Table of Contents

Table of Contents

Chapter 1: Confidentiality and Security 2
Chapter 2: Case Management 36
Chapter 3: Family Engagement 71
Chapter 4: Intake 80
Chapter 5: Locate 109
Chapter 6: Establishment 126
Chapter 7: Enforcement 178
Chapter 8: Review and Adjustment 296
Chapter 9: Intergovernmental Services 331
Chapter 10: Legal 367
Chapter 11: Fiscal 416
Chapter 12: Case Transitions and Closure 526
Chapter 13: Non-IV-D Cases 556
Chapter 14: Resources 562

Table of Contents

Chapter 1: Confidentiality and Security

Only the State Board of Social Services has the authority to establish policy for the Department of Social Services (the Department). The Division of Child Support Enforcement's (the Division) Program Manual is a guidance document, and as such, it does not have the force of law and therefore, does not bind the Division or the Department 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.

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

1.1 Confidentiality and Release of Information

A. Overview (08/2017)

Federal and state laws require the Division to safeguard all personal information it collects about all case participants. All Division employees will maintain confidentiality of records. Release information only when the release is authorized under applicable federal and state laws.

B. Conflict of Interest (09/2022)

1. The Virginia Department of Social Services (VDSS) operates to serve the public interest. The Division administers a conflict of interest policy that complies with the Virginia State and Local Conflict of Interests Act and provides reasonable assurance that all Division staff (including contractors, interns, externs, volunteers and auditors) perform their official responsibilities in an objective and impartial manner that promotes the Division's interests and statutory purposes.
2. Conflict of interest is a set of circumstances that creates a risk that a person's professional judgment or action regarding professional duties could be compromised due to a personal relationship. Having a conflict of interest does not imply that illegal or unethical behavior has occurred.
3. All Division employees are responsible for obeying the conflict of interest requirements. Any action that violates this responsibility is grounds for disciplinary action under the Commonwealth of Virginia's Department of Human Resources' Standards of Conduct.

Table of Contents

Discipline for a first-time violation may result in termination of employment and potential criminal prosecution.

4. 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.

   a. Division management discuss the conflict-of-interest policy with all new employees within 3 days of employment and annually thereafter.

   b. Employment in this context includes, but is not limited to, unpaid employment, self-employment, internships, externships and volunteer work.

   c. All employees must read and sign the *DCSE Conflict of Interest Guidelines and Acknowledgment Form (Conflict of Interest Guidelines)* within 3 days of initial hire, transfer or promotion certifying that he or she understands the ramifications of any violations. Provide a copy of the *Conflict of Interest Guidelines* to the employee and place a copy in his or her personnel file.

   d. The *Conflict of Interest Guidelines* is reviewed and signed annually thereafter. Division supervisory staff refer to the Conflict of Interest Standard Operating Procedures.

5. 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 (unauthorized disclosure) and

   c. Unauthorized access

6. Secondary Employment and Conflict of Interest

   a. The Division is considered as the primary employer as all Division staff work to serve the public interest.

   b. Division employees are not prohibited from secondary employment, but the secondary employment should not create a conflict of interest (COI). Secondary employment outside of the Division creates a COI when the employment

Table of Contents

1) Engages in the same or very similar duties as VDSS
2) Directly competes with VDSS services
3) Is regulated by VDSS
4) Provides goods or services to VDSS
5) Performs work that uses the same time, resources and/or contacts as VDSS
6) Interferes with the employee's ability to fully perform his/her Division employment responsibilities
7) Violates VDSS policies

c. Division employees must disclose any secondary employment, including self-employment, and employees must disclose secondary employment prior to starting or continuing to engage.

d. Report secondary using the *VDSS Request for Permission to Accept Additional Employment/ Request Outside Employment Form* (*Request Outside Employment Form*). Submit a new *Request Outside Employment Form* to report any changes in secondary employment.

7. Primary Conflict of Interest Case

a. A primary conflict of interest Division case exists when one or more of the parties on the case are either a Division employee or their relative. For primary conflict of interest, a relative is defined as a

1) Current or former spouse or domestic partner
2) Current or former boyfriend, girlfriend or significant other
3) Child or other descendant
4) Parent or other ancestor
5) Sibling
6) Any person residing in the employee's household
7) Any other relative by blood or marriage that the employee maintains a close, familial relationship

b. The District Manager determines what District Office to transfer the case to.

Table of Contents

c. Refer all case-related and procedural questions to the newly assigned office's District Manager.

d. Send all legal questions about the case to Legal Counsel for the District Office handling the case.

e. Legal Counsel and the Court Specialist from the District Office handling the case attend the court hearings.

8. Secondary Conflict of Interest Case

a. A secondary conflict of interest Division case exists when a reasonable person would conclude that a Division employee's personal relationship with a party on the case could interfere with his or her impartiality or creates an appearance of impropriety. These secondary conflict of interest cases can involve the employee's

1) Aunt or uncle

2) Cousin

3) Niece or nephew

4) Stepparent

5) Stepchild

6) Mother-in-law or father-in-law

7) Daughter-in-law or son-in-law

8) Sister-in-law or brother-in-law

9) Close friend

10) Any other relationship that could be seen as compromising the employee's integrity in performing official duties

b. In these secondary conflict of interest cases, the District Manager determines the best way to handle these situations.

1) It is not mandatory to transfer the case to another District Office if there are other means to adequately remove the employee's involvement, including case transfer on the automated system to another Specialist with a different supervisor within the office.

Table of Contents

2) When it is in the best interest of the parties or the District Office, such as a supervisor is the conflicted Division employee or there is a family violence indicator, treat the case as a primary conflict of interest and transfer the case to another District Office. The District Manager determines what District Office to transfer the case to.

9. Division employees having a conflict of interest case(s) must

   a. Immediately notify their immediate supervisor of the relationship to the case

   b. Not examine, work on or involve himself or herself with the case, including the case record in the automated system and any documents in the document repository.

   c. Not access any automated information systems or other federal or state Locate Resources to check on or to update any information associated with the case.

   d. Not inquire or discuss the case with anyone other than their immediate supervisor.

   e. Direct any case inquiries to the Division's Customer Service Center or via the MCS portal if the employee is a CP or NCP on the case.

10. In all conflict of interest cases, the District Manager in the office in which the employee with the conflict of interest works shall block the conflicted employee's access in the automated system to the case.

11. Each District Office shall conduct an annual review of each conflict case in the office. Review all electronic and physical records to ensure that no inappropriate action has been taken on the case. The annual review must be documented, clearly and fully, in the automated system.

12. Division employees must report status changes to COI cases and secondary employment using the *DCSE Conflict of Interest Guidelines Addendum* or the *Request Outside Employment Form* as applicable.

13. Division employees must report COI cases and secondary employment due to promotion, transfer, office merger and/or change to worker ID or caseload.

14. The Auditor of Public Accounts or other auditors that audit DSS functions may review compliance with the Division's and the state's Conflict of Interest procedures during routine audits, reviews or special investigations.

(11/2013) (04/2017)

Table of Contents

C. Release of Information (04/2017)

1. The Deputy Commissioner authorizes Division 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 Departments of Social Service agencies
   c. State and Federal Child Support agencies
   d. Department of Medical Assistance Services (DMAS)
   e. 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* has been entered and provided 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. Social Security Administration if received with 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 state or federal Parent Locator Service

Table of Contents

c. For the administration of federal or federally assisted programs for needy individuals, including

1) TANF

2) Medicaid

3) SNAP and

4) IV-E Foster Care

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

e. To comply with the Virginia Freedom of Information Act or the Government Data Collection and Dissemination Practices Act and

f. 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. Case Managers working with community partners for Family Engagement Services should refer disclosure questions to the Program Guidance Team.

(12/2012) (08/2016)

D. Release of Information to Customers (07/2021)

1. To comply with the Government Data Collection and Dissemination Practices Act (the GDCDPA), the Division must release information pertaining to a data subject when requested by the data subject and/ or his or her authorized representative (representative), with proper identification. The data subject does not have to specify that the request is being made pursuant to the GDCDPA.

2. The data subject may authorize the Division to release the information to his or her representative in writing and/ or may be accompanied by a person of his choosing when meeting with the Division in person.

3. If the information the Division provides is by telephone, the data subject can give verbal permission for release of information to the representative. However, IRS information cannot be discussed or disclosed to the representative. Refer to Security of IRS and State Tax Information.

4. All personal information about the data subject is to be released including, but not limited to,

Table of Contents

a. Child support records

b. Financial records

c. Educational records

d. Medical records

e. Employment records

f. Criminal records

g. Photographs

5. Release the nature of the sources of the information.

6. Disclose names of recipients of personal information, other than routine internal Division and VDSS sources (such as exchange of information for TANF or Medicaid purposes), unless the information was obtained as part of an ongoing criminal investigation. Do not disclose information that could jeopardize law enforcement actions.

7. Make disclosures during regular work hours within 5 workdays. The requestor must provide appropriate ID. Disclosures can be made in person, or if a written request was submitted, by mail.

8. Create a Case Event detailing all information provided.

9. When a data subject gives notice that he/she wants to correct, challenge or explain the personal information in the file, pursuant to § 2.2-3806(A)(5) Code of Virginia, take the following actions

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

   b. Correct or purge any information found to be incomplete, inaccurate, irrelevant, untimely or unnecessary for retention.

      1) Notify the data subject via certified mail, return receipt requested, of all corrected or purged information.

      2) Retain delivery verification in the case record.

      3) Notify any past recipients of the information of the corrected or purged information.

   c. If the Division's investigation does not resolve the dispute, the data subject may file a statement of no more than 200 words stating his or her position. If the data subject files

Table of Contents

this statement, provide it to previous recipients of the records and if the information is subsequently disclosed, the Division must indicate it was disputed and provide the data subject's statement with the information.

d. The Division must disclose to the data subject his or her right to make the request indicated in c above.

e. Clearly document Case Events for each step above (a-d).

10. If the source of any information prohibits its release, tell the CP or NCP to contact the source of the information.

11. 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.

12. The Division provides CPs or NCPs the following upon request

a. A copy of the case payment history, including the *Statement of Payments Received*

1) When providing the *Payment Record* or arrears information to a case participant, it may be appropriate to use the *Payment Record Letter*.

2) Case participants should use the MyChildSupport portal (MCS) to request verification of payments (income verification). Case participants without an MCS account or individuals without a child support case who need to verify that they do not receive support payments from the Division contact the Customer Service Center with their requests.

b. A copy of the *Financial Statement* that either party submits to the Division. Each party has a right to review the other party's amount of debts and assets reported and the number of persons not covered by the support order that the person is responsible for supporting. Redact the following information

1) SSN

2) Mailing and resident addresses

3) Telephone numbers

Table of Contents

4) Names and addresses of dependents for whom the CP or NCP is legally responsible other than the dependents that both parties are responsible for

5) Employer's name, telephone number and address

6) Names of creditors

7) Name of childcare provider

8) Location of real estate

9) Driver's license number

10) Names of lienholders

11) Names and addresses of financial institutions and account numbers

13. The Division may charge 5 cents per page for copying case record information. Payment 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.

14. If the NCP or CP has difficulty understanding Division provided information during a telephone conversation, the NCP or CP may request that the Division staff member or the Customer Care Center representative speak to an unaffiliated third party. In these situations, it is permissible to speak with the third party based on the verbal authorization.

a. Verbally confirm the authorization back to the case participant.

b. Document Case Events that the 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 unless has a written authorization for the third party.

15. Division staff forward any questions about the release of information to customers to the District Manager for review.

16. Penalty for Noncompliance

a. Any person who has been denied privileges under the GDCDPA may petition the court for injunctive relief.

Table of Contents

b. If the court finds a Division employee in violation of the GDCDPA, 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. Any assessed penalty is paid to the State Literary Fund.

(07/2014) (10/2014) (12/2014) (04/2016) (08/2017)

E. Release of Information to the Public (09/2020)

1. Answer information requests from the public within 5 working days after receiving the request. Use the *Freedom of Information Response* form.
2. Requests received under the Virginia Freedom of Information Act (FOIA)
   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 and
      3) Representatives of radio and TV shows broadcasting in or into the Commonwealth
   b. If the District Office or Home Office Unit is uncertain if the requestor is entitled to receive information under the FOIA, consult with the Division's Legal Counsel.
   c. Provide the following
      1) Written correspondence
      2) Email messages
      3) All paper records (subject to redaction) and forms
      4) Documents stored on disks and
      5) Information contained in databases, including screens, case events, notes, etc. in the automated system
   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

Table of Contents

4) Case specific information and

5) Any information provided by the IRS except as indicated in Security of IRS and State Tax Information

e. General Request Information

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

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 using the *Freedom of Information Response* form selecting the appropriate response

3) If the Division does not have the requested information, but knows that another public agency does, provide the contact information for that agency.

4) List each item requested in the written response.

5) Retain a copy of the request, the response and all records provided; this information can be imaged for retention. Create a Case Event indicating that the request was made, the requesting entity, the response provided and the information released. The FOIA request, response and records provided must be retained for 3 years after the final response on the specific FOIA request.

6) The Division may charge 5 cents per page for copying case record information.

a) Payments and supporting documentation, such as the invoice or estimate provided to the requester, should be sent to: Virginia Department of Social Services, ATTN: Division of Finance, 5600 Cox Road, Glen Allen VA 23060.

b) The payment must indicate that it is a FOIA payment.

3. 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

Table of Contents

signature. Upon request, Legal Counsel will also review the complete response for accuracy and compliance.

4. Provide information about CPs or NCPs to other entities only with the written permission of the involved party unless disclosure is otherwise permitted by a law or regulation. An electronically received authorization is acceptable.

5. The Division of Public Affairs releases non-case specific information or assigns such requests to the Division, including 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.

6. Penalty for Noncompliance

   a. Any person who has been denied privileges under the FOIA may petition the court for injunctive relief. A hearing must be held within 7 days of filing.

   b. If the court finds a Division employee in violation of the 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.

(07/2014) (06/2015) (08/2017)

F. Restrictions on Release of Information (07/2021)

1. Do not release information regarding parents to private collection agencies, except the *Payment Record*, with proper written authorization.

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

3. Do not release a participant's address if

   a. The participant indicates on the *Child Support Enforcement Services Application* that he or she has a protective order

Table of Contents

b. The participant indicates a risk of physical or emotional harm from the other party. Have the party complete the *Affidavit of Nondisclosure*.

c. There is a family violence indicator on a case or

d. The TANF case closes for Good Cause. Refer to Reasons for Case Closure.

4. Do not release information on a customer participating in the Address Confidentiality Program (ACP). 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 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. Do not release the *Child Support Agency Confidential Information Form* contained in the UIFSA packet received from an initiating state in an intergovernmental case.

7. Use the *Payment Record* to provide case payment and arrears information to the CP, NCP, an authorized representative, the court or other child support agencies.

   a. Use a hard-copy fiscal record only for the time period prior to conversion to APECS.

   b. Redact the TANF grant information, unless 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.

8. District Office agreements with vendors, such as shred companies, must contain language that includes confidentiality and security requirements of Personal Identifying Information, IRS, Federal Parent Locator Service 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.

9. Division staff should forward any questions about the legality of releasing information to the District Manager for review. The District Manager forwards any questions regarding the legality of information to be released to the Assistant Attorney General if necessary.

(10/2014) (12/2014) (03/2015) (11/2015) (08/2017) (06/2019)

G. Verbal Communications (08/2017)

Table of Contents

1. Confidentiality and security apply to all forms of information including verbal communication.
2. If the Division is prohibited from releasing a physical copy of the information to an individual, the same prohibition applies to providing the information verbally.
3. Always be aware of your surroundings and use caution when providing information verbally. Do not discuss confidential information in areas where it can be overheard by unauthorized individuals.
   a. Do not discuss case specific information with customers in the District Office lobby.
   b. Discuss case information privately, whether on the phone or in person, when teleworking or working at an alternate worksite such as court or the local DSS agency.
   c. When discussing information with community partners with Family Engagement Services, ensure that the information is only communicated with the authorized individual(s).
4. If taking a work-related call in a public area such as a restaurant or hotel lobby, do not discuss case specific information until you can do so privately.

H. Public Access to the Program Manual (04/2021)

1. Members of the public may view the Program Manual under Parent & Guardian Resources on the Child Support page of the Public Department of Social Services website.
2. Upon written request, Division employees can provide contents of the Program Manual to the public via fax or email. Requests for the Program Manual to be mailed through the US Postal Service may be considered when electronic methods of delivery are unavailable.
3. Requests should be documented in Participant Events when the requesting party is a participant on a DCSE case. Third party requests may be logged separately for internal tracking purposes at the discretion of the District Office.

1.2 Systems and Data Security

A. Overview (05/2025)

The Division receives Personally Identifiable Information (PII) from a number of sources as well as Federal Tax Information (FTI). Federal and state laws require the Division to safeguard this information. Safeguarding information includes providing the physical security of both data and the information systems that provide the data.

Table of Contents

1. The information provided here is not all-inclusive, nor is it intended to be. All Division employees, including contractors, interns, externs, volunteers and auditors, are responsible for reading and complying with the *VDSS Information Security Policy and Program Guide*, the *VDSS Privacy and Program Plan Manual* and VDSS Information Resource Acceptable Use Policy including Non-Disclosure requirements.

2. The VDSS Information and Security Risk Management Division (ISRM) provides detailed security roles, responsibilities and requirements for Division employees. Failure to comply with VDSS' security policies can result in disciplinary action including termination of employment and criminal prosecution.

(08/2017) (09/2022)

B. Security Awareness Training (04/2017)

1. All Division staff must

   a. Read the security policies and standards information.

   b. Complete mandatory Security Awareness Training.

      1) New staff must complete the initial Information Security Awareness Training within 30 days of employment.

      2) Ongoing staff must complete annual Information Security Awareness Training.

   c. Ensure that the VDSS Information Security Policy is implemented, maintained and enforced.

   d. Report all actual or suspected breaches of information security to appropriate management.

   e. Take all reasonable efforts to protect the security of IT systems and data to which they have access.

   f. Read and sign the *Information Security and Acceptable Use Awareness Acknowledgement*.

2. 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.

3. The Division documents and monitors all individual information system security-training activities.

Table of Contents

4. The Division shall have a security awareness-training program in place that includes communicating Federal Tax Information security requirements to end users. Training must be user specific to ensure that all personnel receive appropriate training for their specific job.

   (10/2014)

C. Security of Automated Systems Information (09/2022)

1. Only authorized staff may access and use information from the Department's information systems.
2. Each District Office and Home Office Unit

   a. Designates a Security Officer (SO) and backup SO to ensure compliance with VDSS security policies

   b. Develops and executes local information security policies

   c. Identifies the management staff that authorizes access to information systems

   d. Ensure newly-hired staff read and sign the *VDSS Information Security – Policy Acknowledgment and Non-Disclosure Agreement* prior to providing system access

   e. Has management complete and submit to the Division's Security and Compliance Team the appropriate systems access requests for newly hired staff that need access to VDSS information systems and/or the data therein

   f. Has management complete and submit to the appropriate sources all necessary documents to remove systems' accesses when users separate from Division employment

   g. Ensures that information systems' users receive continuing training on security requirements

   h. Has each automated systems user complete a *Security Access Management System Request* (*SAMS Request*).

      1) The SO retains a copy of the *SAMS Request*.

      2) Complete a new *SAMS Request* when the user's access level needs to be changed.

   i. Holds all automated systems users responsible for reporting violations or suspected violations of security breaches to the appropriate personnel and ensures that users know who appropriate personnel are.

Table of Contents

j. Notifies the Office of Audit Services when automated data processing equipment or software is missing, stolen or lost

3. User Accounts and Passwords

All automated systems' users are assigned unique user IDs/ log-ins appropriate for the authorized information system.

a. Each user is responsible for creating a password. When creating a password

1) Do not use names of your family members, pets or friends.

2) Do not use your SSN or telephone number.

3) Do not use simple sequences such as "12345," "QWERTY" or "XXXXX".

b. Keep passwords secure. Do not write or store your passwords where they are accessible by others.

c. Keep passwords confidential. Do not share your passwords with anyone else, including the SO or IT staff.

d. Keep passwords current.

1) The LDAP password must be changed every 90 days. LDAP account users receive email notice at least 10 days prior to the password expiration date. If the password expires, contact the SO to have it reset.

2) The ACF2 password (also referred to as the "WEL"-code), expires every 30 days. If the password is not changed before the 30-day expiration, when the user logs in, the system notifies the user that the password has expired. Create a new 8 character password to continue using the system.

3) For external information systems such as IRMS, Justice Xchange, etc., contact the designated resource for assistance.

e. Both the LDAP and ACF2 passwords have the "3-strike" security feature, which locks the user's account after 3 consecutive incorrect password attempts. If you get locked out, contact the SO or backup SO to have the password reset, unless office or unit security policy indicates otherwise.

4. If a user account is inactive for 90 days, the account is locked. If an account is inactive for more than 180 days, the account is disabled and requires a new *Request* to establish access.

Table of Contents

5. Software

a. VDSS allows personal software use on its' computers as long as

1) The user's Field Operations or Home Office Director or designee provides written permission for the software use and

2) The software is used according to existing copyright laws and the software producer's licensing agreement.

b. Do not duplicate personal or agency-issued software in violation of copyright laws and licensing agreements.

(08/2017)

D. Security of IRS and State Tax Information (09/2022)

1. The IRS has strict guidelines for safeguarding Federal Income Tax Information (FTI) from unauthorized disclosure. FTI is accessed only on a "need-to-know" basis and for authorized use.

a. "Need-to-know" is established when Division staff require FTI to perform their official job responsibilities and are authorized.

b. Authorized use for Division staff is for purposes of establishing and enforcing support obligations and location of the noncustodial parent.

2. There are severe penalties for unauthorized disclosure.

a. Unauthorized disclosure of information from a federal income tax return is a crime punishable with a fine of up to $5,000, 5 years in prison or both, plus the cost of prosecution.

b. A taxpayer can 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. The person may receive 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. Failure to safeguard confidential tax information

1) Is punishable as a Class 2 misdemeanor under the Code of Virginia § 58.1-3

2) May be a felony under the Internal Revenue Code and

Table of Contents

3) The employee can incur a personal liability to the injured party

3. IRS disclosure restrictions and penalties apply even after employment with the Division ends.
4. Agencies that receive FTI 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 from unauthorized disclosure and unauthorized access.
5. All Division staff with access to the Virginia Department of Taxation's Integrated Revenue Management System (IRMS) are required to protect the confidentiality of all information contained within the IRMS.
6. All tax information available to Division staff is confidential information.
7. FTI cannot be accessed or stored on any personal equipment or device.
8. Allowable Disclosures

   Although all tax information is confidential, certain information may be disclosed under specific circumstances. Listed below are examples of permissible and non-permissible disclosures. This list is not all-inclusive. If you are uncertain about what is and is not a permissible disclosure, discuss with management and, if necessary, contact the Program Guidance Team (PGT) at pgt@dss.virginia.gov for assistance.

   a. In a child support case, the CP asks if the NCP's taxes have been intercepted. After verifying the CP's identity

      1) You are allowed to disclose that a tax intercept payment has been received once the Division receives it. You may also provide the amount and date of the refund offset, including the source of the payment. You cannot use any reference to tax intercept if another party is present with the CP other than the NCP; you can use the terms "involuntary enforcement action" or "involuntary payment."

      2) You cannot disclose the intercept information to any authorized representative of the CP, including legal counsel or an individual with a Power of Attorney.

      3) You are allowed to provide the CP with the certification criteria for submission for the state and federal intercept programs.

      4) You are allowed to indicate that a payment is being held for possible adjustments to the amount of the intercept and will be released within 180 days if an intercept is being held as a joint return intercept or as a possible fraudulent return. You cannot disclose the reason (i.e. joint return or possible fraudulent return) for the hold.

Table of Contents

5) No other FTI other than what is listed in 1-4 above can 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. 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 PGT at pgt@dss.virginia.gov for assistance.

