTI | None |
| State Referral: Federal Criminal Prosecution for Non-Support-Project Save Our Children | To provide required and requested information for a Project Save Our Children referral. | OCSE Website<<add link>> | No | OCSE PSOC Coordinator | SELF | None |
| Statement of Payments | To collect information on payments made during periods when a case with the Virginia Division of Child Support was not open; copy of completed SOP sent to other party for verification. | SPARK | No | NCP or CP | SELF | None |
| Stop Payment Request Affidavit | To allow the payee on a check to request stop payment and reissue of payment. | SPARK | No | Payee on check | SELF | None |
| Subpoena Duces Tecum | To obtain financial records or information from any person, firm, corporation, association, political subdivision, or state agency. | APECS | Sheriff or process server | Custodian of records | ERSD | ERSD- 21 days after generation to verify service<br>ERS1- 30 days after successful service date to check for response |
| Support Collection Notice to CP | To notify the current IV-A or former IV-A CP of support collected on his or her case(s) for the most recent quarter. | APECS | No | CP | FSCN | None |

| Document Name | Purpose | Document Location | Service of Process | Distribution | Event | Worklist Timeframe/ Purpose |
|---|---|---|---|---|---|---|
| Termination of Administrative Support Order | To terminate an ASO and set arrears. | SPARK | No | NCP, CP | SELF | None |
| Termination Notice | To notify the NCP that s/he has been removed from the FEP when the NCP has failed to abide by program terms. | SPARK | No | NCP | SELF | None |
| Thrift Savings Plan | To provide additional information to the holder of assets when issuing an *Order to Withhold* to the Federal Thrift Savings Plan. Accompanies the *Order to Deliver*. | SPARK | No | Holder of assets | SELF | None |
| Transition Letter | To notify the former TANF recipient that the Division will continue to provide services and of his/her right to request that the Division discontinue IV-D services. | APECS | No | CP | CTRA | None |
| Transition Letter-Suspended TANF Case | To notify the TANF recipient with a suspended case that the Division will continue to provide services and of his/her right to request that the Division discontinue IV-D services if the TANF case closes. | APECS | No | CP | CTRA | None |
| Uniform Support Petition | To provide the legal pleading needed for the responding state to initiate action on an interstate case. | APECS | No | Intergovernmental agency | IUSP | None |
| Vendor Payment Intercept Notification | To notify the NCP that his/her payment as a vendor will be applied to the child support debt. | APECS | No | NCP | TVPI | None |
| Virginia's Intensive Case Monitoring Program Funds Request | To request approval for expenditures related to Family Engagement Programs. | SPARK | No | Home Office | SELF | None |
| Voluntary Agreement for Genetic Testing | To obtain the agreement of the PUTF to have genetic testing completed-submitted as part of the genetic testing package. | APECS | No | DVR | PVAB | None |
| Waiver of Formal Service of Process | To allow the Division to execute service of a document on an individual in person rather than by formal service. | APECS | No | Division | SPRW | None |

## Appendix 13.02 Records Retention Schedule for DCSE Closed Case Files: (07/2013)

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 two series of records, as follows:

| EFFECTIVE SCHEDULE DATE: 3/14/2013 | | |
|---|---|---|
| RECORD SERIES AND DESCRIPTION | SERIES NUMBER | SCHEDULED RETENTION PERIOD AND DISPOSITION METHOD |
| Closed Case Record: Obligated Legal Parent with Children Not Emancipated<br><br>The series documents cases in which paternity has been established and a support order exists or existed but the child(ren) has/have not been emancipated and there is no means of collecting support money. This includes cases where Virginia<br><br>was enforcing but which closed for no current support order; DCSE was unable to contact the custodial parent; custodial parent was uncooperative; DCSE was unable to locate noncustodial parent; noncustodial parent was institutionalized past the age of majority of the child; client was receiving SSI; client requested the case be closed; initiating state was uncooperative; and custodial parent withdrew authorization to enforce the case. This series may include but is not limited to: application for child support services, acknowledgment of paternity, case worker notes, and custody papers. 45CFR303.11(14)(c) | 200139 | Retain 10 Years after closed<br>Confidential Destruction |
| Closed Case Record: Obligated Paid in Full with Children Emancipated. Obligated Cases Where Support Can Not Be Collected and Unobligated Cases<br><br>This series documents cases in which legal parents have met their obligation, no current support order exists, no debt is owed, and the child(ren) has/have been emancipated. This also includes cases opened for locate only purposes; cases where the NCP was not obligated; cases where collection of support is not authorized; cases where an obligation exists but where support was not collected because good cause exists; cases opened in error; and obligated cases where the NCP is deceased. This series may include but is not limited to: application for child support services, acknowledgment of paternity, case worker notes, and custody papers, lien notices, and affidavits of non-disclosure. 45CFR303.11(14)(c) | 200140 | Retain 3 years after closed<br>Confidential Destruction |