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 intergovernmental IV-D child support cases on a case-by-case basis. The disclosure, however, is only to accurately record and administer collections and distributions in IV-D cases in common. This disclosure only applies to other state IV-D agencies and not to Tribal IV-D or international child support agencies.

e. FTI payments may only be disclosed in court proceedings if all payment sources are removed from the child support payment record. The Division 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 may be disclosed to that NCP, once you have verified the NCP's identity.

g. FTI data received because of the joint return may be disclosed to the joint filer 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 the NCP's legal counsel or someone with a Power of Attorney. If there is someone else present during a discussion with the NCP other than the joint filer, you cannot use any reference to tax intercept. You may use the terms "involuntary enforcement action" or "involuntary payment."

9. Physical Security for Federal and State Tax Information

All physical security requirements listed below must be adhered to by all Division offices that house the information.

Table of Contents

a. All case records or hard copy data containing FTI must be kept secure.

1) Division staff do not print out FTI information from the automated system except Division employees conducting fiscal audits, and those employees only print out the information when necessary.

2) Employees authorized to printout FTI must strictly adhere to all the provisions regarding the handling of FTI printouts. IRS Publication 1075 (1075) section 2.0 Physical Security Requirements provides detailed information regarding security of FTI data including maintaining a log for any FTI data that is printed. The District Office maintains 1 log for all staff to use. This section of the 1075 provides the data elements that need to be included in the log as well as a sample log.

3) Once the printout is no longer needed, it must be destroyed. Refer to 1075 section 2.F.3 Destruction and Disposal for destruction requirements.

4) The District Manager designates the person responsible for maintaining the log and where it is housed. The log must be kept secure.

b. Security during Business Hours

1) Separate restricted areas from non-restricted areas with controlled-access physical barriers. "Restricted Area - Authorized Personnel Only" signs must be posted on or immediately adjacent to the barrier.

2) Keep all tax information within an identified restricted area with access limited to authorized staff only. Maintain written instructions and procedures that identify authorized staff that have access to tax files.

3) Computers must be in a secure area with restricted access. If authorized staff serve as the second barrier between FTI and unauthorized individuals, authorized staff must wear picture ID badges.

c. Security after Business Hours

1) Lock all doors to areas containing FTI. Exercise strict key or combination control. Give combinations and keys only to those who frequently need access to the area. Do not write combinations on a sticky-note, calendar pad or any other item.

2) All file cabinets and desk drawers storing FTI must be kept locked.

d. Alternate Worksites (including Telework sites)

Table of Contents

Because FTI is interspersed throughout the automated system, the whole automated system, Ctrl-D, Data Warehouse and Power BI application database must be secured with the same attention as securing hardcopy FTI. To ensure the security of IRS data at alternate work sites

1) Division staff cannot use personal equipment to log into the automated system, data bases or applications. A disc with FTI or the automated system information saved on it shall not be loaded onto personal equipment.

2) If Division staff 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.

3) Division staff working at an alternate worksite must have a way to communicate with Division managers or other personnel in the event of a security issue. Division staff may use a landline, cell phone, email or other method of communication as agreed upon with management to report security issues to the Division.

4) If Division staff have case files, screen prints or other hard copy data at the alternate work site, the Division must certify that the employee's personal storage is secure. No hard copy data can be kept permanently at an alternate work site.

5) Desktop computers must be secured to a piece of furniture or something else heavy with locking hardware. Laptop computers must be locked in a drawer or cabinet when not being used.

6) Typically, in alternate work site locations the requirements of a secure area with restricted access cannot be maintained, therefore,

a) Computer equipment must receive the highest level of protection practical, including full disk encryption.

b) 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.

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

10. Maintain all tax return information obtained from the federal and the state tax agencies separate from the Division's case records.

11. Management must periodically review the tax information security safeguards for their effectiveness and compliance with the Division's security procedures.

Table of Contents

12. FTI does not include information provided by the taxpayer or third parties. If the Division gets returns, return information or PII from a taxpayer or third party independently, the information is not considered FTI.

    (04/2014) (05/2014) (08/2017)

E. Security of Federal Parent Locator Service Information (12/2019)

1. The Division must use Federal Parent Locator Service (FPLS) information solely for authorized purposes as per the security agreement between the Division and OCSS. FPLS information consists of the National Directory of New Hires (NDNH), Debtor File and the Federal Case Registry (FCR).
2. FPLS requests are solely for the purposes of locating an individual to
    a. Establish paternity
    b. Establish, enforce or modify a child support obligation
    c. Provide child support enforcement service in international cases
    d. Establish and/or enforce a child custody or visitation order
    e. Assist in child welfare permanency planning
    f. Assist in a parental kidnapping case.
3. “Authorized persons” that can receive FPLS information are
    a. The CP for purposes of establishing or enforcing a child custody or visitation determination
    b. A private attorney representing a child or CP for purposes of establishing or enforcing a child custody or visitation determination
    c. An attorney representing a state court
    d. An attorney representing the United States in parental kidnapping situations
    e. The LDSS staff
4. FPLS information does not lose its’ character when the Division receives it and is considered FPLS information until it is destroyed.

Table of Contents

5. The FPLS provides the Division with information from numerous federal agencies. This information contains Personally Identifiable Information (PII) that the Division is required to safeguard. PII includes but is not limited to

   a. Name

   b. SSN

   c. Division case number

   d. Participant ID number

   e. Date of birth

   f. Financial assets

   g. Employer name/address and status

   h. Address

   i. Wages

6. To comply with FPLS safeguard requirements, each District Office and Home Office Unit with FPLS access is responsible for ensuring that

   a. Only authorized staff have access to FPLS information.

   b. Access to and disclosure of FPLS information must be restricted to authorized staff who need it to perform their official duties.

   c. The office/unit maintains records of authorized staff. The records must contain a signed copy of each person's signed non-disclosure agreement.

7. Authorized staff must be notified of the information safeguard and confidentiality requirements for FPLS as well as the civil and criminal penalties for non-compliance, which may include

   a. A $5000 fine, up to 5 years' incarceration or both, plus the costs of prosecution,

   b. A $1000 fine per unauthorized occurrence and

   c. Termination of employment

8. Do not transport FPLS information off state property unless required for a purpose approved by the Deputy Commissioner or designee.

Table of Contents

9. Do not copy or store FPLS information on a mobile computing or communications device unless disk or device level encryption is used and the Division has ensured that adequate measures to protect the FPLS information are in place. Devices include

   a. Smartphones or cellular telephones

   b. Tablets

   c. Laptop or notebook computers

   d. Personal Digital Assistants (PDAs)

   e. Audio devices and

   f. Digital cameras

10. Division staff are prohibited from using digital media and computing and communications devices located in public or commercial facilities such as hotels, convention centers and internet cafes to transmit and/or store FPLS information.

    (10/2014) (03/2015) (08/2017)

F. Security of Physical Data and Electronic Devices (09/2022)

1. Keep all case files and printed material containing Personally Identifiable Information (PII) secure. Do not leave materials containing sensitive information unattended.
2. The Division maintains minimal information in physical case records and only for limited, specified purposes (for example, court case files, original certified copies of orders, etc.) Keep case files stored in a secure room with locking file cabinets. Limit entry to specifically authorized personnel.
3. Ensure the protection and security of case files, including temporary files, during transport between District Offices, Home Office, to Court or the Library of Virginia.
4. Maintain security of printed materials when storing, transporting, transferring and disposing of hard copy data.
5. Do not leave keys to file drawers containing confidential information in unlocked desk drawers or other areas accessible to unauthorized personnel.
6. When printed material with PII is no longer needed, shred the information. When using a shredding service keep materials secure until they are shredded.

Table of Contents

7. 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. 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 or a tracking service to ensure secure delivery is made to the appropriate recipient.

8. Mobile Devices

   It is prohibited to store confidential information on portable devices or non-state-owned devices without prior written approval of the Deputy Commissioner (or designee). Exceptions to this are contract managed services where security of confidential information is documented, reviewed and approved by data custodians or other delegated authority.

   a. Physical security of COV issued mobile devices is the responsibility of the employee to whom the device is assigned.

      1) Keep the device in your physical presence whenever possible.

      2) Store the device in a secure place, preferably out-of-sight.

      3) Immediately report a lost or stolen device to the VITA Help Desk and proper authorities.

   b. Detailed mobile device use specifications are found in the *VDSS Information Security Policy and Program Guide*.

9. Alternate Work Sites (including Teleworking and Remote Work)

   Employees working at work sites outside of the District or Home Office must use diligent efforts to maintain security of all PII, FTI, FPLS and all other confidential and sensitive information as well as the devices storing this information. The Division maintains specific policy for Division staff at these work sites. Alternate work site guidance is in addition to all other security requirements.

   a. The Division conducts and documents periodic inspections of alternate work sites during the year to ensure adequate safeguards.

Table of Contents

b. FPLS and FTI are still subject to the same safeguard requirements and the highest attainable level of security as they are in the District or Home Office.

c. The Division provides security, disclosure awareness and ethics training for all Division staff working at alternate work sites.

d. Do not remove documents containing PII from the District or Home Office unless authorized by District or Executive management.

e. Do not use personally owned computers to access, save, store or host PII.

f. Follow VDSS Dual Factor Guidelines for when accessing VPN remotely. When teleworking, do not:

1) Print documents containing sensitive PII to your personal printer.

2) Use a thumb drive or similar device to transfer data to your personal computer.

3) Send or forward an email containing sensitive PII to your personal email account.

4) Send unencrypted sensitive PII.

5) Allow any unauthorized individuals access to documents with PII or leave the documents unattended overnight.

10. Output Devices

a. The Division secures information systems' output devices such as monitors, printers and scanners, to ensure the security of PII, FTI, FPLS and other confidential information.

b. The Division currently uses the Xerox WorkCentre, a printing solution that is as an all-in-one printer/ scanner/ fax machine/ copier. The Division secures this device by

1) Keeping the device in the Restricted Access area

2) Requiring individual Division staff to login into the device to release any documents he or she printed, ensuring that information is not left on the printer unsecured

3) Including a cover sheet on fax transmissions that explicitly provides guidance to the recipient, indicating

a) A notice that the fax contains sensitive data that must be protected and

b) A notice to unintended recipients to telephone the sender to report the disclosure and confirm destruction of the information

Table of Contents

c. FTI and FPLS information is not to be included within fax communications with anyone except authorized recipients.

d. When leaving their desks, Division staff secure the computer by logging off or locking their computer desktop.

(10/2014) (08/2017)

G. Reporting a Security Breach (08/2017)

1. Immediately report any known or suspected breach of printed or electronic data. Provide all known information to the District Manager or Home Office Unit Manager, who works with the Director to advise the Deputy Commissioner and Chief Information Security Officer (CISO).
2. Complete and send the *Information Security Incident Reporting Form (Initial Report)* within 30 minutes of the reported breach to notify the Deputy Commissioner and CISO.
3. The Deputy Commissioner and designated team take additional actions as needed in accordance with the IRS and OCSS agreements.

(10/2014)

H. Management Oversight (08/2017)

1. VDSS supervisors and managers at all levels are responsible for VDSS IT systems security and the data contained therein, including both electronic and hard copy data.
2. Division management shall take all reasonable actions to provide adequate security and to escalate information security matters to the highest level necessary for resolution.
3. Division management ensures compliance with VDSS Information Security policies and standards by

a. Appointing Security Officers (SOs) and backup SOs

b. Implementing and enforcing security procedures

c. Timely reporting all security breaches or suspected breaches and

d. Ensuring that all staff using VDSS information and information systems are aware of the VDSS security policies and receive continuing security training

Table of Contents

4. Division management ensures compliance with the IRS and OCSS security agreements for securing FTI, PII and FPLS information by

   a. Restricting information access to authorized personnel only and for their authorized purpose

   b. Maintaining printed or electronic information in secure locations

   c. Following the designated retention and disposal procedures and

   d. Verifying that locks and other protective measures are being used and are in good working order

5. All Division supervisory personnel are to monitor security guidelines compliance for the personnel they supervise.

   (10/2014)

1.3 Domestic Violence

A. Overview (08/2017)

Domestic violence (DV) and abuse are behaviors that a person uses to control another person in an intimate relationship.

1. DV behaviors include actual or threatened

   a. Physical assault such shoving, hitting, choking and kicking

   b. Psychological and emotional abuse such as cutting off contact from family and friends, name-calling, verbal threats and stalking

   c. Financial control such as withholding money or preventing the partner from working

   d. Sexual assault

2. Domestic violence crosses all socio-economic levels and is not restricted to any age, race, religion, culture, sexual orientation, education, employment or marital status. While most DV victims are women and children, men are also victims of DV. Children in homes where DV is present are more likely to be abused or neglected.

3. Many VDSS programs, including the Division, provide services to DV victims. When providing services, Division staff must take additional precautions to ensure the safety of DV victims.

Table of Contents

4. Extensive DV prevention information and resources from OCSS can be found at this link.

B. Release of Information- Family Violence (05/2024)

1. The State Case Registry interfaces with the Federal Case Registry (FCR) and contains child support information on all IV-D cases and non-IV-D child support orders. The case registry participant record includes a data element known as the Family Violence Indicator (FVI).
2. Division cases are updated with
   a. "Set Affidavit/Nondisclosure," used when there is *an Affidavit of Nondisclosure* (*Affidavit*) or UIFSA *Nondisclosure Finding* or
   b. "Set Protective Order," used with a protective order (PO).
3. A Participant Event is created when the FVI is initially set and any time thereafter when the indicator is updated. Any time the indicator is set or updated, the new or revised information is transmitted to the FCR. No location information is disclosed about that person without a court order.
4. The FVI date on the automated system is
   a. The date the *Affidavit* is signed
   b. The date the PO was entered or
   c. The date the FVI is removed.
5. The FVI follows a participant who has multiple cases or who moves to another case.
6. The automated system updates the FVI to PO when a match is received from the State Police Protective Order file (SPPO).
7. The SPPO match contains
   a. Protective orders entered in Virginia or other states' protective orders registered in Virginia
   b. Information about the person against whom the PO was entered and
   c. The expiration date of the PO
8. An SPPO match will override an existing Set Affidavit/Nondisclosure.

Table of Contents

9. Any time a party on a Division case notifies the Division that he, she and/or the child is at-risk of physical and/or emotional harm from the other party, the Division has the at-risk party complete the *Affidavit* if the party does not have a PO.

10. The at-risk party submits the completed *Affidavit* to the Division. Division staff update the FVI on the Participant Detail page upon receiving the signed *Affidavit*. If the FVI is set for the CP, the automated system attaches the FVI to the children on the case during nightly batch processing.

11. If the at-risk party provides the Division with a copy of a PO after an *Affidavit* has been updated on the automated system, Division staff manually update the FVI to reflect the PO.

12. The *Affidavit* is part of the permanent case record.

13. The at-risk party must submit a written request to have the FVI removed. Do not remove the FVI for a PO before it expires unless the at-risk party provides the Division with an order dismissing the PO.

14. Once the FVI is set, do not release the at-risk party's address or include the address on any documents that are made available to the other party.

    a. If the other party requests information the Division is required to provide (e.g. the *Financial Statement*), redact any references to the location of the at-risk party on documents, photocopy the redacted documents and provide the other party with the photocopy of the redacted documents.

    b. The automated system only prints the at-risk party's name on the *ASO*.

    c. The automated system only prints the at-risk party's name on court petitions. Address information prints on the *Non-Disclosure Addendum* (DC-621) that automatically prints with the petition. The *Non-Disclosure Addendum* allows the court to have the at-risk party served for the hearing and notifies the process server that the at-risk party's information is to remain confidential. Refer to General Procedures for Judicial Court Actions.

15. The FVI and children

    a. The FVI attaches to a child if

        1) A PO has been entered for the child or

        2) The CP is updated with an FVI.

Table of Contents

b. If a minor child with an FVI becomes a CP, NCP or PUTF on another case, do not remove the indicator.

c. If a minor child has an FVI and the Division receives an application for the child with a new CP, Division staff should contact the new CP to verify the new CP does not need to complete an *Affidavit* if the CP

1) Does not have a PO in place

2) Did not complete an *Affidavit* and

3) Did not indicate on the application that he or she believes that they or the child are at-risk of physical and/or emotional harm

d. If an emancipated child completes an *Affidavit* for himself or herself, update the automated system to reflect the new *Affidavit*.

e. If an emancipated child does not complete a new *Affidavit* for himself or herself, remove the FV code.

16. The Address Confidentiality Program (ACP) helps recently relocated domestic violence victims keep their new address confidential. The Office of the Attorney General of Virginia (OAG) administers the ACP.

a. The OAG accepts of service of process for ACP participants. Participants may also use the substitute address as their legal address and mailing address. The participant's actual physical address available only to

1) The OAG's office

2) Employees involved in the operation of the ACP and

3) Law enforcement officers

b. If the Division receives an ACP case, update the FVI using "Set Affidavit/Nondisclosure".

1) An ACP case may be received by direct application or DSS referral.

2) If an ACP participant applies directly, he or she must provide a copy of the ACP authorization. District Office staff make a copy and retain in the case record.

c. Most LDSS ACP cases are not referred to the Division as they are considered Good Cause cases.

Table of Contents

17. The OAG's website provides an Information Sheet for Agencies that also includes a depiction of the ACP authorization card.

    (01/2017)

Table of Contents

Chapter 2: Case Management

The Division manages over 247,000 child support cases. Effective case management is an essential responsibility of all Division staff that provide any type of case services.

2.1 Documentation

A. Overview (01/2017)

1. IV-D agencies are required to keep sufficient and accurate records to ensure proper and efficient program operation.
2. Accurate documentation is essential as it is a permanent record of the case history.
3. The Division is required to maintain accurate records regarding, but not limited to,
   a. The parties on the case, including demographic information. The Division must periodically verify NCP and CP information.
   b. Case management information from the time of referral or application through collection and enforcement, including
      1) Paternity establishment
      2) Support order establishment
      3) In-state, interstate and federal locate
      4) Administrative and judicial enforcement and
      5) Case closure
   c. Accounts receivable of amounts owed, collected and distributed and
   d. Information exchanges with the IV-A agency including case referrals, eligibility changes and/or aid reduction.
4. The automated system documents events based on document generation or disposition code updates.
5. Division staff document events via updates to Case and Participant Events.

Table of Contents

a. Documentation must be chronological and objective, using clear language and approved abbreviations. Do not use slang, derogatory terms or vulgar language unless a comment is a direct quotation from a person interviewed and is relevant to the case record.

b. Include the following for each entry

1) The full name of the person who received the information or took the action, if different from the Specialist assigned to the case and

2) The date, method, location and names of individuals involved.

6. 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 Specialist responsible for each case to notify them that this information has been added or updated.

(12/2015)

B. Case and Participant Events (04/2023)

1. Case and Participant Events entries are a permanent record of actions taken and are part of the official case record.

2. The automated system has system-generated and self-generated event entries.

3. System-Generated Event Entries

a. System-generated event entries cannot be modified or deleted.

b. The automated system creates a Case or Participant Event for

1) System-generated documents and

2) Items updated in the automated system, including but not limited to

a) Hearings and appointments

b) Case referrals

c) Bonds, securities and guarantees

d) Liens

e) Reassignment of IV-A Cases

f) Manual locate sources

Table of Contents

g) Closure of locate activities

h) Appeal requests

i) Appeals

j) Adding support orders

4. Self-Generated Event Entries

a. Use self-generated event entries to document case actions in Case or Participant Events.

b. Self-generated event entries may only be revised on the day entered.

c. Document all case-related activities, with each activity as a separate entry. Include

1) Who initiated the contact

2) Method of contact and

3) Outcome of contact

5. Document every incoming or outgoing contact or attempted contact.

a. Entries in Case or Participant Events when activities relating to the case or participants occur, and should include not only the results of interviews, but also

1) Telephone conversations

2) Contacts with NCPs, CPs, attorneys and other agencies

3) Information requested or received by individuals or other agencies

4) Actions taken by the Division to notify the NCP or CP and

5) Correspondence sent or received, including email and text messages

b. Refer to Self-Events Documentation for detailed wording guidance regarding self-event documentation.

6. Document all DCSEP forms in Case or Participant Events.

a. Document the Event line with the name of the document.

b. In the Notes section, document the name and address of the document recipient, the Division staff person issuing the document and any other information required. Refer to the Division's Document Matrix and the individual document for additional documentation requirements.

Table of Contents

7. Use Schedule Maintenance to reflect all scheduled or rescheduled appointments, appeals and hearings. Use Disposition codes to update the results of the appointment, appeal or hearing within 3 business days of the date of the event.
8. Document the results of appointments, appeal hearings and court hearings in Notes under the specific event on the Case/Participant Event Detail page.
9. Use disposition codes to document results when applicable. For example, updating the paternity disposition or the RDMV worklist automatically creates a Case/ Participant Events entry.
10. The automated system saves the previous address as an old address when a new address is added.

(12/2015) (04/2017) (08/2017) (06/2019) (07/2019)

C. Participant Demographic Updates (08/2017)

1. District Office staff may update addresses/telephone numbers/names/employers for CPs, NCPs and employers.
2. Upon verifying the identity of CPs and NCPs who call in 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.
3. The *Change of Name/Address Request* may be used but is not required.

D. Case Prioritization (08/2017)

1. Case priority status is system-generated. The automated system assigns priority of 1, 2 or 3 to each case based on NCP information and the case processing status.
2. Locate Processing Status
   a. Priority 1 cases have an SSN and a DOB for the NCP.
   b. Priority 2 cases have an SSN or a DOB for the NCP.
   c. Priority 3 cases have neither an SSN nor a DOB for the NCP.
3. Paternity, Establishment, Enforcement and Collection Processing Status
   a. Priority 1 cases have a residential or mailing address and current employer for the NCP.

Table of Contents

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

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

4. Delinquency Processing Status

a. Priority 1 cases have an *Income Withholding for Support* (*IWO*) in place

b. Priority 2 cases have no *IWO* but do have current employer information for the NCP.

c. Priority 3 cases have no *IWO* and no current employment information for the NCP.

(12/2012) (07/2014)

E. Case Workable Status (07/2021)

1. All cases are classified as either workable or unworkable. All cases automatically default to a workable status. Division staff change the case workable status when appropriate.
2. If a case is workable, the code is WORK.
3. There are several types of unworkable cases, each with its own code(s). Coding a case unworkable indicates that the Division has taken all applicable actions it can based on the case processing status.
4. 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. The NCP receives public assistance monies, including TANF or General Relief.

1) For unobligated cases, the Division does not pursue a support obligation during this period and does not establish debt during this period. The CP may choose to pursue establishment of a court order on his or her own.

2) 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 for other minor dependent children. This is applicable whether the NCP is in the Standard Filing Unit (SFU), referred to as the Eligibility Determination Group (EDG) in VaCMS, or the Assistance Unit (AU).

3) Arrearages and interest do not accrue during this period.

4) Use code UADC.

Table of Contents

b. The NCP receives public assistance monies, including TANF or General Relief.

1) An NCP who is ordered to pay support through an *ASO* for a child on a non-TANF case is not liable for support for the time the NCP is a CP on a TANF case for other minor dependent children. This is applicable whether the NCP is in the EDG or the AU.

2) Arrearages and interest do not accrue during this period.

3) The CP may choose to pursue enforcement actions on his or her own during this period.

4) Use code UADC.

c. The NCP receives public assistance monies, including TANF or General Relief.

1) If an NCP is court-ordered to pay child support and the NCP is a CP on a TANF case for other minor dependent children, the Division does not pursue enforcement actions against the NCP during this period. This is applicable whether the NCP is in the EDG or AU.

2) Arrearages and interest continue to accrue.

3) The CP may choose to pursue enforcement actions on his or her own during this period.

4) Use code UADC.

d. The NCP receives public assistance benefits.

1) An NCP who is ordered to pay support through an *ASO* for a child in foster care is not liable for support for the time the NCP receives public assistance benefits for other minor dependent children.

2) Arrearages and interest do not accrue during this period. This is applicable whether the NCP is in the SFU, EDG or the AU.

3) Use code UADC.

e. The NCP receives or is eligible to receive SSI benefits, a combination of SSI and Social Security Disability (SSDI) benefits or a combination of SSI and Social Security Retirement (SSR) benefits.

1) The NCP's eligibility for benefits is determined by the SSA.

2) Use the SVES information as documentation of eligibility for SSI, SSDI, and SSR benefits.

Table of Contents

3) Do not establish an order while the NCP is receiving SSI or a combination of SSI and SSDI/SSR benefits.

4) Arrearages and interest continue to accrue if a support order existed prior to the NCP receiving SSI.

5) If a current support obligation exists on the case, initiate a review of the order. Refer to NCP is Receiving Social Security Benefits. Once the review is completed, the case may qualify for closure. Refer to Reasons for Case Closure.

6) The guidance applies whether or not the NCP is receiving monetary benefits.

7) Use code USSI.

f. The NCP is incarcerated or institutionalized in a medical facility.

1) The NCP must have no income or assets from which to collect support.

2) If the NCP is incarcerated in a state facility, the Inmate Notification process automatically removes the unworkable code. For NCPs in other correctional facilities or NCPs in medical facilities, Division staff determine, when possible, the NCP's anticipated release date and create a worklist for the case to review and update the workable code.

3) Use code UINS for NCPs in a medical facility. Use code UINC for incarcerated NCPs.

5. Some unworkable cases qualify for closure. Refer to Reasons for Case Closure.

6. Classification of a case as workable or unworkable does not affect the case assignment. Unworkable cases are still assigned to a caseworker.

7. To determine if an order can be established, refer to When Obligations Are Not Established. To determine if an enforcement action can be taken, refer to Enforcement and Special Circumstances NCPs.

(12/2012) (07/2014) (11/2014) (08/2017) (12/2018) (06/2019)

F. Case Reviews (04/2017)

1. A case review is the examination of actions taken on a case. The request can be verbal or written.

2. Either party may request a review of his or her case at any time, including

Table of Contents

a. When they choose not to pursue a formal administrative appeal hearing or

b. When the timeframe for an administrative appeal hearing has passed but the party believes that the case information is incorrect.

3. The review must relate to an action that has been or could be taken on the case and to verify that the information or action taken is correct.

4. Within 10 calendar days of receipt of a case review request, the Specialist

a. Reviews case actions taken to verify the Division's information is correct or that correct procedures were followed.

b. Contacts the review requestor by telephone to discuss the case. If the review requestor cannot be reached by telephone, contact the review requestor in writing.

c. Provides the review requestor with the results of the review and actions taken

d. Documents Case Events with the review results.

G. Division Documents (10/2019)

1. Division staff use various documents to conduct Division business. Documents are generated by Division staff or when certain actions occur on a case.

2. Documents generate either online (printing in Division offices or filed electronically with local Juvenile and Domestic Relations District courts) or through batch processing. Batch documents print at the Home Office or are vendor-processed via a file submitted by IT Operations.

3. The automated system auto-populates some data elements, such as name, SSN and address on documents.

4. Prior to document generation, some documents allow Division staff to override auto-populated fields or require staff to enter information in select fields.

5. Any time a document is generated, it creates a Case or Participant Event.

6. Generating certain documents creates a worklist. Refer to the Document Matrix.

7. Copy the number of documents needed for distribution. Refer to the Document Matrix.

8. The Division's Program Guidance Team (PGT) develops, revises and updates all Division documents.

Table of Contents

(08/2017)

H. Federal Forms (03/2022)

1. The Federal Office of Child Support Services (OCSS) requires states to use certain Office of Management and Budget (OMB) documents for select activities. OCSS also provides other forms that child support agencies are required to use. Using these standardized federally approved forms provides consistency for child support agencies.

   a. Intergovernmental Forms

      1) *Administrative Subpoena*

      2) *Child Support Agency Locate Request Form*

      3) *Child Support Agency Request for Change in Support Payment Location Pursuant to UIFSA 319*

      4) *Child Support Enforcement Confidential Information Form*

      5) *Child Support Enforcement Transmittal #1- Initial Request*

      6) *Child Support Enforcement Transmittal #1- Acknowledgement*

      7) *Child Support Enforcement Transmittal #2- Subsequent Actions*

      8) *Child Support Enforcement Transmittal #3- Request for Assistance/Discovery*

      9) *Declaration in Support of Establishing Parentage*

      10) *General Testimony*

      11) *Letter of Transmittal Requesting Registration*

      12) *Notice of Determination of Controlling Order*

      13) *Notice of Lien*

      14) *Personal Information Form for UIFSA 311*

      15) *Uniform Support Petition*

   b. Enforcement Forms

      1) *Income Withholding for Support*

      2) *National Medical Support Notice*

Table of Contents

3) *State Referral: Federal Criminal Prosecution for Non-Support (18 U.S.C. §228)*

c. Hague Convention Forms

2. Some forms, such as the *Income Withholding for Support* have an “expiration date." These forms usually include language to advise the receiver that the form is still to be honored even when issued after the “expiration date.” OCSS notifies states when the newest version of the form is available for use and the deadline for implementation.

3. When OCSS provides the revised document, the PGT

   a. Notifies the Business Projects Team (BPT) that the document needs to be revised.

   b. Provides BPT with a copy of the revised document, noting what has been revised and

   c. Provides BPT with the implementation due date.

4. When OCSS develops new forms for use, the PGT

   a. Provides BPT with a copy of the new documents and

   b. Provides BPT with the implementation due date.

5. The Division can only modify federal forms in designated fields. For example, the *Income Withholding for Support* includes an area for agencies to include supplemental information that may be state-specific such as fees the employer can charge the NCP for income withholding.

(12/2015) (01/2017) (05/2018)

I. Court Forms (03/2022)

1. The Division files petitions in Juvenile and Domestic Relations (JDR) District Court to initiate judicial actions. Refer to General Procedures for Juvenile Court Actions.

2. Designated non-attorney Division staff and Legal Counsel file the following petitions electronically in JDR District Court via the automated system. Refer to District Office Responsibilities and iAPECS User Guide Chapter 8- Documents.

   a. *Motion to Amend or Review Order* (DC-630)

   b. *Motion for Show Cause Summons or Capias* (DC-635)

   c. *Petition and Order to Suspend Driver’s License- Failure to Pay Child Support* (DC-280)

Table of Contents

d. *Petition for Support (Civil)* (DC-610)

e. *Request for Virginia Registration of Foreign Support Order* (DC-685)

f. *Affidavit- Default Judgment-Servicemembers Civil Relief Act* (DC-418)

g. *Request for Witness Subpoena* (DC-325)

3. For cases with a Family Violence Indicator, the system automatically generates and submits the *Non-Disclosure Addendum* (DC-621) for the appropriate party/ parties with the pleading.

4. When filing a pleading that has options, select the appropriate option as each option populates the pleading with the appropriate language.

   a. For the Motion to Amend Proposed Modified Order option, refer to Issuing the Motion to Approve Proposed Modified Support Order.

   b. For the Petition for Support Add a child option, refer to Adding a Child to an Existing Support Order.

5. The Division is required to use the current version of the court-issued forms. When the Supreme Court of Virginia revises forms that the Division uses or creates new forms that the Division will use, the PGT submits the new or revised form to the Business Projects Team with a copy of the new or revised documents and requests that the form be added or updated as soon as possible or within the date of the forms applicability.

J. Document Revision Requests (08/2017)

1. Division staff, through the appropriate channels, send 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 PGT

   a. Acknowledges the request within 3 business days of receipt and provides periodic updates to the requestor.

   b. Decides if a document needs to be developed or revised and submits changes.

Table of Contents

c. Issues the revised or new document in a Clearinghouse directive.

K. Batch Documents (05/2024)

Most batch documents generate when certain criteria or events occur on a case. These documents are system-generated and are not found on the Document Generation menu in the automated system.

1. Batch documents that the automated system generates

   a. Do not require an original signature or attachments

   b. Do not require supplemental information

   c. Are automatically documented in Case Events

   d. Print at the Home Office or at the location of the vendor

   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

2. Batch Only Documents

   a. *Consumer Agency Reporting*

   b. *Due Diligence Letter*

   c. *EFT Prenotification Letter*

   d. *Final Notice of Payment in Error*

   e. *Important Notice About Child Support*

   f. *Notice of Eligibility for Enrollment in DEERS*

   g. *Second Notice of Payment in Error – Repayment Options*

   h. *State Income Tax/ Lottery Winnings/ Vendor Payment Intercept Notification*

   i. *Support Collections Notice to CP*

   j. *TANF Case Opening Letter*

   k. *Transition Letter*

(08/2017) (12/2020)

Table of Contents

L. Manual Documents (07/2019)

1. Access manual documents via the DCSE Forms page on Fusion under DCSEP Forms or Warehouse.
2. Designated Division staff order warehouse documents.
   a. Email notifications-support@orbitlogistics.zendesk.com for access to the Orbit website to order documents. Provide the FIPS/Cost Code and office address. Once this information is received, a user ID and password are assigned and the website address for placing orders is provided. The warehouse is located at Clemons Courier Services Inc., 4227 Carolina Ave, Bldg. B, Richmond VA 23222.
   b. Forms that are ordered from the warehouse
      1) *Child Support Enforcement Services Application* (*Application*)
      2) *Statement of Payments* (accompanies the *Application*)
      3) Child Support Receipt Book (032-11-031)
      4) *Obligation Worksheet- Shared Custody*
      5) *Obligation Worksheet- Sole Custody*
      6) *Obligation Worksheet- Split Custody*
      7) *Request Child Support Services in 7 Simple Steps (Application)*
      8) *TANF Debt Compromise Payment Agreement*
3. DCSEP manual documents are not available from the warehouse.
4. Create a Case or Participant Event on the same date the document is issued with the name of the document as the Event Description. Include the name and address of the party the document is sent to in the Event Notes. Refer to Case and Participant Events.

(12/2015) (01/2017) (04/2018)

2.2 Imaging

A. Overview (07/2018)

1. The Division's case records are maintained electronically.

Table of Contents

2. Case activity is documented in the automated system, while physical documents are imaged and maintained in a document repository. The Division's current document repository is Perceptive.
3. Designated Division staff are responsible for imaging incoming mail and physical documents.
4. Current guidance detailing what documents to image is on SharePoint.
5. Current information for navigating through and using Perceptive is found on the Program Guidance page in Fusion.
6. Division staff are to maximize using electronic tools and minimize printing documents already imaged in Perceptive or that can be exported from iAPECS.

(08/2017)

2.3 Interviewing and Communications

A. Overview (08/2017)

An essential element of the Division's commitment to engaging families for success hinges on establishing and maintaining a professional rapport with case parties. Each Division employee must be able to effectively communicate with customers.

1. Division staff conduct interviews to gather and/or provide information.
2. Interviews may be
   a. In person or over the telephone
   b. Scheduled or unscheduled
   c. Initiated by the Division or by one of the parties and
   d. Individual or group
3. Parties to an interview may include
   a. The CP
   b. The NCP
   c. The putative father (PUTF)
   d. The NCP's employer

Table of Contents

e. Local DSS staff

f. Other District Office or court staff

g. Authorized representatives, including legal representation

4. Engaging with Case Participants

   Using a conversational interview approach helps to engage case participants and create more participant cooperation.

   a. When both parties are the child's parents, refer to other parent as "your child's mother" or "your child's father," instead of the "NCP" or the "CP."

   b. When appropriate, use "we" statements vs "'I" statements to engage the party and help him or her under his or her responsibility to the case.

   c. Listen intently and, during in-person interviews, be aware of your body language.

   d. Take a proactive approach to referring one or both parties to Family Engagement Services.

      1) It is not necessary to wait until taking an enforcement action to suggest Family Engagement Services to an NCP.

      2) If either party indicates life challenges such as unstable housing or job loss, suggest known resources or refer him or her to the District Office's Family Engagement Services Case Manager.

5. If a case has an FVI, do not schedule the parties to appear in the District Office at the same time or at times where their interviews could overlap. Whenever possible, the parties should be scheduled on different days.

6. Conduct the interview promptly after the scheduled person arrives. If the person cannot be seen by the Specialist within a reasonable period after arrival, give the party the option of speaking with another Division staff person or rescheduling the interview.

7. For unscheduled interviews, Division staff should make every attempt to see the person and conduct an interview.

8. Remember at all times that Division staff represent the Division and VDSS. Professional conduct is expected.

9. Do not discuss case specifics in a public area. Case information is confidential, and Division customers must be provided with privacy when discussing case specifics.

Table of Contents

10. Avoid using child support professional jargon when communicating with the persons that are not child support or social services professionals. This includes case participants, community partners and the general public.

(01/2017)

B. Interviewing Participants (05/2024)

1. If only one party is present at the interview, that party may have any other person present.
2. If both parties are present, Division staff, the Division's Legal Counsel and legal counsel for either or both parties may be present. Other third parties may also be present with the parties' consent. Division staff can require written consent.
3. If any third party is disruptive during the interview, Division staff can require them to leave the interview area.
4. Document Case Events to specify all persons present at the interview, including third parties and the other party's consent for the third-party presence. Consent is not necessary and should not be requested for the attendance of either party's legal counsel.
5. Division staff may speak with a third party via telephone without written consent, only if the Division case participant (CP or NCP) is present during the conversation and provides verbal consent.
6. Identification Requirements
    a. In a paternity case, require the CP, the mother (if not the CP) and the PUTF to provide photo identification (ID).
    b. For other interviews, require the CP and the NCP to provide photo ID.
    c. If photo ID is not provided, interview the party and get as much information as possible and, when necessary, reschedule the party to return with appropriate ID.
7. Advance Preparation
    a. Allow enough time to prepare for the interview.
    b. Have all needed handouts or brochures ready.
    c. Review the case information as necessary.
    d. Review any other cases for the NCP, PUTF or CP, if appropriate.

Table of Contents

e. Verify the obligation and arrears information for obligated cases.

f. Take any other needed actions such as contacting another agency or the assigned Specialist on related cases.

8. Safety Precautions for In-Person Interviews

a. If there may be a problem in the interview, alert another Division staff person or have another Division staff person sit in during the interview.

b. Consider the physical arrangement of the interview when Division staff and the parties are in the same room.

1) Division staff should indicate where the party/ parties should sit.

2) Division staff should sit closest to the door.

c. Avoid leaving the interview room; use the telephone if necessary. For example, call and ask the notary to come to the interview room.

9. Conducting the In-Person Interview

a. Introduce yourself.

b. Request photo ID and confirm identity.

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. For a party with multiple cases, make sure the party knows which will be discussed.

f. For a scheduled interview,

1) State the reason for the interview.

2) Provide basic case facts.

g. For an unscheduled interview, ask the party the reason for his/her visit.

h. Keep all statements neutral. For example, do not say "Your ex-wife said..." Instead, say "We have information that..."

i. Stay focused on the purpose of the interview. Acknowledge the party's concern about non-related issues but tactfully bring the discussion back to the interview's purpose.

j. Avoid interruptions.

Table of Contents

k. Keep group interviews under control by explaining

1) The agenda

2) Conduct expectations for all attendees

3) When you will take questions

4) That individual interviews will be available after the general interview

l. Deal tactfully with disruptions.

m. Use simple terms when explaining the program; ask the party if he/she understands and provide an opportunity to ask questions.

10. Safeguarding Information

If you must leave the interview room any time during the interview

a. Do not leave any case documents in the room.

b. Sign off any system programs and lock the computer desktop.

11. Verbal Abuse during an Interview

a. Verbal abuse is threatening language, cursing or yelling to the extent that the interview is out of the interviewer's control. Division staff are not expected to tolerate verbal abuse.

b. If verbal abuse occurs during an in-person interview and is directed at you, the other party or a Division staff member/office

1) Caution the abusive party the abuse must stop.

2) If the abuse continues, call in a supervisor.

3) Terminate the interview if the abuse does not stop.

c. If a threat is made towards a Division staff member or office

1) Update the Incident Alert Indicator on the Participant Detail Page in the automated system on the date of the incident. Refer to 2.4 Participant Detail Page in the iAPECS User Guide Chapter 4, Participant Management.

2) Document the Notes box with the incident details.

3) The District Manager makes the determination to turn off the Incident Alert Indicator when there is no longer a threat to safety.

Table of Contents

d. If the abuse occurs between the 2 parties, separate them and interview them individually.

e. If the interview is terminated because of the abuse, ensure the abusive party exits from the office area.

f. If the abuse occurs during a telephone interview,

1) Caution the party to stop the abuse.

2) If the abuse continues, calmly tell the party that you

a) Cannot continue the conversation and

b) Are willing to talk with them at another time

3) Terminate the call if the abuse does not stop.

12. Physical Abuse during an Interview

a. Physical abuse is brandishing a weapon, attempting to inflict bodily harm or inflicting bodily harm.

b. If the abuse is directed at you or a Division staff member/office

1) Leave the room.

2) Get assistance from office security or call 911 according to District Office procedure.

3) Update the Incident Alert Indicator on the Participant Detail Page in the automated system on the date of the incident as soon as time allows.

4) Document the Notes box with the incident details.

5) The District Manager makes the determination to turn off the Incident Alert Indicator when there is no longer a threat to safety.

c. If the abuse occurs between parties

1) Do not try to intervene

2) Leave the room and

3) Get assistance from office security or call 911 according to District Office procedure.

13. Concluding the In-Person Interview

a. Check to see that all forms

Table of Contents

1) Are completed correctly

2) Have all required signatures and notarizations, if needed

3) Distributed as appropriate.

b. Emphasize any important points.

c. Ask if they have any additional questions or concerns.

d. Provide a payment card and let them know it includes the Division's contact information.

e. Ensure they exit the interview area.

(07/2014) (01/2017)

C. Electronic Communications (07/2021)

1. Division staff may communicate through email, text message or two-way communication through the MCS portal with case participants and their authorized representative(s). Use these methods only to provide a case status or to respond to electronic communications.
2. Respond to electronic communication within the Division timeframes established for customer service responses. If a response cannot be provided within the established timeframes, the Specialist acknowledges receipt and advises the customer that a reply will be provided once their request for information is researched.
3. Responses should be professional, polite and use proper business writing etiquette.
4. Do not

   a. Type in all capital letters

   b. Use emoticons such as smiley faces

   c. Use slang, derogatory terms or vulgar language

   d. Send any FTI or FPLS information or

   e. Send any Personal Identifying Information (PII) or other confidential information. PII and other confidential information should not be sent to any recipient by email or text, including Division staff. If a business need exists to send PII to a child support employee in Virginia or another state, the information must be encrypted.

Table of Contents

5. Create a self-generated Case Event when emails or text messages are received from a case participant, an authorized party or any other entity, including another child support agency.
6. Case closure requests received by electronic communications must be imaged to the case record.
7. Send the reply to the electronic communication using the same mode it was received (email or text) unless the original communication contains PII. If the original communication contains PII, create a new email or text to reply (if applicable).
8. Create a self-generated Case Event when the email or text message response is sent.
9. Two-way communication through the MCS portal automatically creates a Case Event for receiving and sending messages. Refer to Case and Participant Events.
10. If Division customer sends an electronic communication that contains threatening language, the Division staff person forwards the communication to his or her supervisor or the District Manager to respond. Document receipt as noted in 5 above and document in event Notes that it was forwarded to management for review.
11. District Office management documents the system as appropriate.

(10/2014) (08/2017) (07/2019) (12/2020)

2.4 The Local Departments of Social Services and Division Interactions

A. Overview (04/2021)

1. The Local Departments of Social Services (LDSS) sends referrals for TANF, IV-E FC and non-IV-E FC cases to the Division to provide child support services. Refer to Applying for services in TANF and Foster Care Cases.
2. The LDSS notifies the Division if a Good Cause determination is made.
   a. If a finding of Good Cause is made at the time of case approval, the LDSS does not send a referral to the Division.
   b. If a finding of Good Cause is made after the Division referral, the LDSS notifies the Division in writing or via the IV-A/IV-D interface.
3. TANF recipients are required to cooperate with the Division. The Division reports TANF noncooperation to the LDSS. Refer to Cooperation Requirements for TANF Cases.

Table of Contents

4. The Division notifies the LDSS when a putative father (PUTF) is excluded as the father on TANF, IV-E FC and non-IV-E FC cases.

5. When a TANF or foster care case closes, the family is entitled to continue to receive Division services without needing to complete the *Child Support Enforcement Services Application*. When a TANF case closes or is suspended, the *Transition Letter* is issued to notify the CP of his or her right to continue to receive the Division's services. The *Transition Letter* also provides the CP a description of the Division's services.

6. When IV-E FC cases close, the automated system notifies the specialist of closure, but does not change the case type. Contact the LDSS to determine who has custody of the child.

7. 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) (03/2016) (08/2017) (03/2020)

B. Foster Care Cases (03/2020)

The 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 court-issued summons issued notifies the parents that the court will consider child support at the hearing.

1. The LDSS staff notify the court if they determine that collection of support may interfere with the goal of returning the child home.

2. The Division's involvement in the initial hearing or a continuation hearing varies from locality to locality. District Office staff coordinate with the LDSS to develop the local process.

   a. When available, Division staff help with calculating child support if requested by the court.

   b. If Division staff are not present to help with calculating child support, the court may

      1) Order support based on information provided at the hearing

      2) Order a continuance to a Division court day or

      3) Refer the matter of establishing a support order to the Division. Refer to Support Orders for Foster Care Cases and Establishment of a Debt for Reimbursement to the State.

Table of Contents

c. IV-E FC and non-IV-E FC cases may transition to Kinship Guardianship Assistance Program (KinGAP). The case type will remain the same for Division purposes. The LDSS will notify the Division that the case has transitioned to KinGAP and to keep the case open. Definitions of Program Terms

(07/2014) (03/2016) (08/2017)

C. Cooperation Requirements for TANF Cases (08/2017)

1. Unless a Good Cause finding has been made, TANF recipients are required to cooperate with the Division to establish paternity and a support obligation and/or to enforce a support obligation as a condition of TANF eligibility.

2. Cooperation in TANF cases means the TANF CP is required to take the following actions to assist the Division with for identifying and locating NCPs or putative fathers (PUTFs) to establish and collect child support obligations.

   a. Provide the Division with ID information for the NCP or PUTF

      1) 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.

      2) If the CP is uncertain 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.

      3) If the CP only names 1 PUTF and that person is excluded by genetic testing, the Division notifies DSS as the CP must be given the opportunity to name any and all other PUTFs 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*. Noncooperation exists if the CP fails or refuses to sign the form.

      4) If the mother of the child was married at the time of the child's birth, but names someone other than her husband as the child's biological father, DSS must refer both men to the Division.

   b. Along with the parent's name, the CP is required to provide at least 3 additional identifying pieces of information.

Table of Contents

1) 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*.

2) If more than 1 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, the LDSS updates the information in VaCMS with a Good Cause code of 75, which prevents the referral to the Division.

3) If the CP is a grandparent of the child, he or she must provide at least 3 additional pieces of information in addition to the first and last name for the NCP who is his or her own child.

c. Appear at an office of the LDSS or the Division, 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

d. Appear as a witness at judicial or administrative hearings or proceedings.

e. Appear for a scheduled appointment to have a genetic test done to establish paternity.

f. Forward to the Division any money received directly from the NCP after assignment of support rights.

g. Pay for all additional genetic testing after the first 5 PUTFs have been tested and excluded as the father of the child.

(07/2014)

D. Reporting Noncooperation (08/2017)

1. Noncooperation exists when the TANF CP

a. Fails to forward to the Division payment(s) received directly from the NCP after assignment of support rights

b. Fails to respond by telephone or in writing to 2 consecutive requests to provide information

c. Fails to appear in court for a scheduled paternity hearing, establishment of support or enforcement hearing

Table of Contents

d. Misses a scheduled appointment for a genetic testing and does not contact the Division to reschedule

e. Misses 2 consecutive scheduled appointments other than genetic testing or court appearance and does not contact the Division to reschedule them

f. Fails to provide the name of another individual who may be the father after the only man named as the putative father (PUTF) is excluded

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.

1) The Division pays for genetic testing for up to 5 PUTFs; after 5 exclusions, the CP will be responsible for paying for any additional testing.

2) If the CP does not pay for the testing or refuses to pay for testing, this is considered noncooperation and the Division must notify the LDSS

h. Refuses or fails to sign the *Attesting to Lack of Information Form* at the LDSS, after stating that she is unable to provide the name any other identifying information about the NCP. The LDSS will notify the Division in this situation. The LDSS will also document the noncooperation in the notes section of the Absent Parent Demographic screens in VaCMS.