The retention requirements for the Division's administrative and general records are set forth in the General Schedules of the Library of Virginia.

**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.

Following are instructions for warehousing in 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.

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:

1. Enter all new boxes
2. Track boxes and files your agency has stored at the SRC
3. Request pickup and delivery of records; faxes and other paper forms will no longer be accepted
4. Locate boxes that are eligible for destruction to help save on storage fees
5. Print barcodes for new boxes
6. 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.

1. Creating a new box
2. Creating new files
3. Updating existing files or boxes
4. Printing labels
5. Searching for boxes or files
6. Requesting boxes or files

## Appendix 16.01 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 | | |

# APECS USER GUIDE

This User Guide is a companion and supplement to the DCSE Program Manual. This User Guide contains step-by-step procedures for performing various functions in APECS.

**A.** Issuing the IWO
**B.** Procedures for Federal and State Offset Programs
**C.** Generating a Payment Agreement for Driver's License Suspension
**D.** Procedures for Excluding a Participant or a Case from Submission to CSLN
**E.** Procedures for Releasing and Including VEC Withholding
**F.** Deleting the MHI1 Worklist
**G.** Case Event Entries
**H.** Participant Event Entries
**I.** Inquire AP Supplemental Screen (Fast Path 02,06)
**J.** Procedure to Submit a SVES Request
**K.** APECS Codes

## A. Issuing the IWO (09/2012)

1. On-line Generation of the IWO

   The IWO is issued on Virginia orders and out-of-state orders.

   a. 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.

   b. 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.

   c. 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.

   d. Enter the amount required for an arrearage payment.

2. Batch Generation of the IWO

   The batch generation of the IWO is automated and does not require worker initiation.

   a. APECS matches the state new hire file using the NCP's SSN daily.

   b. A subsequent match is made comparing the NCP's name to the name on APECS; the full last name and the first 4 letters of the first name must be an exact match.

   c. Matched cases are checked for an open status.

d. 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.

e. 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.

f. If APECS does not find the state new hire employer in the table, the employer is added, using the Federal EIN as the key.

g. 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".

h. 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.

3. *Alternative Payment Arrangement Agreement*

a. If a written document other than the *Alternative Payment Arrangement Agreement* is used, then APECS must be updated to reflect this information.

b. When using a written agreement, other than the *Alternative Payment Arrangement Agreement*,

1) In instances when the parties are requesting that no IWO be issued, ensure that both the CP and the NCP sign the form or other written request.

2) In instances where there is a finding of good cause, the CP's signature is not necessary.

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.

d. Document the Case Event History to show that the parties agreed to an alternative payment arrangement or that there is a finding of good cause 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.

f. If the NCP does not comply with the terms of the written agreement, enter an "N" in the *Alternative Payment Arrangement Agreement* indicator field on the APECS Update/Create Support Order screen to indicate that the Alternate Agreement is no longer applicable.

4. *Electronic Income Withholding Order (EIWO)*

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.

**B. Procedures for Federal and State Offset Programs (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 4 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. How to manually set the exclusion/removal indicators

   a. Division staff have two options available for excluding/removing NCPs from one or more of the federal offset programs- Federal Tax Offset, Passport Denial, Financial Institution Data Match (FIDM), Administrative Offset, and Insurance Match, as well as the State Offset Programs- State Tax and Lottery Winnings and Vendor Payments.

      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 federal and/or state offset programs:

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 5 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.

3. How to manually add NCPs previously excluded/removed from federal and/or state offset programs.

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 5 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.