2. Division staff notify the LDSS when the CP is non-cooperative. Document Case Events to detail the reason for reporting the CP for noncooperation.

a. Generate the *Cooperation/Noncooperation Notification* (*Notification*) with "X" in appropriate blocks and the dates filled in as needed. Generating the *Notification*

1) Creates the NCLT Participant Event with notes documenting the noncooperation reason(s)

2) Creates the NCRF event with notes documenting the client is referred for Noncooperation (for TANF cases)

3) Updates the "CP Cooperative" indicator in the Additional Information field on the Case Detail Page with a "N"

4) Sends an automated referral to VaCMS to notify the LDSS in active TANF cases.

b. Mail a copy of the *Notification* to the CP when the referral is made. Document Case Events to reflect that the copy was sent to the CP.

c. Continue to work the case without cooperation from the CP if possible.

Table of Contents

3. LDSS Noncooperation Sanctions for TANF Cases

Sanctions are imposed on the CP by the LDSS when the Division reports noncooperation.

a. If the LDSS imposes as the result of a Division *Notification* and the CP appeals the sanction, DSS eligibility staff may contact the Division and request supporting documentation to include in their appeal summary.

b. Such documentation may include

1) A court summons copy

2) An *Administrative Summons* copy

3) Motions, petitions and other legal and administrative correspondence that reflect the CP's failure to cooperate

c. Provide this information immediately to the LDSS when requested. This information may also be requested by the Hearing Officer.

d. Division staff attend the hearing or participate in a telephonic hearing when requested to testify about the CP's failure to cooperate.

4. Change in Cooperation Status

a. If a CP starts cooperating or information not previously provided is obtained from another source after noncooperation has been reported, generate the *Notification* with an "X" in the appropriate block indicating the CP is now cooperating. Generating the *Notification*

1) Creates the NCRM Case Event and

2) Updates the CP Cooperative indicator to "Y" in the Additional Information field on the Case Detail page

b. Mail a copy of the *Notification* to the LDSS. If the case is still active to TANF, the automated system will send an automated referral with the cooperation information to VaCMS which will notify the LDSS.

c. Mail a copy of the *Notification* to the CP when the referral is made in regarding his or her change in cooperation status. Document Case Events to reflect that the copy was sent to the CP.

(07/2014) (12/2014)

E. Alleged Fraud (08/2017)

Table of Contents

1. Notify the LDSS if the Division has 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.

2.5 Worklists

A. Overview (08/2017)

1. Generating certain documents, scheduling appointments and hearings, and updating certain items on the automated system create worklists to prompt Division staff to take follow up actions.

2. The Document Matrix indicates which documents create a worklist as well as the timeframe for and the purpose of the worklist.

3. Take follow up actions within established timeframes as some worklists generate to ensure the Division's compliance with federal and state regulations and laws.

   (12/2015) (01/2017)

2.6 Statement of Payments Procedures

A. Overview (05/2025)

1. Refer to the Statement of Payments Process Guide

2. Send the applicant a *Statement of Payments* (*SOP*).

   a. Upon receipt of the completed *SOP*, ensure that all entries are legible and all time periods when the applicant was payee or payor are covered by this or another statement from the applicant.

   b. If the applicant does not provide a *SOP*, do not add any arrearages to the case for the period that the parties were not receiving IV-D services (this includes any arrearages that were removed when the case closed).

3. Send the non-applicant a copy of the applicant's completed *SOP*. Advise the non-applicant to review the *SOP,* and if he or she disagrees with the information provided by the applicant, to respond within 10 calendar days with proof of payments.

Table of Contents

a. If the non-applicant does not respond within 10 calendar days, add the arrearages to the automated system unless the NCP is an active duty service member.

1) Use the Service Members Civil Relief Act (SCRA) website to determine whether or not the NCP is an active duty service member.

2) Update Case Events with the search results.

3) If the NCP is an active duty service member, refer the case to court for a judicial determination of the arrearages.

4) For Virginia court orders, file the *Motion to Amend or Review Order.*

a) For an *Administrative Support Order* (*ASO*) with current support still due, file the *Petition for Support (Civil) (Petition*).

b) Check the second box under #2 of the Petition indicating "That an order concerning the support of the person(s) for whom support is sought in the petition has been entered."

c) Under #5 of the Petition type in

THE EXISTING ORDER IS AN ADMINISTRATIVE SUPPORT ORDER. ENTER A COURT ORDER TO SUPERSEDE THE ADMINISTRATIVE SUPPORT ORDER AND SET ARREARAGES, IF ANY, AND A PAYMENT TOWARD ARREARAGES, IF APPLICABLE.

5) Update the automated system as appropriate once the court makes a ruling.

6) If the order on the case is an *ASO* and current support is no longer due, refer the case to Legal Counsel.

4. If the non-applicant contacts the Division and disputes the arrearages and cannot provide proof the debt is incorrect,

a. Add the arrearages to the automated system according to the *SOP*.

5. If the non-applicant provides proof of payments that appears to be valid,

a. Attempt to resolve the dispute by contacting the applicant.

b. If the applicant agrees with the information provided by the non-applicant, have the applicant complete a new *SOP*.

c. If the dispute cannot be resolved, refer the matter to court and do not add the arrearages until the court determines whether there is an arrearage and the amount.

Table of Contents

6. Provide both parties with the *Payment Record* and initiate enforcement actions.

7. Calculate the arrearages

   a. For a new IV-D case 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 *SOP*, taking into consideration any court orders establishing arrearages.

   b. For the period when the case was closed and reopened, calculate the arrearages based on the support obligation and reduce this figure by the amount of the payments received during that period per the *SOP*. Make a separate adjustment in the automated system to add these arrearages. Refer to Receivables Maintenance for guidance on direct payments. If, in the meantime, a court order was issued addressing the arrearages, use the court ordered amount.

(11/2015) (04/2016) (08/2017) (05/2018) (10/2019) (06/2020)

2.7 Adding Orders to the Automated System

A. Overview (05/2024)

1. Division staff must ensure the accuracy of order information updated in the automated system. To meet documentation requirements, order notes must be included when adding a support order to the automated system.

2. Do not add an order to the automated system without a copy of the order in the case record.

3. Virginia support orders issued on or after July 1, 2006, usually have a first of the month start date.

4. District Office establishment, enforcement, locate, court, review and adjustment, family engagement, and intake staff can add support orders to the automated system.

5. Do not adjust subaccounts when entering subsequent orders or updating extensions in the automated system. Refer cases to fiscal to complete adjustments in the automated system. The automated system creates financial events to maintain a record of adjustments.

6. Fiscal staff adjust arrearages to add the amount of support that accrued between the effective date and the first of the month when charging begins. Fiscal staff determine the partial month's obligation by pro-rating the monthly obligation by the number of days from the effective date through the end of the month to determine the adjustment amount.

Table of Contents

7. Effective Date

   a. Effective July 1, 2006, a Virginia court order from an initial proceeding is effective the date of the filing of the petition. For a modification proceeding, the effective date is the date of the notice from the court to the responding party. However, in either proceeding, the court may establish a different effective date.

   b. An initial *ASO* is effective the date of service or the date the NCP signs the *Waiver of Formal Service*.

   c. A modified *ASO* based on a review and adjustment is effective the date the *Notice of Proposed Review* (*NOPR*) is served on the non-requesting party. If both parties are nonrequesting, it is the date of service of the last party served. If the modification is not due to a review and adjustment, the effective date is the date the *ASO* is served on the NCP or the date the NCP signs the *Waiver of Formal Service*.

   d. A modified ASO based on a review and adjustment is effective the date the *NOPR* is generated on an ARRP case when the CP is deceased or cannot be located.

   e. The first payment is due the first of the month following the effective date of the order and on the first of the month each month thereafter.

8. Start Date

   a. In most cases, the start date for Virginia orders issued after July 1, 2006, will be the first of the month.

   b. A Virginia Court Order's start date is the first day of the month following the court date, unless otherwise ordered by the court. For example, if the court hearing date is March 3, 2014, the order start date is April 1, 2014, unless the court orders a different start date.

   c. An initial *ASO*'s start date is the first day of the month following the effective date. The order is effective the date of service of the *ASO* or the date the NCP signs the *Waiver of Formal Service*. For example, if the NCP is served with an initial *ASO* on March 2, 2014, the order start date is April 1, 2014.

   d. A modified *ASO*'s start date is the first day of the month following the effective date. The order is effective the date the NOPR is served on the nonrequesting party. For example, when the NCP requests a review and the CP is served with the *NOPR* on January 24, 2014, the order start date is February 1, 2014.

9. Charge Date

Table of Contents

The date the automated system charges the support obligation for the month.

10. Order Date

The date a judge signs the court order or the date printed on the *ASO*.

11. Debt Assessment

a. An initial *ASO* for debt to the state is assessed from the date of receipt of TANF, IV-E FC, or SLFC.

b. An initial *ASO*, established prior to 7/1/2021, for debt to DJJ was assessed from the date DJJ received the dependent.

c. For administrative orders, the debt cannot be assessed prior to the date that paternity is established.

For more information, refer to Establishment of a Debt for Reimbursement to the State.

(07/2018) (07/2021) (09/2022)

B. Adding the Initial Support Order to the Automated System (07/2018)

1. When an initial support order is established, create an order record in the automated system.

a. Enter the effective date, order date, and start date for the initial support order.

b. Enter the terms of the order and add detailed order notes to the automated system.

c. Create current support extension(s) if applicable.

1) If the order is added after the order start date, the monthly current support obligation charges on the day the order is added to the automated system.

2) If the order is added before the order start date, the monthly current support obligation charges on the first day of the next month.

d. Create arrears extension(s) when arrearages are addressed in the initial support order. If arrearages are not included in the initial support order, the automated system will create the appropriate arrears subaccount(s) when support becomes delinquent as part of the charging cycle.

e. Update the Charge Interest Indicator and Interest Rate, if appropriate. Refer to Interest.

Table of Contents

f. Update the intercept and consumer reporting indicators when an arrearage is not be certified or referred.

2. Refer the case to fiscal staff to complete any required adjustments, including assessing the amount due for the partial month between the order effective date and the date the first monthly payment is due plus any full month's obligation due prior to the automated system charging the support obligation. Refer to Fiscal Responsibilities- New Orders.

3. For more detailed instructions, refer to 2.3 Adding the Initial Order in the iAPECS User Guide Chapter 5, Order Management.

C. Adding Subsequent Support Orders (07/2018)

1. Before a modified support order is added to the automated system, the existing order must be updated with an end date. Update the end date of the existing order to be 1 day before the start date of the modified order.

   Example: The start date of the modified order is August 1, 2016. Update the end date on the existing order to July 31, 2016, before adding the modified order to the automated system.

2. Once the end date has been updated on the previous order record, add the modified order to the automated system.

   a. Enter the effective date, order date, and start date for the modified order.

   b. Enter the terms of the order and detailed order notes to the automated system.

   c. Update the Modification Reason on the Update Support Order page by selecting the code the best describes the reason for the creation of the modified order record.

   d. Update the intercept and consumer reporting indicators when an arrearage is not to be certified or referred.

   e. Update the current support extension to the modified amount.

      1) If the new current support obligation is updated after the start date of the modified order, the automated system automatically adjusts the current support subaccount to the modified current support obligation.

      2) If the order start date is a future date that is greater than the next charge date for the case, the automated system will not allow entry of the modified order. When the worker enters the future dated order information, an error message displays and the attempted order entry causes the automated system to create the FORD FUTURE

Table of Contents

ORDER ADD PRIOR NEXT CHRG DT worklist to remind the worker to enter the future dated order.

3. Refer the case to fiscal to complete any required adjustments based upon the change to the current support obligation or if arrearages are addressed in the order. Do not adjust subaccounts in the automated system when entering a subsequent support order or updating support extensions. Only fiscal staff complete adjustments to subaccounts. The automated system creates financial events to maintain a record of adjustments. For more information, refer to Fiscal Responsibilities- Modified Orders.
4. If the previous order did not charge on the first of the month, refer the case to fiscal to reset the order charge date when the new order changes the charge date to the first of the month. For more information, refer to 5.1 Reset Order Charge Date in the iAPECS User Guide Chapter 5, Order Management.
5. Do not create an order record in the automated system if the only change to the order is to establish or adjudicate arrears or the judge sets a dollar amount to be paid on arrearages.
6. For more detailed instructions, refer to 2.5 Adding a Modified Order Record in the iAPECS User Guide Chapter 5, Order Management.

D. Closing Support Extensions (7/2020)

1. There are situations that require the closure of current support extensions, including
   a. Emancipation
   b. Change in physical custody
   c. Case closure or
   d. The case becomes an arrears only case.
2. Current support extensions must be closed correctly and timely to avoid continued charging, contributing to possible overpayments or case reopening issues.
3. When a case type changes to ARRN or ARRP or a case closes due to emancipation of the last child on the case, allow current support to charge one more time before closing current support.

   Example: If the case charges on the first of the month and the last child on the case emancipates on May 5, 2018, do not close current support until after the case charges on June 1, 2018.

Table of Contents

4. To close the current support extension, add a new order record to the automated system and take the following actions

   a. Update the Modification Reason to MCOR CORRECT/UPDATE ORIGINAL ORDER

   b. Add order notes to the automated system that explain the reason for closing the extension(s).

   c. Complete the 2 separate edits for each current support extension that must be closed.

      1) Change the Frequency Amount to $0.00 on the Update Support Order Extensions page.

      2) After saving this change, return to the Update Support Order Extensions page and update the Extension Status to Closed.

5. Update the case type, if appropriate.

6. Review the case accounting to ensure the extension closed correctly.

7. Do not adjust subaccounts when entering subsequent orders or updating extensions in the automated system. Refer the case to fiscal to complete any required adjustments, including zeroing out any existing balances. The automated system creates financial events to maintain a record of adjustments.

8. To prevent a credit balance in the current support extension, do not close the current support extension in the same charge cycle in which support payments were received.

   a. Place a hold on the case and allow one more charge before closing the current support extension. Refer to Holds.

   b. After the current support extension is closed, release the case level hold.

   c. The automated system automatically places a hold at the case level when it is necessary to close current support due to emancipation.

9. For more detailed instructions, refer to 2.6 Closing a Current Support Extension in the iAPECS User Guide Chapter 5, Order Management.

10. A Job Aid for Correcting Closed Current Support Extensions with a Credit Balance is located on Fusion.

(7/2018)

E. Reopening Support Extensions (7/2018)

Table of Contents

1. When current support is due, it may be necessary to reopen a current support extension if circumstances in the case change or a customer reapplies for services after a case has closed.
2. To reopen a current support extension, add a new support order record to the automated system.
3. Update the following for each current support extensions that needs to be reopened
   a. Change the Extension Status from Closed to Open
   b. Update the Frequency Amount to the monthly support obligation.
4. For more detailed instructions, refer to 2.7 Reopening a Current Support Extension in the iAPECS User Guide Chapter 5, Order Management.

2.8 Adding an Uncapped Child to a TANF Case

A. Overview (07/2020)

1. Effective 7/1/2020, a CP TANF recipient has the option to keep a Cap child capped or uncap them.
   a. An uncapped child is immediately added to the TANF benefit case by the LDSS and an AF50 Worklist is generated.
   b. Any children that remain capped will remain in the Cap status until the TANF benefit case closes.
2. Refer to the *Adding an Uncapped Child to a TANF Case Procedure Guide* for procedures on adding a Cap child to a TANF case.
3. Refer to TANF Cap Cases for TANF Family Cap definition and historical requirements.

Table of Contents

Chapter 3: Family Engagement

3.1 Family Engagement Services

A. Overview (05/2025)

1. The Division takes appropriate steps to ensure compliance with support obligations. However, some parents face obstacles that hinder their ability to comply with their support obligations.
2. The Division's Family Engagement Services (FES) programs provide these parents with assistance in addressing and overcoming these obstacles.
3. Administrative FES programs provide services offered in conjunction with, but not as a substitute for, applicable state and federal enforcement remedies.
4. Administrative FES program participation is voluntary.
   a. Division staff identify potential participants during the interview or customer service processes.
   b. Once identified, Division staff refer interested NCPs to the FES Team as appropriate.
   c. The FES program assignment is based on the parent's needs. Refer to FES Case Management and the Family Engagement Services Case Processing Guide.
5. Judicial FES program participation is court ordered. The court may order an NCP to participate in FES as an alternative to or a result of a finding of contempt in a civil contempt proceeding.
6. The Division's FES Team is responsible for managing the judicial and most administrative FES programs that can assist NCPs with identifying, addressing and overcoming obstacles. Refer to FES Team Case Referral .
7. Enforcement Specialists manage the administrative FES program for participants whose only obstacle to complying with their support obligation involves a suspended or a pending suspension driver's license. Refer to Pre-Court Monitoring.
8. FES Team administered programs, both judicial and administrative, and the Pre-Court Monitoring services are all intensive case monitoring programs.

Table of Contents

9. For the administrative FES programs, parents who decline to participate or who indicate interest but fail to substantially comply with the program requirements can be referred for civil contempt proceedings as applicable. Refer to Civil Contempt Proceedings and Referral Process and FES Case Management.

10. The Division offers additional family engagement services programs that assist in strengthening Virginia families.

    a. The Division oversees the Virginia Paternity Establishment Program, which provides an opportunity for unmarried parents to establish paternity shortly after their child's birth.

    b. The Division actively seeks out grant opportunities that support existing programs as well as programs that test and implement new approaches to help parents support their children. Refer to Grants.

11. The Division provides Family Engagement Services in all programmatic areas. The primary focus of this chapter is the Family Engagement Services offered through the Division's FES Team.

(08/2017) (09/2022)

B. FES Team Case Referral (05/2025) (NEW TOPIC)

1. Cases are referred to the FES Team either by court order or Division staff.

2. Division staff case referrals require the NCP to have at least one non-employment related barrier, or employment challenges plus an additional barrier that hinder the NCP's ability to comply with the support obligation.

3. Barriers hindering support order compliance can include, but are not limited to:

    a. Unemployment or underemployment

    b. Limited work experience or job skills and/or unstable employment

    c. Limited education and/or literacy challenges

    d. Substance misuse or dependency

    e. Physical and/or mental disability

    f. Housing instability

    g. Justice involvement

Table of Contents

h. Limited connection with the child

i. Limited parenting skills

j. Strained relationship with the other parent

k. Suspended driver's license or pending driver's license suspension

4. Division staff refer an NCP's case(s) to the FES Team for administrative FES programs after identifying potential barriers and documented completion of current referral criteria. Refer to the Family Engagement Case Processing Guide for referral criteria and requirements.

5. Court Specialists refer an NCP to the FES Team when the court orders the NCP to participate in FES as an alternative to or result of a finding of contempt.

6. All referrals for FES Team services must be appropriately documented.

   a. Create a SELF event in Case Events with the event description FES REFERRAL SENT.

   b. Document the SELF event Notes with any relevant information. For court ordered FES participation include the order compliance requirements.

7. Some NCPs have potential barriers to support order compliance, but do not meet the FES Team services referral criteria. Do not refer the case if

   a. The NCP does not reside in Virginia. Review the case for intergovernmental referral. Refer to Division Responsibilities and Support Enforcement.

   b. The NCP alleges an inability to work due to illness or disability. Refer to Case Workable Status and Enforcement and Special Circumstances NCPs.

   c. The NCP's only barrier is unemployment. Refer the NCP to the Virginia Employment Commission if the NCP resides in Virginia.

   d. The NCP's only barrier is Division-related license suspension. Refer to Driver's License Suspension and Pre-Court Monitoring Program.

   e. The NCP's inability to comply with the child support obligation is only related to enforcement of health care coverage. Refer to Medical Support and Judicial Enforcement.

C. FES Case Management (05/2025) (NEW TOPIC)

Table of Contents

1. The FES Team manages all family engagement services FES programs for NCPs with obstacles hindering their ability to pay support except those NCPs eligible for the PreCourt Monitoring Program. The FES Team Case Managers administer the case management services.
2. Within 30 days of referral for FES Team services, the Case Manager will
   a. Conduct an orientation session with the NCP and
   b. Create a services plan using the *Case Action Plan*. The services plan must
      1) Identify services, programs and requirements necessary to comply with the administrative or court referral. For court referrals, ensure the services plan allows the NCP to meet the ordered compliance criteria.
      2) Provided services include
         a) Employment services, to include employment assessment, employment search and employment training
         b) Educational services, including GED preparation and GED testing
         c) Social services, health and mental health services and substance abuse services
         d) Housing services, including referrals to organizations that operate shelters and provide subsidies
         e) Family services, including parenting and coparenting skills and relationship-building activities for parents and children
         f) Document assistance, including referrals to organizations and assistance in securing vital records, driver's licenses, commercial driver's licenses or other documents
         g) Any other services that would assist the NCP to pay support owed
      3) Include a provision for monthly status updates of program compliance to the custodial parent.
3. Once the *Case Action Plan* is completed, the Case Manager works with the NCP to meet the requirements of the services plan. The Case Manager will
   a. Assist the NCP as needed with contacting and making appointments with the organizations offering the required services and programs.
   b. Provide the NCP with appointment reminders.

Table of Contents

c. Follow up with the NCP and/or the service provider(s) to determine next steps.

d. Use the *Family Engagement Services Compliance Report* (*Compliance Report*) to track the NCP's compliance with

1) The *Case Action Plan* requirements

2) The support order

3) The terms of the administrative or court referral program. For court referrals, the Case Manager will provide the court with timely and regular reports of the NCP's compliance with the services plan and the support order.

4. For administrative referrals, for the initial 90 days from the date of referral, for any NCP who is substantially compliant with the *Case Action Plan*

a. Do not refer the NCP for civil contempt.

b. Take appropriate enforcement actions, including issuing the IWO and submission for federal and state tax refund offset.

5. For administrative referrals, after 90 days from the date of referral, any NCP who is substantially compliant with the *Case Action Plan* but not paying support as ordered, the NCP may remain in the FES program, but must be referred for civil contempt.

6. For administrative referrals, any NCP who is not substantially compliant with the *Case Action Plan* at any time must be referred for civil contempt; do not wait 90 days from referral for FES Team Services. Instances of noncompliance include but are not limited to

a. The NCP routinely fails to keep Division and/or community partners appointments.

b. The NCP fails to submit job search information and is unemployed.

c. The NCP is working but not making support payments, and the Division is unable to issue an IWO.

d. The NCP becomes incarcerated, or unable to participate due to non-Division legal problems.

e. The Division loses contact with the NCP and is unable to re-establish contact.

7. When the Case Manager determines administrative FES program noncompliance or ineligibility

Table of Contents

a. Create the SELF Event Case Event using the event descriptor FES SERVICES DISCONTINUED on each of the NCP's cases.

b. Document the event Notes explaining the reason the reason FES services were terminated and/or the circumstances of noncompliance.

c. If the NCP meets criteria for civil contempt, the case(s) must be referred for civil contempt. Refer to Civil Contempt Proceedings and Referral Process.

8. For court referrals, if the NCP is uncooperative or continually noncompliant with the requirements of the court order, support order and/or *Case Action Plan*, notify the Court Specialist, who notifies the Division's Special Counsel involved with the case.

9. Because the Division is required to establish a services plan within 30 days of referral for FES Team services, for administrative FES Team referrals, cases that do not meet the criteria for referral should be returned to the referring District Office as soon as it is determined the case does not meet the criteria.

D. Grants (05/2025)

1. The Division's Program Initiatives Team in Home Office seeks and applies for grants funds to provide services to Virginia families, particularly those in the Division caseload. The Division uses grant funding to research and improve the child support program and strengthen families.

2. The OCSS funds the Virginia Access and Visitation (AV) Program grant.

a. The AV Program goal is to facilitate access to and visitation with children. Program services' success is measured by if the parent can spend more time with his or her child.

b. Participants must be parents of minor children, the majority of whom must have an active Division case.

c. The Division does not refer either party for AV services when there is an FVI on the case.

d. The FES Case Manager can include AV services as part of the *Case Action Plan* or can refer either party to AV services.

e. District Office staff should ask every parent about their interest in parent education, establishing a parenting agreement or participating in mediation to resolve visitation issues.

f. Prime candidates are for participation interest are

Table of Contents

1) Parties with newly established paternity and/or support obligations

2) Parties where lack of access to the child is the primary factor for noncompliance with the support order.

(11/2015) (08/2017) (05/2018) (09/2020) (09/2022)

3.2 Family Engagement Procedures

A. TANF Debt Compromise for Family Engagement Services Participants (12/2020)

1. Family Engagement Services (FES) participants with TANF debt may enroll in the TANF Debt Compromise (TDC) Program (the Program). Refer to the TANF DEBT Compromise Program and Case Management.
2. In addition to the FES enrollment forms, the participant must complete the *Case Action Plan* and the *TANF Debt Compromise Payment Agreement* (*Agreement).*
   a. When completing the *Case Action Plan*, identify a minimum of 4 goals the participant must achieve to receive the 5% debt reduction.
   b. Provide a copy of the *Case Action Plan* and the *Agreement* to the participant. Image a copy of the documents for the case record.
3. Calculate the required minimum payment for eligibility in the TANF Debt Compromise Program using all of the participant's cases.
   a. When current support is due, add the current support amount plus the ordered arrears payment or $65.00, whichever is less.
   b. When current support is not owed, use $65.00 per month for each arrear only case or the court ordered arrears payment, whichever is less.
   c. The NCP is still responsible for their ordered current support and the ordered arrears amount. a. and b. above are the required minimum payments that must be made to be eligible to participate in the program.
4. Once the *Agreement* is complete, place a checkmark in the Debt Compromise Eligible Indicator (Indicator) on the NCP Participant Detail page, When the indicator is updated, the automated system:

Table of Contents

a. Updates the Indicator Effective Date:

b. Creates the NCP Participant Event type TDCE, with the Event Description, TANF DEBT COMPROMISE ELIGIBLE.

c. Displays a message in the Notification Box that indicates the NCP is participating in TDC.

5. Enter the required payment in the Required Monthly Payment field on the NCP Participant Detail page.

6. Document the TDCE Participant Event with Event Notes that indicate the:

   a. Tier the NCP qualifies for,

   b. Total TANF debt owed at the time of the *Agreement*. Refer to TANF Debt Compromise Adjustment Procedures and

   c. Required monthly payment.

   EXAMPLE: The NCP has an annual income of $24,000. The NCP has signed up to participate in FES. The NCP has two cases and has a required payment of $175.00 on one case and $65.00 on another case. The NCP owes $3,140 TANF debt on one case and there is no TANF debt on the other case.

   Document the TDCE Participant Event with the following notes:

   TIER 1, TOTAL TANF DEBT OWED $3,140 REQUIRED PAYMENT $240.

7. Monitor the NCP's compliance with the *Case Action Plan*. When the NCP meets 2 of the required goals:

   a. Worklist fiscal (Priority 7) to apply the 5% debt reduction and

   b. Create a SELF-GENERATED event on the NCP's Participant Events with the Event Description REFERRAL TO FISCAL UNIT PAP2. Add Event Notes to document the request for the 5% reduction.

   EXAMPLE: THE NCP COMPLETED TWO PARENT ACTION PLAN GOALS, 5% REDUCTION TO BE GIVEN.

8. Continue to monitor the NCP's compliance with the *Case Action Plan*. Once the NCP has completed all required goals:

   a. Worklist fiscal (Priority 7) to apply the 5% debt reduction and

Table of Contents

b. Create a SELF-GENERATED event on the NCP's Participant Events with the Event Description REFERRAL TO FISCAL UNIT PAPC. Add Event Notes to document the request for the 5% reduction.

EXAMPLE, THE NCP COMPLETED ALL *PARENT ACTION PLAN* GOALS, 5% REDUCTION TO BE GIVEN.

9. Monitor for the NCP's completion of the FES Program. Once the NCP graduates from FES:

   a. Worklist fiscal (Priority 7) to apply the 5% debt reduction and

   b. Create a SELF-GENERATED event on the NCP's Participant Events with the Event Description REFERRAL TO FISCAL UNIT GRAD. Add Event Notes to document the request for the 5% reduction.

   EXAMPLE: NCP HAS GRADUATED FROM FES, 5% REDUCTION TO BE GIVEN.

10. When there is a change to the tier that the NCP qualifies for, create a SELF-GENERATED event on the NCP's Participant Events with the Event Description DEBT COMPROMISE TIER CHANGE. Changes include when the NCP enrolls, leaves, or graduates from FES. Add Event Notes to document the following:

    a. Reason for the change,

    b. New tier the NCP qualifies for,

    c. Required monthly payment and

    d. Total TANF debt owed at the time of application.

    EXAMPLE: THE NCP IS NO LONGER IN FES. NCP IS NOW IN TIER II OF THE DEBT COMPROMISE PROGRAM. REQUIRED PAYMENT IS $240. TOTAL TANF DEBT OWED IS $3,140.

(04/2018)

Table of Contents

Chapter 4: Intake

A. Overview (04/2021)

1. As a Title IV-D agency, the Division provides child support services for nearly 1 out of every 5 children in the Commonwealth.
2. 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 VaCMS system.
3. All other cases come to the Division by application and must be manually set up, including applications from individuals and non-IV-E foster care referrals from LDSS.
4. Other written requests received by the Division that are considered applications are IV-D to IV-D referrals and UIFSA petitions from other states and locate only requests from courts and individuals.

(08/2017)

B. Services Provided (08/2017)

1. The Division provides the following services in full IV-D service cases:
   a. Locating NCPs and their employers, income and assets
   b. Paternity establishment
   c. Child support order establishment, including provisions for medical support
   d. Child and medical support order modification
   e. Enforcement of child and medical support orders 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

Table of Contents

2) A court

3) A IV-D agency in another state and/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

5) "Authorized persons" include Commonwealth Attorneys, District Attorneys and agents of the court. For this purpose, private attorneys are not considered agents of the court and cannot be designated as authorized persons. The authorized person or entity applies to the State Parent Locator Service (SPLS) in the Division's Home Office, which provides the locate-only services.

3. Non-IV-D (NIVD) Services

a. The Division provides NIVD services to persons who have not applied for or are ineligible for IV-D services:

1) NIVD Income Withholding for Support or

2) Incoming or outgoing UIFSA petitions identified as NIVD.

b. Central Registry staff in Home Office handles these cases. Refer to Non-IV-D Cases.

C. Provisions for Child Support Services (07/2021)

1. The Division provides IV-D services for these applicants

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

b. A caretaker with physical custody of a child

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

d. A putative father (PUTF) who asserts that he is the child's biological father and wants to establish 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. Child support services may be requested for children under 18 years of age.

4. Child support services may be requested for a child over 18 years of age when

Table of Contents

a. There is a support order specifying that current support continues until a later age and the child lives with the CP

b. A support order existed before the child's 18th birthday and arrearages 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 Establishing and Modifying Orders Due to Child's Disability.

5. An applicant who is a minor is not eligible to receive support for himself or herself when either current support or accrued arrearages 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."

6. When a court orders child support payments be paid to a Special Needs Trust or an Achieving a Better Life Experience Act of 2014 (ABLE) account, the following applies

   a. Payment cannot be made to the Division's State Disbursement Unit for a Special Needs Trust or ABLE account. Payments must be paid directly to the trust or account.

   b. The Division cannot judicially or administratively enforce an order paid to a Special Needs Trust or ABLE account.

   c. The parties are responsible for petitioning the court for enforcement or modification of the order.

   d. There is currently no closure reason or unworkable status for this situation. The case must remain open unless it meets a closure reason. Refer to Reasons for Case Closure.

7. If the Division is enforcing a case and learns that the payee no longer has physical custody of the child, attempt to contact the former CP by using all means available. Send the CP a

Table of Contents

Notification of Action Taken requesting that contact be made with the Division immediately. If no response is received from the CP,

a. Court Orders

When a *Child Support Enforcement Services Application* or a referral from LDSS has not been received from anyone else, and there is a court order on the case, refer to Change of Physical Custody of a Child When Support is Ordered by a Virginia Court for guidance.

b. *Administrative Support Order* (*ASO*)

When a *Child Support Enforcement Services Application* or a referral from LDSS has not been received from anyone else, and there is an *ASO* on the case, refer to Change of Physical Custody when a Current Support Order Exists.

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 can complete and submit the *Change of Payee Temporary Request* form.

   a. This form should be used when the redirection of payments is anticipated to be no more than 6 months. Explain this time limitation to the original and temporary payees at the time the form is submitted.

   b. Initiate contact with both the original and temporary CPs, if neither has contacted the Division at the end of the 6-month time frame. Re-evaluate the case at that time and determine if the temporary payee needs to apply for services if there is an extenuating circumstance which would result in the temporary payee receiving funds for a longer period.

   c. The current CP must execute one form per case if multiple cases are involved.

   d. The completed form must be notarized.

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 pursues all legally responsible NCPs as well as PUTFs of each child for whom the application was received. Non-TANF caretaker applicants are not required to pursue both legal parents when both are noncustodial. The exception to

Table of Contents

this is TANF, IV-E FC and Non-IV-E FC recipients cannot choose to have the Division pursue one legal parent or PUTF (if applicable) but not the other when both are noncustodial unless Good Cause exists. Refer to Public Assistance Cases.

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

(04/2013) (07/2014) (05/2016) (08/2017) (12/2018) (01/2019) (01/2020) (04/2021)

D. Instate and Intergovernmental Cases (05/2025)

1. Public Assistance Cases

   a. Unless Good Cause exists, a CP must receive Division services to receive TANF or IV-E FC. The LDSS refers these cases to the Division.

   b. When the TANF or IV-E case closes, Division services continue without the CP completing a *Child Support Enforcement Services Application*.

   c. The case remains open until the CP submits a written closure request. Refer to Reasons for Case Closure.

   d. When an applicant is receiving public assistance in another state for the same participants on the application, do not open the case. The IV-D agency in the state where the applicant receives public assistance provides IV-D services to the applicant.

2. Non-IV-E Foster Care Cases

   a. The Division receives referrals directly from the LDSS for Non-IV-E foster care cases.

   b. Non-IV-E cases funded through the Child Services Act (CSA) are also eligible for services.

      1) The LDSS may not have physical custody of the child or may have joint physical custody of the child with the parents.

      2) The LDSS will notate on the Child Support Enforcement Application for Services if the case is a CSA funded case.

      3) The case type for CSA cases is SLFC.

3. Any party not receiving TANF or IV-E foster care must apply for Division services.

4. The LDSS and private agencies with custody of a child may apply for Division services.

5. Intergovernmental Cases

Table of Contents

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 Division services for the applicant. Refer to Central Registry Responsibilities and Intergovernmental Overview.

6. Nonresident Cases

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

b. The Division must provide services to nonresident applicants on the same basis that services are provided to resident applicants unless:

1) The applicant is receiving child support services in another state or

2) The applicant is receiving public assistance in another state.

c. If the nonresident applicant is not eligible for Virginia IV-D services, send a *Nonresident Status Letter* to the nonresident applicant explaining that the applicant is not eligible for Virginia IV-D services.

d. Refer to Nonresident Cases.

7. International Cases

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 the *Application for Child Support Enforcement Services* directly to Virginia, or

2) The foreign child support agency submits a child support services request to Virginia.

b. The services request serves as an application when it comes from a foreign child support agency.

c. Treat a services request from a foreign child support agency the same as a request received from a child support agency in another state.

Table of Contents

d. An individual is not eligible for IV-D services if the services 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.

e. Refer Intergovernmental Services.

8. Spousal Support

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

b. The Division enforces a IV-D spousal support order when a current child support order or child support arrearage 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).

c. The Division does not collect or enforce orders that are for spousal support only.

1) If previously provided, IV-D spousal support enforcement services end when a current child support obligation is terminated by the appropriate court or the youngest child's emancipation and there are no child support arrearages.

2) 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.

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

(05/2016) (01/2017) (04/2018) (12/2018) (10/2019) (04/2021) (07/2021)

E. The Application Process (04/2023)

1. Applying for Non-TANF Services

a. There are several ways to apply for services.

1) The *Child Support Enforcement Services Application* (*Application*) package includes

a) *Application for Child Support Services*- the applicant completes page 1 to apply for services and retains page 2, *Applying for Child Support Enforcement Services- Information You Need to Know* section.

b) *Statement of Payments* (*SOP*)- the applicant completes and returns with the *Application*

Table of Contents

c) *Direct Deposit Authorization*- the applicant completes the form and returns it directly to the State Disbursement Unit (SDU). If the *Direct Deposit Authorization* form and required documents are returned to the Division along with the application, forward the *Direct Deposit Authorization* along with the required banking information to SDU via courier or by encrypted email to eftpayments@dss.virginia.gov.

2) The *Request Child Support Services in 7 Simple Steps* (*Request*) package includes

a) *Child Support Services in 7 Simple Steps* brochure- the applicant retains the brochure

b) *Request Child Support Services in 7 Simple Steps*- the applicant completes to request services

c) *Rights and Responsibilities*- the applicant retains this informational sheet

d) Postage paid return envelope- the applicant may use this envelope to return the request to the Division

3) The *Online Application* is available on the MCS portal.

b. Procedures for Providing an Application

1) For in-person application requests, provide the requestor with the application package and the MCS portal URL https://mychildsupport.dss.virginia.gov/ that same day.

2) Courts provide the *Child Support Services in 7 Simple Steps* brochure and the *Request for Child Support Services in 7 Simple Steps.*

3) For application requests received in writing or by telephone, mail the application package and the MCS portal URL https://mychildsupport.dss.virginia.gov/within 5 business days of receiving the request.

4) Record the date the application was requested and the date the form was provided in the right top corner of the first page of the *Application*.

5) The *Application* or *Request* is considered filed on the day the Division receives the completed and signed *Child Support Enforcement Services Application, Request Child Support Services in 7 Simple Steps* or *Online Application.*

a) An application is considered completed when there is enough information to build the case in the automated system and it is signed by the applicant. The minimum

Table of Contents

information to build a case in the automated system is the names of the case participants.

b) Do not return an incomplete or unsigned application to the applicant. Make every effort possible to contact the applicant to request the information needed.

c) The application may be shredded if the information needed to build the case in the automated system is not received within 20 calendar days of receiving the initial *Child Support Enforcement Services Application*.

c. Provide registration information for the MCS portal at each contact with a parent.

2. Applying for services in TANF and Foster Care cases

a. The LDSS provides public assistance applicants a copy of the *Every Child Needs Support* 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 via the IV-A/IV-D interface when the case is approved for public assistance. Open a separate case in the automated system for each child receiving IV-E FC services.

c. For non-IV-E foster care cases, including those funded through the Children's Services Act, the LDSS foster care service worker submits the *Interim Application for Child Support Enforcement Services (Foster Care Only)* or *Application*. Open a separate case in the automated system for each child receiving non-IV-E FC services.

3. Applying for Full Services in NIVD Cases

a. Home Office staff send NIVD customers an application package. The completed application is returned to Home Office staff who log it, scan it and set up the IV-D case. Home Office staff email the intake unit at the appropriate District Office to notify them the case has been set up.

b. Access and Visitation sub-grantees provide potential Division customers with the *Application*.

4. The Court

Courts provide the *Child Support Services in 7 Simple Steps* brochure and the *Request for Child Support Services in 7 Simple Steps*, if available. If not, the court directs the customer to call the Division's Customer Service Center (CSC) to request a *Child Support Enforcement Services Application*. The CSC mails the application package.

Table of Contents

5. Provide NTANF parents residing in Virginia an application package upon request.

   a. The applicant completes the appropriate sections of the *Application* and the *SOP*, signs and returns it with the necessary documents (i.e., copies of court orders, etc.) to the Division. 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. The applicant completes the *Direct Deposit Authorization* form, if applicable, signs, dates and returns it to the SDU along with the requested bank account information.

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

6. 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 arrearages 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 arrearages that are to be made to the child.

7. 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 non-TANF case.

8. Applicants for "Locate only" services complete the *Application for Location Information* and mail it to the Virginia State Parent Locator Service in the Home Office.

9. 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.

10. Intergovernmental Cases

    a. Child support agencies in other states or other countries 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 or from another country. Refer to Central Registry Responsibilities and Intergovernmental Overview.

11. Nonresident Cases

Table of Contents

a. Applicants not living in Virginia who do not receive child support services or public assistance in another state may apply directly to the Division 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*. Refer to Nonresident Cases.

c. The nonresident applicant completes the appropriate sections of the *Application*, *Statement of Payments* 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) Determine if the applicant is receiving IV-D, TANF or IV-E services in the nonresident's state for the same participants on the application

a) Complete a Federal Case Registry (FCR) Query or contact the child support enforcement agency in the nonresident's state to verify that the applicant is not receiving child support enforcement services for the same participants on the application in that state. Refer to the Intergovernmental Reference Guide (IRG) to obtain the Central Registry's telephone number in the other state.

b) If there is not an open case in FCR, contact the local social services agency in the nonresident's state to verify that the applicant is not receiving TANF or IV-E FC for the same participants on the application in that state.

2) When the nonresident applicant is receiving IV-D, TANF or IV-E services in the nonresident's state for the same participants on the application

a) Do not open the case

b) Mail the *Nonresident Status Letter* to the nonresident applicant indicating the reason a case will not be opened in Virginia

c) Discard the application by shredding paper applications and deleting electronic or imaged applications

3) When the nonresident applicant is not receiving TANF, IV-E FC or IV-D services in the nonresidents state for the same participants on the application

a) Open the case

b) Send the *Welcome Letter* to the nonresident applicant. Refer to Case Initiation Timeframe Requirements.

c) Forward the application to the District Office where the NCP lives or has assets in Virginia or

Table of Contents

d) If the NCP does not live or have assets in Virginia but the support order was established in Virginia, transfer the case to the district office that issued the order or serves the Virginia court's locality.

e) Assign or transfer the case to the Central Registry if the NCP does not live in Virginia or have assets here and the order was not established in Virginia.

f) For case transfer procedures, refer to Case Transfer.

12. NCP Applications

a. Use 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*.

2) For unobligated cases, if the noncustodial PUTF applies for IV-D services, the time periods and procedures for establishing paternity are the same as when the custodial mother or caretaker applies for services.

b. For obligated cases, provide the CP with the *Direct Deposit Authorization* form.

c. For unobligated cases, provide the CP with the *Every Child Needs Support* brochure.

d. If the non-applicant applies for services,

1) Accept the *Application*

2) Explain that there is already an established case with services being provided

3) Update the automated system to reflect that both parties have applied for Division services

4) If the application was submitted in error, the applicant may withdraw the application verbally or in writing and case events must be documented in detail explaining the reason for withdrawal.

e. A 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.

Table of Contents

f. If it is suspected that there is potential for family violence in a non-TANF case, have the at-risk party complete the *Affidavit of Nondisclosure*.

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

14. A new Application is required when a former non-TANF service recipient wants to reopen his or her NTANF case.

15. When an applicant reapplies for IV-D services to reopen a case within 6 months or less of the applicant requesting closure, a $25 reapplication fee is charged.

a. Charge the reapplication fee only when the case was previously closed in the automated system with the closure reason CDIS.

b. Do not charge the reapplication fee if the case type was changed to ARRP when the applicant requested closure due to an assignment of arrearages to the Commonwealth.

Refer to Reasons for Case Closure.

c. If the other party requests the case to be reopened within 6 months of the applicant requesting closure, no reapplication fee is due.

d. No $25 reapplication fee is charged on non-IV-E Foster Care cases. All state agencies are exempt from the reapplication fee.

e. The reapplication fee must be paid prior to opening the case in the automated system.

(11/2015) (06/2016) (04/2017) (08/2017) (12/2018) (05/2019) (07/2019) (10/2019) (01/2020) (03/2020) (06/2020) (07/2020) (09/2020) (12/2020) (04/2021) (07/2021)

F. Case Initiation Timeframe Requirements (05/2020)

1. Within 20 calendar days of receiving the *Child Support Enforcement Services Application*, the *Request Child Support Services in 7 Simple Steps, Online Application,* the *Child Support Enforcement Services Application for the Department of Juvenile Justice*, the UIFSA forms package, the *Application for Location Information* or a referral from the LDSS, the Division will

a. Date stamp the paper application when received. This does not apply to the online application.

Table of Contents

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

c. Create a case record in the automated system if a case does not already exist.

d. Contact the applicant/recipient or other sources when information is needed.

e. The application may be shredded if the information needed to build the case in the automated system is not received within 20 calendar days of receiving the initial *Child Support Enforcement Services Application*. Proceed with the following steps as appropriate.

f. Provide the *Direct Deposit Authorization* and the *Debit Card Authorization* to CPs if they have not already signed up for direct deposit or a debit card.

g. If applicable, provide the *Statement of Payments (SOP)* to the applicant if one was not received with the application.

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

i. Verify information when needed.

j. Review the Query results after the daily automated match is run on the FCR Information & Requests page in the automated system to verify

1) If a SSN has been verified through the Social Security Administration (SSA) for a participant

2) If a participant has a child support case in another state

3) The status of a child support case in another state (it is open, if it is listed in FCR)

4) If a participant has been reported as deceased

5) If a participant has a Family Violence Indicator

k. If the FCR indicates the SSN information is incorrect, refer the information to the District Manager for updates to the FCR Misidentified Participant application on the Child Support portal.

l. Send the *Welcome Letter* to both the CP and NCP

1) On all new cases and reapplications for closed cases.

Table of Contents

2) On all cases transferred from NIVD to IV-D.

3) On all intergovernmental requests for paternity, establishment and enforcement.

m. Refer the case to the appropriate processing unit.

2. The 20-calendar day timeframe is a federal regulations requirement.

(04/2016) (01/2017) (04/2017) (08/2017) (05/2018) (04/2019) (05/2019) (07/2019) (01/2020) (03/2020)

G. Case Initiation (09/2020)

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

2. Case initiation ends when sufficient information is obtained to refer the case for the next processing status- locate, establishment, collection, enforcement or closure.

3. Document Case Events immediately if a party indicates on the *Child Support Enforcement Services Application* (*Application*) or the *Request Child Support Services in 7 Simple Steps (Request) or Online 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 #1 – Initial Request* or the *General Testimony*.

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, or indicated on the *Application* that he or she has a protective order but did not attach a copy, provide the at-risk party an *Affidavit of Nondisclosure*. The at-risk party does not need to provide documents or evidence in support of an *Affidavit of Nondisclosure*.

5. Case Types

Case types as indicated the current case code as it appears in the automated system.

a. ADC - the CP or dependent is active to TANF in VaCMS category 215. The LDSS refers these cases across the IV-A/IV-D interface, which the automated system builds, or comes from a hard copy 501 *Absent Parent/ Paternity Information* (501) form.

b. FC - the child meets the eligibility requirements for TANF but receives IV-E foster care payments instead of a TANF grant because the child is separated from his or her parents. The LDSS refers these cases to the Division via the IV-A/IV-D interface.

Table of Contents

c. ADCU - the CP is active to TANF in VaCMS category 17. The LDSS refers these cases across the IV-A/IV-D interface, which the automated system builds and changes all the CP's existing related cases to ADCU.

1) The Division will not receive the referral for the case with the NCP in the home; however, there may already be an existing open case with the Division.

2) If there is already an open case with the Division, the existing case must be reviewed. If TANF arrearages exist, the case type should be changed to ARRP and the case coded unworkable.

d. SLFC - the child receives non-IV-E foster care services, including Child Service Act (CSA) cases. The CP is the LDSS with custody of the child. Application for this case type is made by LDSS using an application or hard copy 501.

e. NADC - the 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. The application is for full child support services.

f. ARRP - the IV-D case is open for the establishment or collection of arrearages owed to the Commonwealth of Virginia and the Division is not collecting current support. This case type included fee only cases which had a case type of ADC or ADCU before the case only had fees as the remaining arrearage.

g. ARRN - the IV-D case is open for the establishment or collection of arrearages owed to the CP and there is no current support obligation payable to the CP for the child on the case. If both ADC and NADC arrears subaccount types exist, and there is no current order, use case type ARRN. This case type includes fee only cases which had a case type of NADC before the case only had fees as the remaining arrearage.

h. LOCO - the case was submitted by another state requesting locate-only services. Only the Central Registry uses this case type. The State Parent Locator Service sets up and handles these cases.

i. NIVD - the case does not have or is ineligible for the Division's IV-D services. Generally non-IV-D cases are sent from the court for the purpose of distributing and disbursing payments.

1) These cases are processed by Central Registry staff.

2) These may be child support, spousal-only (instate or intergovernmental) or non-UIFSA interstate cases.