## C. Generating a Payment Agreement for Driver's License Suspension

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

c. 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.

**D. 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.

## E. 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.

**F. Deleting the MHI1 Worklist**

If:

1. the employer does not maintain or contribute to plans providing dependent health care coverage, then

   a. delete the MHI1 worklist for the related employer.

   b. enter the code OBNA as the delete disposition.

2. the employee is among a class of employees (e.g., 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, then

   a. delete the MHI1 worklist for the related employer.

   b. enter the code OBNA as the delete disposition.

3. Health care coverage is not available because the employee is no longer employed, then

   a. delete the MHI1 worklist for the related employer.

   b. enter the code OBNA as the delete disposition.

   c. enter the end date on the related employer on the NCP's employment history and add a note to record any additional information received.

4. State or Federal withholding limitations and/or prioritization prevent the withholding from the employee's income of the amount required to obtain coverage under the terms of the plan, then

   a. delete the MHI1 worklist for the related employer.

   b. enter the code WLPW as the delete disposition.

**G. Case Event Entries**

1. 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> and <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. *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>.

2. Manual Documents (for example):

a. *Inquiry to Licensing Authority* (Form DCSE-776)

1) the Effective Date is the date the document is generated;

2) the Event Type is <SELF>; and

3) the Event Description is <CONTACT LET LICENSE AGENCY>.

b. *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>.

c. *Petition for Suspension of Professional or Other License* (Court form DC-670))

1) The Effective Date is the date the document is generated.

2) The Event Type is <SELF>.

**H. Participant Event 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.

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. *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))>.

b. *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>

## I. 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.

## J. Procedure to Submit a SVES Request

To submit a SVES request:

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.

## K. APECS Codes (07/2014)

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 Private Service Process Fee
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 PUTF 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 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 |

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) (07/2014)**

The reason a case has been closed. The field name could also be Closed Status.

| | |
|---|---|
| CDIE | NCP or PUTF 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**

High Priority
Mid Priority
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 |
| NADC | Non Public Assistance |
| NIVD | Non IV-D |
| SLFC | State and Local Foster Care |

<u>Subcategories</u>

Arrears Only = ARRP, ARRN
ADC Types = ADC, ADCU, ARRP, FC

NPA Types = NADC, SLFC, ARRN

**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 |

**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 |

**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

**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 |
| 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
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

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**

Medical
Dental
Vision
Prescription Drug
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**

Hospital
Hospital/Surgical
Hospital/Surgical/Major Medical
HMO
CHAMPUS
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**

Client is Cooperative
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 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 (07/2014)**
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 PUTF 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**

| | |
|---|---|
| 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**

Protective Payee; check payable to payee for client
Payee (In Household); check payable to payee for client
Legal Representative (Out of Household); check payable to payee for client
In Care of Address, check payable to client at payee's name and address
Mailing Address (VACIS/ADAPT) cases only)
Emergency Payee
Authorized Representative
Custodial Parent
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**

Court
DCSE
Direct to Recipient
Retained by Client
Client Turns Over to DCSE

**PAYMENT/EVENT TYPE**

| | |
|---|---|
| ADJ | Manual Adjustment |
| AFBT | Blood Test Fee |
| AFLG | Legal Fee |
| AFDC | ADC Opening |
| 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**

<u>Newly Entered Orders</u>

| | |
|---|---|
| MNEW | New Order |

<u>Modified Orders</u>

| | |
|---|---|
| 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 |

<u>No Modification Occurs as a Result of the Review</u>

| | |
|---|---|
| MDRR | Order Due for Review (36 Month Review Requirement) |

<u>To Correct or Update Order Information – Last Review Date NOT Reset</u>

| | |
|---|---|
| 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 |

Other

| | |
|---|---|
| P | Payment Processing |
| R | (USED FOR DEVELOPMENT ONLY) |
| S | Intercept |
| T | Trade |
| V | Revenue Control |
| X | Exceptions Processing |