Table of Contents

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

b) Intergovernmental cases are cases in which the CP, NCP, or NCP's source of income resides outside the jurisdiction of the Commonwealth of Virginia. Refer to Central Registry Responsibilities and Intergovernmental Overview.

(10/2014) (11/2015) (06/2016) (08/2017) (12/2018) (07/2019) (01/2020) (03/2020)

H. Automated Referrals of TANF and IV-E Foster Care Cases (05/2024)

1. The automated system builds TANF and IV-E FC cases if sufficient and accurate information is received via the IV-A/IV-D interface.

   a. Eligibility staff in the LDSS automatically refer NCPs information on TANF cases to the Division using the Absent Parent Demographic screens in VaCMS.

   b. IV-E FC cases are sent automatically using the FC referral screen in VaCMS.

   c. Division staff will

      1) Set up a case within 20 calendar days of receipt of the referral.

      2) Review all worklists daily. Pay attention to ADC CASE STATUS ASSIGNED, FC CASE STATUS ASSIGNED and ADCU CASE STATUS ASSIGNED as these worklists identify cases successfully built.

2. Review the participant and case related pages in the automated system for completeness.

   a. Review 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. Review and update the Born Out of Wedlock (BOW) Indicator and Paternity Disposition on the Participant Detail page for each child on the case.

      1) Use available resources to attempt to verify each child's paternity status, such as VPEP and requesting a search through the Electronic Birth Query System (EBQS) from the Office of Vital Records (OVR) certifiable database when the child was born in Virginia.

      2) If the child was born in Virginia and the paternity disposition status is determined to be Established Prior to IV-D or Never an Issue, then the EBQS response is sufficient to

Table of Contents

verify the paternity status. Retain a copy of the EBQS response in the document repository for the case record. Refer to Section 2.4, Participant Detail Page, in the iAPECS User Guide Chapter 4, Participant Management.

3) If the child was born in another state and the paternity disposition status is determined to be Established Prior to IV-D or Never an Issue, will verify on the IRG that the father's name on the birth certificate is sufficient verification that paternity has been established for that state. Refer to Section 2.4, Participant Detail Page, in the iAPECS User Guide Chapter 4, Participant Management.

4) If the IRG is unable to verify the sufficiency of the paternity for the child born out of state and for audit purposes, Division staff will contact the other state and request a copy of the paternity establishment documents.

5) If the child's paternity status cannot be verified, paternity is considered contested until determined to be otherwise.

e. Enter a request for a search through the EBQS from the OVR certifiable database to obtain a copy of a birth certificate for a child born in Virginia, if the birth certificate is needed and cannot be obtained any other way.

f. Update the NCP's information in the automated system with the information passed from IV-A when appropriate.

g. If the number provided for either party as the SSN is determined to be a pseudo-SSN or an Individual Taxpayer Identification Number (ITIN), remove the number from the SSN field in the automated system. Only true Social Security Numbers should be recorded in the SSN field in the automated system.

h. If a court order exists and a copy is not provided, request a copy of the order from the court.

1) Do not add the order to the automated system without a copy of the order in the case record.

2) Create a self-generated worklist for the next worker assigned to the case. In the Worklist Description field, type CT ORDER DETAILS UNKNOWN, COPY REQUESTED ON (DATE).

3. Initiate automated locate activities if there is no NCP address or employment information.

Table of Contents

4. Update the NCP address in the automated system if an address is found. Document the Event Notes section to indicate the address source.

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 help locate 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. Contact the LDSS to clarify errors, omissions or to get additional information.

8. If a case opening/reopening fails an interface, the automated system generates an error report.

   a. Review the cases on the TANF Opening Error Report (D623) and the Update Error Report (D622) daily to determine the appropriate action needed. It may be necessary to create the participant record or the case record as it is possible for the participant record to be successfully created via the interface but not the case record.

   b. Update the automated system to make corrections and to document actions taken to resolve the errors.

9. When a TANF case close with a general discontinuance closure code the automated system transitions the case type from ADC to NADC. The automated system generates the *Transition Letter*. This letter provides the CP with information about the Division's services and gives the CP a choice to discontinue services with the Division.

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

   b. If a CP elects not to receive services, review the case for arrearages.

      1) If no debt is owed to the Commonwealth, close the case. Refer to Reasons for Case Closure.

      2) If no debt is owed to the Commonwealth, close current support and adjust debt due to the CP to zero. Update the case type to the correct case type.

10. When a TANF case closes with a non-general discontinuance closure code (AF20), the automated system generates the AF20 worklist.

Table of Contents

a. Review the case and IV-A closure reason to determine whether the case should be closed to IV-D services or transitioned to another case type. It may be necessary to contact the LDSS for clarification.

b. If it is a valid IV-D closure reason and no debt is owed to the Commonwealth, close the case. Refer to Reasons for Case Closure.

c. If the case should not be closed, change the case type from ADC to the correct case type.

11. When IV-E FC cases close, the automated system notifies the specialist of closure, but does not change the case type. Contact the LDSS to determine who has custody of the child.

(08/2017) (12/2018) (05/2019)

I. TANF Cap Cases (07/2020)

1. The "TANF Family Cap" provision has been eliminated by the TANF program effective 7/1/2020 for any TANF benefit case opened or reopened on or after this date.

2. Ongoing TANF benefit cases that were opened prior to 7/1/2020, have the option to uncap a current capped child or to keep the child capped.

a. An uncapped child will immediately be added to the TANF benefit case by the LDSS. Refer to the Adding an Uncapped Child to a TANF Case Procedure Guide.

b. Any children that remain capped will remain in that status until the TANF benefit case closes.

3. TANF Family Cap Definition and Historical Requirements

The "TANF Family Cap" provision prevented any child from being added to the TANF grant if they were born ten months after the date the initial TANF benefit payment was issued.

a. This provision did not apply to a child born or adopted during the 10 months following the month in which the initial TANF payment was issued.

b. A new 10-month period applied at each reapplication for TANF benefits.

c. A child born after the 10-month period is referred to as a "TANF Cap child" (Cap child).

4. The TANF Cap provision did not apply to caretakers who were 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.

Table of Contents

5. The CP is entitled to all child support due and collected for a Cap child.

6. Information for a Cap child does not come across the IV-A/IV-D interface. The CP completed a *Child Support Enforcement Services Application* (*Application*) to receive services for a Cap child.

(01/2014) (12/2014) (05/2016) (08/2017) (12/2018)

J. Establishing a Non-TANF Case (05/2024)

1. To set-up a non-TANF case

   Review the application package to ensure it is complete and has been signed by the applicant.

2. When applicable, ensure that there is a complete and legible *Statement of Payments* (*SOP*) covering any period that the case was obligated and not open for IV-D services.

   a. Image the *SOP* and retain in the case record.

   b. Send the *SOP* to the applicant when one was not received with the application.

3. Set up the case, but do not add any arrearages to the case for the period that would be covered by the *SOP*.

4. For cases previously open to IV-D, updates may be required to the Update Support Order Extensions page when reopening a case. Refer to the iAPECS User Guide Chapter 5, Order Management for detailed instructions for reopening current support extensions.

5. Contact the applicant (if the applicant is the CP) to clarify errors and omissions.

6. Contact the caretaker applicant when they apply for services for only one noncustodial parent.

   a. Inquire if they want to pursue support for both noncustodial parents.

   b. Provide the benefits of establishing paternity, if paternity has not been established and encourage them to pursue the establishment of paternity.

   c. Ask for identifying information and income information about the other parent that is not being pursued for support.

      1) Name

      2) Address

Table of Contents

3) Date of birth

4) Social Security Number

5) Employer

6) Income verification

d. Update the Caretaker Indicator in the automated system when the caretaker chooses to pursue only one parent or PUTF. Refer to the iAPECS User Guide Chapter 3, Case Management. Document any information gathered and any attempts made to contact the applicant in the Notes under the CTCE CARETAKER CASE EVENT Case Event.

7. Image court orders and retain in the case record. If copies of the order are not attached to the application or are not in the case record, contact the applicant and/or the court for copies of the orders. Refer to Support Order Information.

8. Intake staff determines if a case already exists in the automated system.

a. If an open case exists

1) Update the case information and

2) Ensure the correct locality code is assigned to the case.

b. If a closed case exists for the same CP and NCP

1) Open the case and

2) Assign the case to the locality where the applicant resides

c. If a case does not exist for the same CP and NCP

1) Establish the case and

2) Assign the case to the locality where the applicant resides

d. Provide the CP and NCP with the Division case number.

9. 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. Only true Social Security Numbers should be recorded in the SSN field in the automated system.

a. Do not enter a pseudo-SSN or an Individual Taxpayer Identification Number (ITIN).

Table of Contents

b. If the number provided by either party as the SSN is determined to be a pseudo-SSN or Individual Taxpayer Identified Number (ITIN), remove the number from the SSN field in the automated system.

10. Update the following on the child's Participant Detail page for every active child on the case.

a. Emancipation date

1) The date must be based on the age of majority for that child according to the law of the state that entered the order and/or the specific terms of the order. If the order is not from Virginia, consult the Intergovernmental Reference Guide (IRG) for information about the emancipation age in the state that issued the order.

2) 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.

b. Born Out of Wedlock (BOW) Indicator and Paternity Disposition

1) Use available resources to attempt to verify each child's paternity status, such as VPEP and requesting a search through EBQS from the Office of Vital Records (OVR) certifiable database when the child was born in Virginia.

2) If the child was born in Virginia and the paternity disposition status is determined to be Established Prior to IV-D or Never an Issue, then the EBQS response is sufficient to verify the paternity status. Retain a copy of the EBQS response in the document repository for the case record. Refer to Section 2.4, Participant Detail Page of the iAPECS User Guide Chapter 4, Participant Management.

3) If the child was born in another state and the paternity disposition status is determined to be Established Prior to IV-D or Never an Issue, Division staff will verify on the IRG that the father's name on the birth certificate is sufficient verification that paternity has been established for that state. Refer to Section 2.4, Participant Detail Page, in the iAPECS User Guide Chapter 4, Participant Management.

4) If the IRG is unable to verify the sufficiency of the paternity for the child born out of state and for audit purposes, Division staff will contact the other state and request a copy of the paternity establishment documents.

5) If the child's paternity status cannot be verified, paternity is considered contested until determined to be otherwise.

Table of Contents

11. Enter a request for a search through EBQS from the OVR certifiable database to obtain a copy of a birth certificate for a child who was born in Virginia, if the birth certificate is needed and cannot be obtained any other way.

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

    a. If a 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

    b. If the support order was issued by another state

        1) The system automatically sets the Charge Interest Indicator and Interest Rate based upon the Interest Indicator and Rate Table information for the state. The Charge Interest Indicator updates to

            a) Y (YES) when the other state charges interest at a specified rate

            b) N (NO) when the other state does not charge interest

            c) V (VARIABLE) when the other state charges interest at a variable rate. When the rate is variable, the worker enters the correct Interest Rate in the automated system.

        2) If the order issued by another state specifies a different interest rate, change the interest rate in the automated system by entering the interest rate specified in the support order.

    c. Refer to the iAPECS User Guide Chapter 5, Order Management for more information.

13. When the NCP is the applicant, follow the same procedures outlined for setting up a NTANF case and document the automated system that the NCP has applied for services.

(01/2017) (08/2017) (05/2018) (06/2018) (12/2018) (05/2019) (01/2020) (05/2020) (06/2020) (07/2020) (04/2023)

K. Department of Juvenile Justice Cases (07/2021)

1. The requirement for the Department of Juvenile Justice (DJJ) to apply for child support services when a child is placed in the custody of the DJJ, was eliminated effective 07/01/2021.

Table of Contents

2. Arrearages due prior to 7/1/2021, remain due and the Division will continue to collect these arrearages.

3. The FIPS code assigned to a DJJ 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.

(11/2015) (08/2017)

L. Childcare Subsidy Cases (04/2021)

The requirement for NADC clients who receive Childcare Subsidy benefits to cooperate with the Division in the establishment of paternity and collection of support payments has been eliminated effective 03/19/2021.

(05/2016) (04/2018) (12/2018) (01/2020)

M. Supplemental Security Income Cases (09/2022)

1. A TANF CP who receives Supplemental Security Income (SSI) benefits assigns their support rights to the state. When the CP no longer receives TANF and is no longer included on the grant, the assignment of rights for that CP no longer applies, except for any arrearages that accrued while he or she received TANF. Once the CP receiving SSI no longer receives TANF, the CP is entitled to receive any support collected on his or her behalf.

2. Establish a case for NCPs who receive or are eligible to receive for SSI or concurrent SSI and Social Security Disability Insurance (SSDI)/Social Security Retirement (SSR) benefits. The NCP's eligibility for benefits is determined by the SSA.

   a. Establish paternity for these cases, but do not establish an obligation. Once paternity is established, review the case for closure. Refer to Reasons for Case Closure.

   b. If a current support order exists on the case prior to the NCP's eligibility for SSI or concurrent SSI and SSDI/SSR benefits, initiate a review of the order. Refer to NCP is Receiving Social Security Benefits. Once the review is completed, review the case for closure.

   c. Review arrears only cases for closure. Refer to Reasons for Case Closure.

3. When a child receives SSI, review the circumstances to determine when to set up a non-TANF case.

Table of Contents

a. If the child is active to TANF and becomes ineligible for TANF due to receipt of SSI, transition the case to a non-TANF case if the child is the only child on the TANF grant. If there are other children still active to TANF on the grant, set up a new non-TANF case for the child receiving SSI.

b. For the above scenarios, there is no need for the *Child Support Enforcement Services Application* (*Application*); the Division is required to continue providing services for the child unless the CP requests case closure.

1) Send the *Notification of Action Taken* to notify the CP of the new case for the child receiving SSI.

2) Add the following language to the *Notification of Action Taken*, "The Division of Child Support Enforcement will continue to provide full child support enforcement services to you for <CHILD'S NAME> unless you notify us to stop these services."

c. For a child that is part of the Standard Filing Unit (Eligibility Determination Group) but not included in the Assistance Unit, the CP is not required to open a IV-D case.

d. If the CP wants services for the child, the CP must submit an *Application* for the Division to set up the non-TANF case. Send the *Application* to the CP to notify her/ him that the Division needs an application to provide services for the child receiving SSI.

(08/2017) (12/2018) (06/2019)

N. Referrals from Virginia Courts (08/2017)

1. Handle properly completed *Child Support Enforcement Services Applications* 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. Family Violence Indicator (05/2024)

1. Have the applicant complete the *Affidavit of Nondisclosure* when the *Child Support Enforcement Services Application* indicates

a. A protective order exists but the applicant cannot or did not provide the Division with a copy.

Table of Contents

b. The applicant feels that he or she and/or the child or children are at risk of emotional or physical harm.

2. Update the Family Violence Indicator (FVI) on the Participant Detail page when a party

   a. Submits a signed *Affidavit of Nondisclosure* or

   b. A copy of a protective order

3. If a child is on a case with a CP that has an FVI attached to him or her and the Division receives an application for the child with a new CP, refer to Release of Information- Family Violence.

   (09/2012) (07/2014) (01/2017)

P. Support Order Information (05/2025)

1. If there is an existing court order and a copy is not provided by the applicant, intake staff

   a. Request a copy of the order from the court

   b. Do not add the order to the automated system without a copy of the order in the case record

   c. Create a self-generated worklist

      1) To check that the order is received and imaged and

      2) To verify the order information

   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.

2. If an *ASO* 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 the case as a new unobligated case.

   b. Obtain the order details from the paper file, Perceptive or contact with the appropriate District Office.

Table of Contents

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 applicant has completed a *Statement of Payments* and the calculations indicate that arrearages exist.

(08/2017) (12/2018) (05/2019)

Q. Redirecting Support Payments (05/2019)

1. Redirect support to the Division when following an assignment of rights for an opening TANF case or receipt of a CP's *Child Support Enforcement Services Application*, and the Virginia support order is not payable to the Division. Attempts are also made to change the payee from the Division to the CP 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* (*Notice*).
   a. Serve the *Notice* via
      1) The sheriff or other process server or
      2) Certified mail, return receipt requested
   b. Refer to Service of Process.
3. Upon receipt of the proof of service of the *Notice* on the NCP, send a copy of the *Notice* with the proof of service and the *Notice to Court of Change in Payee* cover letter to the court with jurisdiction over enforcement of the order and to the payee.
   a. This guidance only applies to Virginia court orders.
   b. This information should be sent to the court when the case opens and when the case closes.
4. If efforts to serve the NCP with the *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 his or her income or resources. Attempt service of the *Notice* if the NCP is located. Refer to Locate.

Table of Contents

b. If assets or income are located for the NCP, initiate enforcement activity and attempt to serve the *Notice*. If the *Notice* still cannot be served, secure another *Statement of Payments* from the CP covering the period back to the date the last *Statement of Payments* was signed.

c. Continue efforts to get the *Notice* served. If the NCP challenges the amount of arrearage the CP claims, the matter may end up in court to resolve the arrearages.

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.

(07/2013) (08/2017)

R. Inactivating Participants (08/2017)

Case participants can be inactivated when

1. The participant linked to the case in error.
2. The participant has multiple incorrect Participant ID numbers. Only the correct participant with the correct Participant ID should be active.
3. A child on a case with no current support and/or arrearages or unassessed debt for the child and the child is now active on another Division case.
4. A child is on a case with other active children and paternity cannot be established for that child or paternity was excluded for that child/NCP combination.
5. A child is on a case with other children and the child is deceased and no arrearages or unassessed debt are owed for that child.
6. An emancipated child meets the emancipation criteria on a case with other children and no arrearages or unassessed debt are owed on the case for the emancipated child.

(01/2017)

Table of Contents

Chapter 5: Locate

A. Overview (10/2019)

1. Locate activity means obtaining information about a party's whereabouts and related information needed to take the next appropriate action on a child support case. The Division attempts to obtain

   a. A residential or mailing address

   b. Name and address of the employer and/or

   c. Sources of income or assets

2. Locate information is considered accurate until it is proven to be inaccurate.

3. The automated system assigns a case to the locate processing status if the automated system records indicate

   a. There is no mail or residential address for the NCP and

   b. There is no current employer information

4. If the conditions in 3 above do not exist, the automated system will not assign locate processing status to the case. However, a case does not have to be in locate status to initiate locate activity.

5. When the NCP's whereabouts are unknown, federal regulations establish timeframe requirements for locate activities. The Division must

   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 *Child Support Enforcement Services Application* 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. Initiate quarterly locate attempts in cases in which previous locate attempts have failed, but adequate identifying and other information exists to meet requirements for submittal

Table of Contents

for location. Continue quarterly attempts or immediately upon receipt of new information, whichever occurs first.

1) Quarterly attempts may be limited to automated sources, provided that state workforce files are included. When an NCP is accepted to the Federal Case Registry (FCR), proactive matching automatically occurs with the National Directory of New Hires (NDNH), which includes state workforce file information, automatically occurs.

2) Update the Locate Disposition field on the case detail page in the automated system with REIN (re-inquire). REIN is used to generate a quarterly Worklist reminder to reattempt locate activity.

6. The automated system needs the NCP's SSN or date of birth for automated interfaces, which includes interfaces with other state agencies.

   a. If a match is found, the automated system generates a worklist to the assigned worker indicating there is a match.

   b. Match records are available on the FCR Locate Match page in the automated system.

7. Document the automated system each time locate activities are completed. Refer to Documentation Requirements.

   (08/2017) (07/2018) (5/2019)

B. Locate Source Restrictions (01/2018)

1. Do not use locate sources for personal or unofficial reasons. Refer to Confidentiality and Release of Information. 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 Federal Parent Locator Service (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 with the Department of Juvenile Justice (DJJ) for information about the location of a juvenile PUTF in their custody.

Table of Contents

a. The 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.

b. The DJJ is also prohibited from providing information regarding the juvenile's whereabouts when he or she is released from the DJJ's custody.

5. Do not pull a consumer credit report to locate a case participant.

a. A credit report request is only made when evaluating the NCP's ability to pay for a civil contempt referral.

b. A credit report request shows a "hard hit," which has a negative impact on the person's credit report.

(11/2015) (08/2017)

C. Reasons to Initiate Locate Activity (12/2018)

1. The Division locates the NCP when

a. The Division needs to establish, review, modify or enforce a child support or medical support order

b. The address is a Post Office box, and a residential address is needed for service

c. The address or employer is needed before filing a petition with a court

d. The USPS returns mail as undeliverable and the Division has no new address

e. Service of process has been unsuccessful

f. Current employment information is needed

g. There is employer information but no mail or residential address, and the address is needed to take the next action

h. Asset information is needed

i. To attempt to collect fees

j. For child welfare permanency planning

k. There is reason to believe that the current locate information is incorrect, and the information has not been disproven

Table of Contents

2. The Division locates the putative father (PUTF)

   a. To establish paternity

   b. To complete service of process to establish paternity

   c. To voluntarily acknowledge paternity or submit to genetic testing

   d. When the USPS returns mail as undeliverable and the Division has no new address

3. The Division locates the CP when

   a. The USPS returns support payments as undeliverable and the Division has no new address

   b. The CP owes monies to the Commonwealth of Virginia

4. The Division attempts to locate a parent for child custody determinations and parental kidnapping situations. The State Parent Locator Service provides locate services for these requests.

   (08/2017)

D. Locating Military Members (01/2017)

1. Use all locate activities to locate the NCP as many active-duty military members maintain both a civilian address and a military address.

2. Determine the NCP's military affiliation

   a. Active-Duty Military (including Reservist on Active Duty)

   b. Reserve Status (National Guard or Reserves, not on Active Duty)

   c. Civilian Employee of the Department of Defense (DOD)

   d. Retired Military

   e. Discharged Servicemember receiving Department of Veterans Affairs (VA) benefits

3. To determine the NCP's military affiliation

   a. Ask the CP for any information she or he may have

   b. Check the NCP's active-duty status through a Department of Defense's (DOD) maintained website.

Table of Contents

c. Check the Federal Employee Identification Number (FEIN) listed on the automated system report of the NCP's quarterly financial information. The FEIN identifies the NCP's service branch affiliation.

d. Search for information using

1) Military Installations Worldwide

2) US Navy Web Site Links for ships and submarines

4. If the NCP is active-duty military, use the worldwide locator services provided by the military to obtain the military address of the NCP.

a. The US Army no longer provides locator services.

b. For the US Navy, US Air Force and US Marine Corps, access the US Government Military Personnel information website.

c. For Coast Guard personnel, send an email with the NCP's full name to CG Locator at ARL-PF-CGPSCCGlocator@uscg.mil.

5. After exhausting the above resources and not locating the NCP, update the case so that automated locate inquiries will make a request through the FPLS, which enables contact to the DOD or the VA as appropriate.

E. Locate Resources (09/2022)

1. Automated Matches

Automated matches are received from submission of selected NCP information to match against files of public or private agencies and companies. Refer to the Automated Matches table.

2. Information Systems Resources

The Division maintains agreements with other state agencies that provide information to the Division and not all Division staff have access to all information systems resources. Access to information systems resources is based on the staff person's need to have access to perform his or her job. Refer to Systems and Data Security.

a. VaCMS- Information on applicants and recipients of Childcare, Energy Assistance, TANF, SNAP and Medicaid benefits

b. SPIDeR (Systems Partnering in a Demographic Repository)

Table of Contents

1) VaCMS

2) OASIS

3) VaMMIS

a) Information on applicants and recipients of Medicaid

b) Third party liability insurance information

c. DMV

1) Driver's license file

2) Vehicle registration file

3) Lien holder information file

d. VEC (Virginia Employment Commission)

1) Wage and employer file

2) Unemployment compensation file

e. Department of Taxation, Integrated Revenue Management System (IRMS) - tax rolls

3. Online Resources

The Division pays for some online resources, and not all Division staff have access to all online resources. Access to these resources is based on both the staff person's needs to have access to perform his or her job and the Division's cost effectiveness. Refer to Systems and Data Security.

a. VINELink

Provides basic incarceration information for most localities in every state.

b. JusticeXchange

Provides access to an instant up-to-date database of booking records from law enforcement agencies across the nation, including information about

1) Biographical information

2) Criminal charges

3) Photographs of offenders

Table of Contents

c. Accurint

Provides the following information as available

1) Bankruptcy data
2) Criminal records, including arrest information
3) Credit reporting agencies
4) Death records
5) DMV
6) Multiple SSNs associated with the NCP
7) Sex offender registry records
8) Utility companies

d. Interstate Data Exchange Consortium (IDEC)

1) Participating IDEC states have the option of utilizing either the IDEC Parent Locate, in-state Financial Institution Data Match (FIDM) components or both. Virginia participates in in-state FIDM components.
2) States participating in FIDM
    a) Alabama
    b) Arkansas
    c) Delaware
    d) Georgia
    e) Kentucky
    f) Louisiana
    g) Mississippi
    h) New Mexico
    i) North Carolina
    j) Oklahoma
    k) South Carolina

Table of Contents

l) South Dakota

m) Tennessee

n) Virginia

o) West Virginia

e. Internet Searches

1) Use search engines and other sources such as online telephone directories and reverse look-up sites.

2) When using the Internet to locate a 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 is expected to follow any additional Internet usage policy established by the Deputy Commissioner, Division Directors, and/or Home Office/ District Office management.

f. Social Media Websites

1) Division staff may utilize social media websites such as Facebook, Twitter, Instagram and LinkedIn to locate parents, and other approved activities.

2) Access only the parent's public information such as date of birth, employment information, address, phone number, email address, nicknames or relative information.

3) Verify all information obtained from social media through other sources or by phone call to the parent. Document Locate findings in the automated system under Participant Events.

4) Staff must not interact with or contact the NCP or CP using social media nor

a) "Follow" or "Friend" the NCP or CP;

b) "Like" or "comment" on any information posted by the NCP or CP;

c) "Tweet," "poke" or "post" any information; or

d) Send an instant message or communication of any kind to the NCP or CP.

5) This guidance does not place further restrictions on personal use of social media as outlined in DHRM policy, Use of Electronic Communications and Social Media.

Table of Contents

4. Federal Parent Locator Service (FPLS)

a. FPLS is a compilation of systems operated by OCSS. The FPLS was developed in cooperation with states, employers, federal agencies, and the judiciary.

b. Accessing FPLS information is restricted to the Division for authorized use for specific reasons. The Division can release the information to authorized persons for specific reasons. For authorized reasons and authorized persons, refer to Security of Federal Parent Locator Service Information.

c. The automated system submits NCPs assigned to the Locate processing status to the FPLS annually.

d. The automated system submits newly added NCPs to FPLS weekly.

e. FPLS submission requires an SSN, or if the SSN is unavailable, the NCP's first and last names and date of birth.

f. The Division receives FPLS match information daily. The FPLS does not return information for parents with a Family Violence Indicator (FVI.)

g. FPLS submissions are also made when the Division receives a request for locate only services.

h. FPLS Sources and Information returned

1) IRS

a) Taxpayer Name

b) Taxpayer Address

c) Tax Period

2) Social Security Administration (SSA)

a) SSN

b) Benefit type

c) Benefit amount

d) Address

3) SSA (State Verification and Exchange System –SVES)

Table of Contents

a) Prisoner information

b) Title II information

c) Title XVI information

4) Department of Defense (DOD)

a) Address

b) Pay grade or rank

c) Branch or agency

d) Salary

5) Department of Veterans Affairs (VA)

a) Address

b) Benefit type

c) Benefit amount

d) Date of death

6) FBI

a) Address

b) Salary

c) Date of hire

d) Termination date

e) Date of death

7) National Directory of New Hire (NDNH)

a) Employer name and address

b) Date of hire

c) Quarterly wage information

d) Unemployment information

8) National Security Administration (NSA)

Table of Contents

a) Employment status

b) Salary

c) Employment type

d) Date of hire

e) Termination date

f) Date of death

9) Customer information from public service corporations, including

a) Gas and electrical power

b) Water and sewer

c) Telephone

d) Cable television companies

e) Financial institutions

5. Child Support Portal

a. The Child Support Portal (CSP) is a web application that provides Division staff access to nationwide locate, income, asset and employment information. The CSP is hosted by the FPLS.

b. The CSP does not return information for parents with an FVI.

c. The CSP is accessed from the automated system main menu page.

d. CSP Applications

1) Department of Defense (DoD) Entitlement

a) The DoD Entitlement application provides detailed military entitlement data. This information includes basic pay, allowances, bonuses and mailing address (if provided to DoD) for active and reserve military service members.

b) Workers can request data on NCPs, PUTFs and CPs.

2) Intergovernmental Reference Guide (IRG)

a) The IRG contains information on intergovernmental case processing for each state, including state law citations, processes and policies.

Table of Contents

b) IRG information is used to assist with any questions when working with another state in their intergovernmental case processing.

c) The IRG also contains other states' IV-D workers contact information such as direct email addresses and phone numbers.

3) Query Interstate Cases for Kids (QUICK)

QUICK provides workers the ability to look at other states' real-time case activity, financial, and participant information. QUICK provides

a) Case participant information on the NCP, CP, and child or children

b) Financial summary information, including current obligations, balances and last payments

c) NCP payment details

d) CP payment details

e) Case activities, including locate, paternity, order establishment and enforcement

f) Intergovernmental contact information

4) Locate

The Locate application provides workers an alternative method for obtaining locate information. Workers can conduct a search on a NCP, putative father, or a child. The Locate application retrieves address, employment and income data from

a) NDNH, which provides quarterly wage information, including unemployment information.

b) VA, which provides information on compensation and pension benefits for veterans.

c) SSA, which provides Title II benefits and Title XVI Supplemental Security Income (SSI) benefit information.

d) DOD, which provides address, employment status, and pay grade/rank for active, reserve and retired military personnel as well as annual salary for retired personnel.

e) FBI, which provides address, income (annual salary or pension) and health coverage data for active, inactive or retired employees.

Table of Contents

f) IRS, which provides an address for the matched person with the year of the tax return in which the address was reported.

g) Annual Wage Record (AWR), which provides information about self-employed persons. It includes the self-employment indicator, address and annual wage amount.

5) eEmployer

a) The eEmployer application allows workers to search for employer information from the FPLS.

b) Identify employers on the NDNH and that participate in OCSS's electronic income withholding orders (e-IWOs) process.

6) Debt Inquiry

Debt Inquiry provides information about NCPs who are eligible to receive a payout from an employer or insurer. A match occurs when the NCP owes past-due child support.

7) FCR (Federal Case Registry) Query

a) FCR Query provides real-time access to participant and case information in Virginia and other states.

b) FCR Query allows Division staff to view information even if the state does not have a case on the FCR with that participant.

c) Division staff can search the FCR by SSN or IV-D case number and verify the existence of common participants or cases with other states.

d) Use the FCR to verify the participants' SSN, that no participant is reported as deceased and that no participant has a Family Violence Indicator.

8) FCR Misidentified Participant

If the FCR indicates that the SSN information is incorrect, refer the information to the District Manager for updates to the FCR Misidentified Participant application.

9) Federal Collection and Enforcement

a) Authorized Division staff can view and update NCP and case information for federal offset and passport denial.

b) Federal agency users can upload and download offset files and documents.

Table of Contents

c) Not all Division staff have access to all Child Support Portal applications. Access to applications is based on the staff person's access need to do his or her job.

10) Electronic Document Exchange (EDE)

The EDE application expedites intergovernmental case processing by allowing states to securely exchange specific child support documents and UIFSA forms electronically. These documents and forms may contain SSNs and federal tax information.

6. Skip Tracing

Use all sources available including contacting

a. Relatives

b. Current and former employers

c. Neighbors

d. Landlords

e. Creditors

f. Local municipalities

7. Division Locate Documents

a. The Division receives weekly address updates from the 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* form should only be used

1) To obtain residential address information when the Division has a post office box number.

2) When the NCP has an FVI in place (an FVI excludes the NCP from the FCR match process).

3) 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* form is used to request NCP address information from public corporations.

Table of Contents

d. The *Employer Information Request* form 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.

(07/2013) (10/2014) (12/2014) (08/2017) (04/2018) (05/2018) (12/2018)

F. State Parent Locator Service (10/2019)

1. Virginia's State Parent Locator Service (SPLS) is in the Division's Home Office. SPLS staff process Locate-Only requests from all authorized persons for child support enforcement purposes. For authorized persons, refer to Security of Federal Parent Locator Service Information.

2. SPLS staff

   a. Use information contained in the automated system, including FPLS information, and state locate resources where applicable,

   b. Verify that the request is coming from the Central Authority for Hague or foreign countries with reciprocal agreements for locate-only requests. Refer to the OCSS website and/or the Hague Conference website for the country profile.

      1) If an individual resides in Virginia, they may confirm that the individual resides in state only. However, the individual's street address, employment address, and any other confidential information may not be shared.

      2) If an individual does not reside in Virginia and is found in another state, the Division may provide the state of residence, but no other information.

   c. Generate a *Report of Search* to provide information found to the requester.

3. 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. Upon receipt of an *Application for Location Information* authorized persons, the SPLS staff retrieve information through the FPLS.

4. The SPLS can obtain information about

   a. Active duty/military reservist: Military unit address from the DOD

Table of Contents

b. Civilian employees: Civilian address listed with DOD

c. Retired military: Civilian address where retirement check is being sent from the DOD

d. VA Benefits: Civilian address where VA benefit is being sent from the VA

5. The SPLS provides support to the Division's District Offices. To request locate assistance from US Citizenship and Immigration Services, District Offices can request SPLS staff issue the *Locate Request Letter to U.S. Citizenship and Immigration Services*.

(12/2014) (04/2016) (8/2017)

G. Documentation Requirements (05/2019)

1. Document participant events every time locate activities are completed.

a. Update the Manual Locate Resources page when information system resources are used to attempt to locate an address for the NCP or putative father. A Participant Event is created by the automated system when the Manual Locate Resources page is updated and denotes whether the locate activity was successful. For more information, refer to the iAPECS User Guide Chapter 4, Participant Management.

b. Create a SELF Participant Event each time locate activities are pursued against a case participant and are not updated automatically by the automated system or captured on the Manual Locate page. Include Event Notes to indicate the source of the information and whether the locate attempt was successful or not successful. Refer to SELF Event Document Table and Participant Events for documentation requirements.

c. Create a SELF Participant Event to document the review for automated interface matches for quarterly locate activities. Include Event Notes to indicate whether match information was received.

d. If automated interface matches occurred during the quarter, the information must be reviewed and verified. Documentation should indicate the source of the information and whether the locate attempt was successful or not successful.

2. Documentation includes but is not limited to

a. Phone numbers called

b. Name of contact person and

c. Information and source of information verified

Table of Contents

3. Update the automated system to reflect changes in a case participant's address or employment information.

   (08/2017)

Table of Contents

Chapter 6: Establishment

6.1 Paternity Establishment

A. Overview (04/2023)

1. The Division establishes paternity to create a legal relationship between a child and a putative father (PUTF) before taking actions to establish a support order. Use administrative methods rather than judicial methods to establish paternity whenever possible.
2. Within 90 calendar days of locating the PUTF, the Division must
   a. Obtain a sworn *Acknowledgment of Paternity* and establish an *ASO*
   b. Schedule genetic testing and establish an *ASO* when paternity is established
   c. Complete service of process necessary to establish paternity and an *ASO*
   d. Document unsuccessful attempts to serve process or
   e. Petition the court to establish paternity and a support order if unable to establish paternity administratively
3. Service of process is accomplished by
   a. Sending an *Administrative Summons* or *Virtual Administrative Summons*
   b. Filing a petition with the court to establish paternity and/or a support order
4. Expedited Process: The Division must complete actions to establish paternity and support orders 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
   a. 75% of all cases in 6 months and
   b. 90% of all cases in 12 months
5. Complete administrative actions or file a petition with the court for paternity before the child's 18th birthday.
6. Paternity is established on the date
   a. The second, or last parent, signs a sworn notarized statement of paternity

Table of Contents

b. The genetic testing lab signs the *Paternity Evaluation Report* stating that there is at least a 98% probability of paternity when paternity is being established administratively or

c. The court enters an order establishing paternity.

7. Update the paternity disposition, state paternity established and paternity established date in the automated system once paternity is established. When paternity is established judicially, do not update the paternity disposition and paternity establishment date without a copy of the court order establishing paternity in the case record.

(07/2014) (01/2017) (04/2017) (08/2017) (12/2018) (01/2020) (07/2021) (09/2022)

B. When to Establish Paternity (01/2017)

1. Establish paternity when

a. The mother was not married at the time of the child's birth and paternity has not been established. A man's name on a birth certificate is not sufficient evidence of paternity if the man and mother of the child were not married. It is not necessary to establish paternity for children born of bigamous, void or annulled marriages.

b. The child was born of a marriage that was common law.

c. The mother is married and names someone other than the presumed father to be the biological father. Refer to Presumed and Putative Father Situations.

d. The father acknowledged paternity as a minor and is still a minor. Refer the case to court to establish paternity and support.

2. Do not establish paternity when

a. Another state has established paternity. Review the laws governing paternity establishment and birth certificates issued in another state on the Intergovernmental Reference Guide.

b. The Division has determined that it would not be in the best interest of the child to establish paternity.

c. The case involves incest or rape.

d. Legal proceedings for adoptions are pending

e. The LDSS has made a finding of Good Cause on the case

Table of Contents

f. Paternity has already been determined by acknowledgment or court order.

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

C. How to Establish Paternity (01/2017)

1. Obtain a sworn notarized statement of paternity from both parents.
2. Schedule voluntary genetic testing to affirm at least a 98% probability of paternity or
3. Petition the appropriate juvenile and domestic relations district court if unable to establish paternity administratively.

(03/2015)

D. Presumed and Putative Father Situations (09/2020)

1. Do not take action to establish paternity if paternity has already been determined by acknowledgment or court order.
2. 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 or children.
   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. Refer the divorce decree to Legal Counsel for review and determination of the appropriate steps to take. Refer all decrees when there is both a presumed father and PUTF, 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.

Table of Contents

2) The presumed father and mother have a *Pendente lite* order. Pursue the presumed father.

3) The presumed father and mother are still married and living together. Pursue the presumed father.

e. If a case for both the presumed father and PUTF is open, close the case against the presumed father using the CDUP closure reason once the court determines the PUTF is the biological father.

f. To add the biological father's name to the birth certificate, send the following to the Office of Vital Records

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

2) If the court has determined the presumed father is not the biological father of the child, the biological father's *Voluntary Agreement*, the mother's *Acknowledgment of Paternity* and the genetic test results showing 98% or greater.

g. Tell the parents there is a $10 fee at the Office of Vital Records for an amended birth certificate.

3. 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) (11/2015) (04/2017)

E. Putative Father Applicant Situations (04/2017)

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

2. Explain to the applicant PUTF that

a. He may be required to submit to a genetic test to provide evidence of paternity

b. Support payments are based on the child support guideline of the state where the child resides

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

Table of Contents

3. When the CP does not agree that the applicant is the father of the child,

   a. Inform the CP that she can request genetic testing to determine if the applicant is the biological father of the child

   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 paternity determination and

   c. Refer TANF cases for court action if the CP is uncooperative with efforts to establish paternity and cooperation is required. Refer to Reporting Noncooperation.

4. If the CP already has a case with another PUTF for the child, pursue paternity establishment for all PUTFs of the child simultaneously.

(07/2014)

F. Incarcerated Putative Father Situations (04/2017)

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* and *Voluntary Agreement for Genetic Testing* to be signed and notarized. The incarcerated PUTF may complete and return either document.

2. If the PUTF incarcerated on a misdemeanor charge does not acknowledge paternity or will not consent to genetic testing, petition the court to establish paternity.

3. If the PUTF is incarcerated on a felony charge, petition the court to establish paternity so a Guardian ad litem can be appointed.

(07/2014)

G. Preliminary Procedures to Establish Paternity (04/2023)

1. Review the case record and case file to determine what documentation is present.

2. If there is more than one putative father (PUTF) named by the CP, pursue all named PUTFs simultaneously.

3. If the PUTF is also the PUTF on other cases needing paternity established, take action on all cases as appropriate.

4. If the CP is a PUTF referred by the local Department of Social Services (LDSS), establish paternity by genetic testing.

Table of Contents

5. If there is both a presumed father and a PUTF, refer to Presumed and Putative Father Situations.

6. Send the *Administrative Summons* to the PUTF and/or the CP to require them to appear in person at the Division office or the *Virtual Administrative Summons* to the PUTF and/or the CP to require them to appear virtually.

7. The CP does not have to be summoned if

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

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

8. If the CP is a minor, send a copy of the *Administrative Summons* or *Virtual Administrative Summons* to a parent of the minor. Attempt all reasonable efforts to obtain a parent's address, including contacting the LDSS and the CP. Document all attempts in Case Events. Proceed with administrative action if a parent's address cannot be obtained or a parent does not appear.

9. Document unsuccessful service of the *Administrative Summons* on the EORA ADMINISTRATIVE SUMMONS Case Event and the *Virtual Administrative Summons* on the EORV VIRTUAL ADMINISTRATIVE SUMMONS Case Event.

   a. If the PUTF's *Administrative Summons* or *Virtual Administrative Summons* is returned as undeliverable, update the PUTF's address information in the automated system.

   b. If there is no mail or residential address and current employment information for the PUTF, refer the case to Locate. Referring the case to locate stops the clock for the required 90-day federal timeframe.

10. If the CP does not appear and does not reschedule,

    a. For TANF cases

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

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

          a) Refer the case for court action and

          b) Report the CP's noncooperation. Refer to Reporting Noncooperation.

    b. For non-TANF cases, review to determine if case closure for noncooperation is appropriate.

Table of Contents

11. If the PUTF does not appear and does not reschedule, refer the case to court.

12. If the CP and/or PUTF appear, refer to Interviewing and Communications. Additionally,

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

    b. Proceed with administrative paternity establishment.

(08/2016) (01/2017) (12/2018)

H. Voluntary Statements of Paternity (05/2025)

1. If the putative father (PUTF) agrees to voluntarily acknowledge paternity, print the *Acknowledgment of Paternity* (*AOP*).
2. Give the PUTF and the mother a copy of the *AOP* and *Paternity Acknowledgment Rights and Responsibilities Statement*.
3. Allow the parties time to read the *Paternity Acknowledgment Rights and Responsibilities Statement*.
4. Read the *Paternity Acknowledgment Rights and Responsibilities Statement* to the PUTF and mother.
5. Ask the parties to sign the statement in the presence of a notary. Signatures must be original and not photocopied.
6. Parents may sign a voluntary acknowledgment of paternity on 2 different documents on different dates as long as the child's information is accurate and matches on both documents.
7. 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.
8. An *AOP* becomes binding and conclusive the earlier of

    a. 60 calendar days after its signing or

    b. The date an administrative or judicial order for the child is entered.

9. Either party has the right to rescind the *AOP* before the *AOP* is binding and conclusive. If either party notifies the Division that they want to rescind the *AOP*, inform the party to contact the local health department or the Office of Vital Records (OVR).

Table of Contents

10. The party should provide the Division with a copy of the Rescission form or a copy of the form may be viewed on the Virginia Paternity Establishment Program (VPEP) database. Upon confirmation of a valid rescission from OVR, proceed immediately with genetic testing procedures. If the results show that the PUTF is not the biological father and another PUTF has been named, file a petition to judicially establish paternity to ensure that Vital Records will amend the birth record to add the legal father.

11. A parent wishing to set aside an *AOP* after the rescission period must file a court petition to disestablish paternity. Refer the case and a copy of the *AOP* to Legal Counsel if the individual files a court petition to disestablish paternity.

12. Within 2 weeks after the completion of the acknowledgment, send the original *AOP(s)* or other sworn statement(s) to Veritas, Virginia Paternity Establishment Program, PO Box 8270, Richmond, VA 23226 to add the father's name to the birth certificate.

13. Provide a copy of the *AOP*(s) to the father and the mother.

14. Maintain a copy of the document(s) sent to Veritas in the case record.

15. Verification of how paternity was established must be in the case record. Verification includes

    a. An *AOP* signed by both parents

    b. A court order

    c. A genetic test packet for paternity administratively established in Virginia. The genetic test packet includes:

        1) The original genetic testing results

        2) The original sworn *AOP* from the mother (unless it is a motherless paternity test) and

        3) The original *Voluntary Agreement for Genetic Testing*

16. Search the VPEP database for an *AOP* or other paternity document for a child born in Virginia. Place a copy of the document(s) in the case record.

17. Request a search through the Electronic Birth Query System (EBQS) from the Office of Vital Records (OVR) of its certifiable database for children born in Virginia when paternity documentation was not found in the VPEP database.

18. The EBQS information can be retrieved from the EBQS Returned Data page after the "EBQR-Retrieval VR Paternity Verification" worklist is received.

Table of Contents

19. 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 record.

    a. Search all available records to locate the acknowledgment(s) including, as applicable, the VPEP database, requesting a search through EBQS from OVR of its certifiable database and other states' records. If found, upload a copy to the case record.

    b. 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* or the *Virtual Administrative Summons* to the appropriate parent(s).

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

(07/2014) (01/2017) (05/2018) (05/2019) (06/2019) (09/2020) (04/2023)

I. Genetic Testing (05/2025)

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

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

    b. The mother of the child is deceased; her whereabouts are unknown or she is a TANF CP who is not cooperating with the Division or

    c. A valid rescission of the *Acknowledgment of Paternity* (*AOP*) is received from Office of Vital Records (OVR).

2. Obtain the PUTF's notarized signature on the *Voluntary Agreement for Genetic Testing*.

3. Obtain the mother's notarized signature on the *AOP*.

4. If the mother is deceased or her whereabouts are unknown, have the legal guardian provide a copy of the court order awarding guardianship (if custody was awarded by a court).

5. Complete the test request form required by the testing lab.

6. Laboratory Corporation of America (LabCorp) collects, processes and tests all specimens.

Table of Contents

7. 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 intergovernmental cases, results may be checked using the IdentiLink website.

8. Review the genetic testing results.

9. LabCorp provides one certified original and one copy (not certified) of paternity test results on administrative genetic testing cases and one certified original and one certified copy of paternity test results on all court genetic testing cases. LabCorp will return all copies to the District Office unless the LabCorp *Client Authorization* form directs the lab to send the original directly to the court or elsewhere and contains the complete address of the court or other entity. If additional copies of the paternity test results are needed, obtain electronically via IdentiLink.

10. 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.

11. For administrative genetic testing, update the automated system with the results of the genetic testing. If the genetic testing was court ordered, do not indicate the results in the automated system until after the court hearing.

12. For administrative genetic testing, on the day the genetic testing results are received, send a copy of the test results to

    a. The PUTF along with the *Paternity Certification Notice* and

    b. The CP along with the *Notification of Action Taken* or *Closure Intent Notice* or *Contact Letter to CP*, as appropriate.

13. 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.

14. The price is $38 per individual tested.

15. When the CP is a PUTF referred by the local Department of Social Services (LDSS) for genetic testing, the CP PUTF must provide a referral form at the time of application that states a TANF application is pending for the Division to pay the genetic testing fee. In these situations

    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.

    b. Follow District Office procedures for scheduling a motherless genetic test.

Table of Contents

c. An *AOP* is not needed in these situations.

d. Have the CP PUTF sign the *Putative Father Consent* form to allow the Division to send the genetic test results to the LDSS.

e. On the day the genetic test results are received

1) Update the automated system with the genetic testing results

2) Send a copy of the test results and the *Paternity Certification Notice* to the CP PUTF and

3) Send the genetic test results to the eligibility worker listed on the LDSS referral.

f. If the CP PUTF is found to be the biological father and the Division has not received the TANF case through the interface, send him a notice requesting that he contact the Specialist if he wishes to continue services with the Division.

1) If he does not respond, follow case closure procedures for loss of contact. Refer to Case Closure.

2) If the case remains open and the Division receives a referral through the interface, change the case type to ADC.

g. If the CP PUTF is found not to be the biological father, follow case closure procedures for CPAT. Refer to Case Closure.