**REQUEST TYPE (REVIEW AND ADJUSTMENT)**

| | |
|---|---|
| RQIN | Request by incarcerated NCP |
| RQCP | Request from Custodial Parent |
| RQDC | Request by DCSE |
| RQNC | Request from Noncustodial 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 | Permanently Assigned Arrears |
| AFDCAI | Permanently Assigned Arrears Interest |
| 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 |
| CTNFAI | Conditionally Assigned Arrears Interest |
| FCARA | Foster Care Arrears |
| NPAAA | Custodial Arrears |
| NPAAA | Never Assigned Arrears |
| NPAAAI | Never Assigned Arrears Interest |
| OSTA | Other State Arrears |
| RCP1 | Recoupment Non Sufficient Funds |
| RCP2 | Recoupment NPA |
| RCP3 | Recoupment Emergency Payments |
| RCP4 | Recoupment IRS |
| 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 |
| URPA | Welfare URPA |
| VLTY | Voluntary |

**SUPPORT TYPE**
The type of support that has been ordered

| | |
|---|---|
| CHLD | Child Support |
| MEDC | Medical |
| MEDI | Medical Services |
| SPSL | Spousal Support |
| MISC | Miscellaneous |

**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**

Reserved by IV-A
Protective payee/Emergency Payee, payable to payee for client
Payee (In Household), payable to payee for client
Legal Representative (Out of Household), payable to payee for client
In Care of Address/Authorized Representative, payable to client in care of payee's name and address
Mailing Address
Emergency Payee
Authorized Representative
Reserved by IV-A
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.

**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 |

**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 |

**UNSUCCESSFUL REASON OF SERVICE (Administrative Documents)**

| | |
|---|---|
| A | Addressee unknown |
| N | No Longer At Address |

Other

| | |
|---|---|
| R | Residence Not Occupied |
| U | Unsigned/Unclaimed |
| W | Wrong Address |

**UNSUCCESSFUL REASON OF SERVICE (Income Withholding Documents)**

No Longer Employed
Commission Employer
Never Employed
Business Closed
Business/Addressee Unknown

**UNWORKABLE REASON**

| | |
|---|---|
| UADC | NCP Receives TANF, TANF-UP, GR cash benefits (or other public assistance on foster care cases) |
| UINC | NCP Incarcerated |
| UINS | NCP Institutionalized |
| ULLI | NCP Not Found, Lack of Information (obsolete) |
| ULOC | Unable to Locate NCP (obsolete) |
| USSI | NCP Receives SSI |
| WORK | Case is Workable |

**WAGE WITHHOLDING CODE**

| | |
|---|---|
| N | No Wages Withheld |
| Y | Wages Withheld |
| 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<br><br>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.<br><br>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.<br><br>On VACIS: ADCU is category 217.<br><br>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.<br><br>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.<br><br>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.<br><br>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.<br><br>After reviewing data and all worklist items, refer case to appropriate specialist and delete worklist items. |
| AF11 | ADC TRADE CASE VALUE - :<br>"0"<br><br>* A non-critical worklist item | Indicates whether client is participating in a job training program. If value = 0, client is not participating in the trade program | For D.O. Worker: No action required. Home Office will update the trade case information in APECS as needed. |
| AF12 | <MPI #> HAS 0 NON-COOP STATUS<br><br>*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<br><br>A non-cooperation status = 0 means the client is cooperating.<br><br>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<br><br>***A Critical worklist item*** | Indicates that IV-A has determined Good Cause now exists on the case.<br><br>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.<br><br>To close IV-D case: Change case status to CLSD and use a close reason = CGCA (03,06,F2). |

| | | | |
|---|---|---|---|
| AF15 | ADC CASE NUMBER CHANGE<br><br>* A non-critical worklist item | Indicates the IV-A case number has changed | No worker action required. |
| AF17 | <MPI#> ADC SUPRT ORD<br><br>* 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.<br><br>The MPI# listed is the AP's MPI#. | Review the Case Referral Supplemental screen (02,02,F9,F10).<br><br>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<br><br>***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.<br><br>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.<br><br>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:<br><br>C53 CHILD(REN) NO LONGER DEPRIVED<br>C54 ABSENT PARENT RETURNED HOME<br>C55 PAYEE NOT OF SPECIFIED RELATIONSHIP<br>C56 NO ELIGIBLE CHILD IN HOME<br>C60 ELIGIBLE FOR ADC (ADC/UP)<br>C62 ADC-UP CASE RCVD 6 MNTHS BENEFITS<br>C67 ONE PARENT IN HOME ADC/UP)<br>C69 ADOPTION COMPLETED (ADC-FC)<br>C70 CHILD RETURNED TO PARENT (ADC-FC)<br>C86 PENDED/APPROVED IN ERROR<br><br>*** A Critical worklist item *** | Indicates a IV-A closure.<br><br>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.<br><br>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.<br><br>If IV-D case needs to be closed, close case per Policy (03,06,F2)<br><br>If IV-D case is to remain open,<br>Determine the new case type and Change type on Case Record screen (03,06,F2) * Case Type can become NADC or ARRP<br>2) Release the hold status on the Case and CP financial accounts (05,07) |
| AF30 | ADC CASE REOPENING – RSN | Indicates a reopening to IV-A. IV-A had previously closed | No worker action required. |

| | | | |
|---|---|---|---|
| | A80 or A81<br><br>* A non-critical worklist item | 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. | 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<br><br>***A Critical worklist item*** | Indicates a participant was added to the IV-A grant.<br><br>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<br><br>***A Critical worklist item*** | Indicates a participant was removed from the IV-A grant.<br><br>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.<br><br>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<br><br>***A Critical worklist item*** | Indicates the dependent is linked to the wrong AP. Either IV-A referred incorrect information to IV-D or the CP gave IV-A incorrect information.<br><br>MPI# = Child's MPI# | Access the IV-A Automated 501 Referral system to determine which dependent(s) should be correctly linked to the AP. Update participants on the IV-D case accordingly (03,06)<br><br>To Inactivate a Participant: Change the participant's status from "A" (Active) to "I" (Inactive) (03,06, F9,F9). |
| AF60 | <MPI#> DEMOGRAHICS DATA CHGD<br><br>*Initially, <u>may be</u> 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<br><br>*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 -: #<br><br>*A non-critical worklist item | Indicates CP is participating with the JOBS program. IV-A tracks the JOBS information.<br><br>The # will be:<br>0=CP Not Participating<br>1=CP Participating | No worker action required. |
| AF63 | <MPI#> RCVD ## DEPRIVATN STATUS<br><br>The ## will be one of the following deprivation reason | 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. | 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 |

| | | | |
|---|---|---|---|
| | codes:<br><br>00 = Not Applicable<br>01 = Legal parent Deceased<br>02 = Incapacitated – In the Home<br>03 = Parents Divorced or Annulled<br>04 = Parents Deserted<br>05 = Parents Separated<br>06 = Paternity Not Established<br>07 = Parent Incarcerated<br>08 = Convicted Offender – In the Home<br>09 = Incapacitated – Not in the Home<br>10 = Parent Deported<br>13 = Unemployed Parent<br><br>*Initially, one of the AF triggers received as a part of the case opening action. | MPI# = Child's MPI#, *except* for deprivation status 00 when it is the CP's MPI#.<br><br>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.<br><br>There will be an AF63 worklist item for each child on the case. | supplied by the CP to IV-A. This info may or may not have been verified.<br><br>If the deprivation reason is set to one of the following 4 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 1 of the 4 codes, the IV-D worker needs to review the case and determine what action(s) to take, according to Policy.<br>The following deprivation codes are significant *after case initiation (should not get these worklists upon Case opening):*<br>01 = Legal parent Deceased<br>02 = Incapacitated – In the Home<br>08 = Convicted Offender – In the Home<br>13 = Unemployed Parent |
| AF70 | <MPI#> ADC ADDRESS CHGD<br><br>*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.<br><br>MPI# = AP's MPI# | Review the AP's participant address (02,05)<br><br>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.<br><br>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<br><br>*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<br><br>*This worklist is not the result of the interface; APECS notifies all workers | Indicates a case has been referred to the Intake Unit worker.<br><br>NOTE: There will one RWR1 worklist item for each case built through the Interface. | 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 |

| | | | |
|---|---|---|---|
| | of a case referral via the RWR# worklist. | NOTE: The case opening worklist items (ADC, ADCU, FC) also indicate newly assigned cases to the workers. | 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 |