16. Within 2 weeks of receiving the genetic testing results, send the following to Veritas, Virginia Paternity Establishment Program, PO Box 8270, Richmond, VA 23226, to add the biological father's name to the birth certificate.

a. The original genetic testing results

b. The original sworn *AOP* from the mother (unless it is a motherless paternity test) and

c. The original *Voluntary Agreement for Genetic Testing*

17. Maintain a copy of the documents sent to Veritas in the case record.

(03/2015) (01/2017) (05/2018) (02/2019) (05/2019) (09/2020) (07/2021)

J. Judicial Paternity Establishment (08/2017)

1. Petition the court to establish paternity when

Table of Contents

a. The putative father (PUTF) has not acknowledged paternity or consented to genetic testing and there is a sworn statement of paternity from the mother/legal guardian.

b. The PUTF has signed a sworn statement of paternity and attempts have been unsuccessful in obtaining a sworn statement from the mother/legal guardian.

c. There is a presumed father and a PUTF.

d. The PUTF is a minor.

e. The PUTF is incarcerated on a felony charge.

f. The PUTF incarcerated on a misdemeanor charge has not acknowledged paternity or consented to genetic testing.

g. The PUTF exhibits indications of mental deficiencies that would impair his understanding of the administrative process. Refer to the District Manager to decide whether to petition the court to establish paternity.

h. The PUTF has not acknowledged paternity and the child is in the custody of the Department of Juvenile Justice.

2. For procedures to petition the court to establish paternity, refer to Court Establishment of Paternity.

(07/2014) (11/2015) (04/2017)

K. When the Putative Father is Excluded (02/2019)

1. For TANF Cases

a. Send the CP the genetic test results and the *Contact Letter to CP* requesting the CP to contact the Division and the LDSS to submit the name and other identifying information on all likely fathers.

b. If a new name is not provided within 10 days of sending the *Contact Letter to CP*, review to determine if the CP should be referred for noncooperation. Refer to Cooperation Requirements for TANF Cases and Reporting Noncooperation.

c. Follow case closure procedures for CPAT on the excluded PUTF's case. Refer to Case Closure.

d. The paternity exclusion information is sent to the LDSS via the IV-A/IV-D interface.

Table of Contents

2. For non-TANF cases

   a. Generate the *Closure Intent Notice* and send it to the CP along with the genetic test results.

   b. Follow case closure for CPAT. Refer to Case Closure.

   c. Continue pursuit of paternity action on other PUTFs named by the CP, if any.

3. If the genetic test excludes the PUTF and the CP insists that the PUTF is the father of the child

   a. Review the case to ensure that all safeguards to protect the accuracy of the test were followed.

   b. Ask the CP to verify the photo of the PUTF attached to the genetic testing results.

   c. Generate a *Legal Services Case Referral* and send to Legal Counsel with the genetic testing results to review and determine if court action is necessary.

(04/2014) (07/2014) (01/2017)

L. Establishing Paternity in Intergovernmental Cases (07/2020)

1. Using long arm jurisdiction prevents a case from becoming an intergovernmental case.

   a. A tribunal may assert personal jurisdiction over a nonresident NCP instead of 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, including a nonresident who is temporarily in Virginia.

      2) The NCP voluntarily gives Virginia jurisdiction. 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.

Table of Contents

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

8) The NCP asserted parentage of a child in the putative father (PUTF) registry maintained in Virginia by the DSS.

b. For reasons 3 through 7 above, have 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.

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

d. Generate the *AOP*.

e. Obtain the mother's notarized signature on the *AOP*.

f. Generate another *AOP* and send it to the PUTF to sign and have notarized.

g. Following approval by the District Manager, send the original *AOPs* within 30 calendar days after the acknowledgment becomes binding and conclusive to Veritas.

h. Maintain a copy of the documents sent to Veritas in the case record.

i. Provide a copy of the *AOPs* to the father and the mother.

2. Request assistance from the IV-D agency in the state or country where the PUTF lives if unable to establish paternity using long arm.

a. Generate the *AOP* and the *Declaration in Support of Establishing Parentage*.

b. Obtain the mother's signature on the *Declaration in Support of Establishing Parentage* and the mother's notarized signature on the *AOP*.

c. Generate the *Child Support Enforcement Transmittal #1 – Initial Request* (*Transmittal #1*) and *Confidential Information Form* to request paternity establishment.

d. Send the *Transmittal #1*, the *AOP* and the *Declaration in Support of Establishing Parentage* along with any other documentation and forms needed, to the appropriate Central Registry.

e. Contact the responding agency for status reports by calling or by generating the *Child Support Enforcement Transmittal #2 – Subsequent Actions* (*Transmittal# 2*).

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

Table of Contents

g. If the responding state is successful in administratively establishing paternity, send the documentation substantiating the establishment of paternity to Veritas. 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

h. When a child is born in Virginia and another state establishes paternity judicially, the foreign paternity order must be domesticated for the father's name to be added to the Virginia birth certificate. To domesticate the foreign paternity order, forward the *Legal Services Case Referral* along with the applicable documentation to the Division's Legal Counsel. Refer to Domestication of a Foreign Paternity Court Order.

i. Update the automated system with the date the judge signed the foreign paternity court order as the paternity establishment date and use the paternity disposition code JDPA for a judicial paternity establishment.

j. Maintain a copy of all paternity documents, including UIFSA documents, in the case record.

k. The responding state is responsible for payment of any genetic testing costs.

3. When Virginia receives a request from another state or country, take all appropriate administrative and judicial actions to establish paternity.

a. If Virginia receives a sworn acknowledgment of paternity, the mother does not need to complete Virginia's *AOP*.

b. If the other state or country does not provide a sworn acknowledgment of paternity for the mother, ask the mother to complete Virginia's *AOP*.

c. If the PUTF will not acknowledge paternity, but will submit to genetic testing,

1) Obtain the PUTF's notarized signature on the *Voluntary Agreement for Genetic Testing.*

2) Have a specimen collector provided by or trained by Laboratory Corporation of America (LabCorp) obtain the PUTF's genetic test specimen.

3) Send the *Non-Jurisdictional Genetic Test Request* form to LabCorp.

4) LabCorp will schedule the genetic testing for the individual(s).

Table of Contents

5) Within 5 business days, LabCorp will notify District Office staff by mail or fax of the scheduled genetic testing, unless there are extenuating circumstances.

6) Notify the nonresident mother and initiating agency of the genetic testing date.

7) If the mother does not appear for the genetic testing, LabCorp will reschedule the testing and notify the Division of the new draw date indicating that it has been rescheduled.

8) Notify the mother and initiating agency of the new appointment time.

d. If paternity is established, send all pertinent paternity information to the initiating state.

e. Do not send the paternity documents to Veritas or the Office of Vital Records if the child was not born in Virginia.

f. Maintain a copy of all paternity documents, including UIFSA documents, in the case record.

g. Virginia is responsible for payment of any genetic testing costs.

(07/2014) (06/2015) (03/2016) (08/2016) (01/2017) (05/2018) (05/2019)

M. Virginia Paternity Establishment Program (09/2022)

1. The Virginia Paternity Establishment Program (VPEP) allows hospitals and state-licensed maternity services' clinics and health care providers to give unmarried parents the opportunity to establish their child's paternity by signing the *Acknowledgment of Paternity* (*AOP*) shortly after the child's birth.

   a. The Division provides oversight of the VPEP process through the Division's VPEP contractor (currently Veritas), who works directly with Virginia's birthing hospitals to offer and promote the voluntary establishment of paternity for newborns.

   b. The Division promotes the VPEP as a family engagement service that provides the child with two legally responsible parents and fosters parental involvement early in the child's life.

   c. The VPEP is not limited to Division customers and provides services statewide.

   d. The goal of the VPEP is to establish paternity for at least 90% of children born to unwed parents in Virginia.

   e. Additional information can be found on the Virginia Paternity Establishment Program "Add the Dad" website.

Table of Contents

2. The hospital, clinic or health care provider

   a. Provides every unwed mother an information packet containing paternity educational materials, an *Acknowledgment of Paternity* (*AOP*), a *Paternity Acknowledgment Rights and Responsibilities Statement* and a listing of the Division's offices and the areas they serve.

   b. Assists each parent in completing an *AOP*

   c. Provides a Notary Public who will notarize the signatures of both the father and the mother on the *AOP*

   d. Reviews each form to determine proper completion and notarization. The *AOP* must contain the SSNs of both parents, if available.

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

   f. Weekly sends original *AOPs* with the birth record to the Office of Vital Records (OVR).

   g. Weekly sends to the Veritas

      1) "Division File Copies" or EBC (Electronic Birth Certificate System) generated copies 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

3. Veritas

   a. Receives "Division File Copies" of the AOP from the hospital

   b. Images *AOPs* for access by District Offices,

   c. Pays a $20 fee on behalf of the Division to the hospital for each correctly completed acknowledgment

   d. Provides participating hospitals with written materials about paternity establishment, *AOPs*, *Paternity Acknowledgment Rights and Responsibilities Statements* and training, guidance and written instructions regarding voluntary paternity acknowledgment.

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

   f. Assesses each birthing hospital's program annually

Table of Contents

4. The Division's Paternity Policy Program Consultant

   a. Serves as the primary point of contact with OVR and Veritas

   b. Reviews Veritas' invoices for reimbursement and payment

   c. Monitors the performance of the VPEP contractor

5. Quarterly Judicial Match Project

   This report shows all *Orders Determining Parentage* (*ODP*) established on Division cases that are not shown in the certified database at OVR. District Office staff will review the *ODPs* established by courts in their area by

   a. Checking case files for a certified copy of the *ODP*

   b. Contacting the Juvenile and Domestic Relations court clerk to obtain the document if the certified copy is not in the case file

   c. Sending certified *ODPs* to the Paternity Consultant for submission to OVR for inclusion in their certified database and to count towards the Division's paternity establishment goal

6. Reporting and Tracking

   The Division tracks the Paternity Goal progress through

   a. Monthly paternity establishment data obtained from Division of Health Statistics (DHS. This data 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* received from the District Offices via the EBQS web application.

(03/2016) (04/2017) (05/2019)

6.2 Support Order Establishment

A. Overview (04/2023)

Table of Contents

1. 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 arrearages due, the period in which they accrued, and a periodic payment due for the arrearages.

   a. Use administrative methods rather than judicial methods to establish the order whenever possible.

   b. Virginia law requires that the child support orders entered after July 1, 1988, 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). Refer to When to Establish Paternity.

2. 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.

3. Within 90 days of locating the NCP or the putative father, the Division must

   a. Establish an order for support

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

   c. Document unsuccessful attempts to serve process. Refer to Service of Process.

4. Service of process is accomplished by

   a. Sending an *Administrative Summons* or *Virtual Administrative Summons*

   b. Filing a petition with the court to establish paternity and/or a support order

5. Expedited Process: The Division must complete actions to establish paternity and/or a support order from the date of service of process or filing a petition with the court to the

Table of Contents

time of disposition (i.e., the date on which a support order is established, or the action is dismissed) within

a. 75% of all cases in 6 months and

b. 90% of all cases in 12 months

6. Administratively established child support orders have the same force and effect as support orders entered by a court. A court order, however, supersedes an *Administrative Support Order* (*ASO*).

   a. Do not establish an *ASO* if any court order exists that sets an amount of child support.

   b. 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.

   c. If in doubt about the effect of an existing order, refer the matter to Legal Counsel.

7. 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.

8. When meeting with the parent or parents face-to-face, the Establishment Specialist will

   a. Upon obligating an NCP facing barriers, explain the Division's Family Engagement Services.

   b. Refer NCPs interested in participating to the Family Engagement Team.

9. Establish a child support order separately for each parent when both parents are noncustodial.

   a. Use one worksheet for each case to determine each parent's obligation amount based on his or her respective share of the combined income.

   b. 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.

   c. If a caretaker applicant did not apply for services to pursue support against both parents, only establish an obligation against the parent with an open case.

10. If there is only one legally responsible parent, that parent's support obligation is based only on his or her income.

11. An *ASO* 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

Table of Contents

following an administrative hearing. Refer to Administrative Appeals and Administrative Support Order.

(08/2017) (12/2018) (01/2020) (07/2021)

B. Child Support Orders (04/2023)

Both *ASOs* and Virginia court support orders require certain information to be included in the support order. These provisions are

1. Identifying information including
   a. Name, date of birth, and last 4 digits of the SSN of the child or children for whom support is ordered
   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 SSN 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 (when applicable) the
   a. Current support amount
   b. Arrearages owed and the time period the arrearages accrued
   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. If the child support amount deviates from the child support guideline, the order must state the guideline amount and include the deviation reason. *ASOs* incorporate the *Child Support*

Table of Contents

Guidelines Worksheet and court orders incorporate the *Supplement to Support Order* to explain guideline deviations. If there is a deviation due to an agreement of the parents, attach a copy of the agreement to the order. Refer to Virginia's Child Support Guidelines and Deviation from the Child Support Guidelines.

4. A provision for income withholding; refer to Income Withholding for Support
5. A provision for health insurance; refer to Medical Support Establishment
6. A provision for unreimbursed medical and dental expenses; refer to Determining the Monthly Child Support Obligation
7. A provision for any reasonable and necessary unpaid expenses of the mother's pregnancy and delivery of a child born during the 6 months prior to the date of application for applications dated on or after 7/1/2020. Refer to Determining the Monthly Child Support Obligation.
8. *Administrative Support Orders*
   a. An initial *ASO* for current support is effective on the date it is served, or the date service is waived.
      1) The first payment is due on the first of the month following the date of service and on the first of each month thereafter.
      2) 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. An initial *ASO* for debt to the State is assessed from the date that paternity was established or the first date of receipt of TANF or IV-E FC, whichever was later. Refer to Establishment of a Debt for Reimbursement to the State.
   c. For modified ASOs, refer to Chapter 8, Adjusting Administrative Support Orders.
9. Virginia Court Orders
   a. An initial judicial child support order is effective on the date specified in the order by the court.
      1) The first payment is due on the first of the month following the hearing date and on the first of each month thereafter.

Table of Contents

2) 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. For modified court orders, refer to Chapter 8, Modifying Court Support Orders.

(07/2014) (08/2017) (01/2018) (01/2020) (07/2020) (07/2021)

C. Virginia's Child Support Guidelines (04/2023)

All new or modified administrative and court orders must use the Virginia Child Support Guidelines to determine child support amounts.

1. The Virginia Child Support Guidelines (Guidelines) include

   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 or children 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

      1) unreimbursed medical or dental expenses

      2) reasonable and necessary unpaid expenses of the mother’s pregnancy and delivery of a child born during the 6 months prior to the date of application.

2. Once the appropriate income and expense amounts are entered on the *Obligation Calculation Worksheet* (*Worksheet*), the automated system calculates the NCP’s monthly child support amount based on his or her share of the parents’ combined income.

3. The obligation amount calculated using the guidelines is presumed to be the correct amount of child support, but this presumption is rebuttable when

Table of Contents

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.

(08/2017) (07/2020)

D. When Obligations Are Not Established (07/2021)

There is no legal basis to establish an order either administratively or through court action in some situations.

1. Do not administratively or judicially establish an obligation for current support or arrearages for any period when

a. The NCP's parental rights have been terminated for adoption or emancipation unless there is state debt owed for a period prior to the parental rights being terminated.

b. Good cause is in effect.

c. A court has found the NCP 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), referred to as the Eligibility Determination Group (EDG) in VaCMS, or the Assistance Unit (AU), TANF-UP benefits, and/or General Relief benefits.

e. The NCP has received or was eligible to receive SSI, concurrent SSI and SSDI, or concurrent SSI and SSR benefits. The NCP's eligibility for benefits is determined by the SSA.

Table of Contents

f. 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.

Public assistance includes:

1) TANF
2) auxiliary grants to the aged, blind and disabled
3) medical assistance
4) energy assistance
5) SNAP (food stamps)
6) employment services
7) childcare
8) general relief

g. There is no child under age 18 for whom support is sought; except when 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.

h. The NCP has no identifiable assets and is institutionalized in a psychiatric facility, is incarcerated or is medically verified to be totally and permanently disabled with no evidence of potential of paying support.

1) To determine if the NCP has any identifiable assets, refer to Determining Income.
2) The NCP must provide verification that he or she is institutionalized in a psychiatric facility or totally and permanently disabled.
3) Verify the NCP is incarcerated using the Department of Corrections match or other resources.
4) Monitor these cases and seek to establish an obligation against the NCP immediately upon discharge from a psychiatric facility or release from incarceration.

i. Review to determine if the case is unworkable. Refer to Case Workable Status.

Table of Contents

2. Do not administratively establish an obligation, and refer the case to court for establishment of an obligation 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 support for the child or children.

   c. The NCP shows signs of mental deficiencies that impair his/her understanding of the administrative process.

   d. 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.

      1) Refer these cases to Legal Counsel to have a Guardian ad litem appointed to represent the NCP.

      2) The petition must be filed with the NCP's parent as next friend and both the NCP and his parent must be served with notice of the hearing.

   e. The NCP signed the *Acknowledgement of Paternity* as a minor but is no longer a minor.

   f. There are both a presumed father and a putative father. Refer to Presumed and Putative Father Situations.

   g. The parties have more than 6 children for whom the obligation needs to be established.

   h. A new obligation needs to be established for an additional child with the same CP and NCP listed on the original court order. Refer to Adding a Child to an Existing Child Support Order.

   i. Both parents have physical custody of the child for more than 90 days each year.

   j. Caretaker applicant cannot or will not provide information about the parent they are not pursuing support against.

   k. No income information can be found for the parent that is not being pursued for support by the caretaker applicant.

   l. There is no child under age 18 for whom support is sought but 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. Refer to Establishing and Modifying Orders Due to Child's Disability.

m. The NCP and/or the CP receive VA educational benefits.

n. The NCP is an incarcerated felon with identifiable assets. Refer these cases to Legal Counsel to have a Guardian ad litem appointed to represent the NCP.

3. Document these circumstances in Case Events.

(05/2013) (07/2013) (12/2014) (06/2015) (01/2017) (10/2017) (12/2018) (06/2019) (01/2020) (04/2021)

E. Determining Income (04/2023)

1. The *Financial Statement* is used to secure financial and other information from both parents to establish a child support obligation, including current and previous monthly income from all sources, number of dependents for whom support is provided, dependent care expenses, health insurance, and other information.

   a. Proof of expenses such as day care or health care must be provided to receive credit.

      1) Proof of day care would include items such as a letter or verbal statement from the day care facility or a verbal or written statement from a private provider, or receipts or printouts provided by the same.

      2) Proof of health care expense would include items such as check stubs showing the deduction (breakdown of expense amount may need further verification), verbal or written statement or a listing of the plan costs from an employer or a private insurance provider.

   b. A parent's signature on the *Financial Statement* certifies that the information on the form is correct. Tax returns accompanying *Financial Statements* are subject to the same IRS requirements for safeguarding information as outlined in Security of IRS and State Tax Information.

2. *Financial Statements* 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 *Financial Statements* from CPs receiving TANF.

Table of Contents

b. Do not attempt to secure or use financial information from CP caretakers who are not legal parents of the child to establish a child support obligation for the child or children 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 *Child Support Guidelines Worksheet* (*Worksheet*) to be prorated between the legal parents according to their income shares.

c. Do not obtain a *Financial Statement* from the other parent when the caretaker applicant is not pursing support against both parents. Only the parent on the open case is required to complete the *Financial Statement*.

4. To obtain financial information from the parents

a. Generate an *Administrative Summons* or *Virtual Administrative Summons* and the *Financial Statement* to schedule an interview(s) with the parents. If the CP is a minor, send a copy of the summons to the parent(s)/ caretaker of the minor at the address on file for the minor as a notification only.

b. Document unsuccessful service of the *Administrative Summons* on the EORA ADMINSTRATIVE SUMMONS Case Event and the *Virtual Administrative Summons* on the EORV VIRTUAL ADMINISTRATIVE SUMMONS Case Event.

1) If the NCP's *Administrative Summons* or *Virtual Administrative Summons* is returned as undeliverable, update the NCP's address information in the automated system.

2) If there is no address and current employment information for the NCP, refer the case to Locate. Referring the case to locate stops the clock for the required 90-day federal timeframe.

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

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

e. Obtain financial information from the LDSS when either parent has applied for SNAP, Medicaid or fuel assistance.

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

g. If income or expense information needed to calculate the obligation cannot be secured by other means, refer the matter to Legal Counsel to evaluate whether a *Subpoena Duces*

Table of Contents

Tecum should be issued to secure the information. Proceed as instructed by Legal Counsel.

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

i. Obtain identifying information and/ or income verification about the parent that is not being pursued for support by a caretaker applicant from the applicant, the parent that is being pursued for support, the Division's automated system or VaCMS. Refer the case to court if no income information is available.

1) Income verification provided by the caretaker applicant or parent being pursued for support may be used on the *Worksheet*.

2) Income information available through the Division and the Division's automated system can be used on the *Worksheet* if the parent that is not being pursued for support has an open or closed Division case by using an average of any earning information on file for the last year.

3) Income information in VaCMS can be used on the *Worksheet* if the parent that is not being pursed for support has an open or closed VaCMS case by using an average of any earning information on file for the last year.

4) Income information available in any federal and state information system can be used on the guideline *Worksheet* if the parent that is not being pursued for support has an open or closed case with the Division and/or VaCMS by using an average of any earning information on file for the last year. Only information systems with income verification may be accessed.

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 including TANF benefits, auxiliary grants to the aged, blind or disabled, medical assistance, energy assistance, SNAP, employment services, childcare subsidy and general relief

d. Income received by the NCP from secondary employment income not previously included as gross income in the establishment of an order of support.

Table of Contents

1) 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.

2) 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, rental property, a partnership, or a closely held business 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.

      1) 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.

      2) 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 rental property, 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 Department of Veteran Affairs.

   a. The service member's Leave and Earnings Statement (LES) must be reviewed to verify the information provided. For assistance with questions about military pay, refer to the OCSS publication Working with the Military on Child Support Matters.

   b. On an initial support order or modification, if the NCP and/or CP are receiving educational benefits, the case should be referred to court to determine income.

Table of Contents

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 Statements 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) (08/2016) (08/2017) (12/2018) (01/2020) (07/2021) (09/2022)

F. Determining the Monthly Child Support Obligation (04/2023)

1. Review the case record to determine if sufficient financial and other necessary information are available for both parents to establish 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 information obtained from both parties to establish a current support obligation.
4. Convert all dollar figures to monthly amounts. Refer to Determining Income.

Table of Contents

5. Complete the *Child Support Guidelines Worksheet* (*Worksheet*). The information to be entered includes

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

   b. The gross monthly income (GMI) from any source, including all spousal support received

   c. The monthly spousal support paid by either parent pursuant to an order or written agreement (i.e., a Separation Agreement not yet incorporated into a divorce decree)

   d. One-half of self-employment tax paid by either parent as reflected on the most recent income tax return if 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 on line 27, which reads, "Deductible part of self-employment tax."

      2) Determine a monthly amount of the self-employment tax by averaging the amount on the tax return over a 12-month period.

      3) Deduct this amount from the parent's GMI.

   e. The number of other children either parent is legally responsible for as determined by the existence of a current child support order or written agreement, or by having a natural or adopted child residing in their household. For cases where both parents are being obligated, and they are living in the same household, and are legally responsible for other children, allow both parents a deduction for each such child.

      1) When additional dependents reside with a legal parent, determine the amount to be deducted from the GMI based on the number of dependents and the sole income of the parent applied to the Schedule of Monthly Basic Child Support Obligations. The Obligation Calculation automatically computes the deduction using the Schedule.

      2) When the deduction is based on an existing order, override the automated deduction amount by entering the amount paid pursuant to the order.

         a) Give the NCP credit for current support paid (not arrears payments) up to the amount stated in the order or agreement.

         b) Include the average of the past 6 months of payments on the *Worksheet*. If the NCP has only paid for a few months, average those payments to include on the *Worksheet* based on available information.

Table of Contents

c) Obtain the payment information from the automated system if the case is with the Division.

3) The NCP must provide satisfactory proof of payments (pay stubs, receipts from the CP, or other documents that appear to be legitimate) if the case is not with the Division. Do not give the NCP credit for payments if the NCP cannot provide satisfactory proof of payments.

f. Verified monthly costs of 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 dependent care costs incurred for the child due to the CP's employment and

3) Is paid by the CP or his or her spouse

g. The Division does not consider the NCP's willingness and availability to personally provide childcare when determining whether childcare costs are necessary or excessive. In addition, the Division does not consider the tax savings a party derives from childcare cost deductions or credits. However, a party may request the court consider both.

h. Verified monthly costs for health, vision and/or dental insurance paid by either parent (or his or her spouse) for the child or children subject to the order.

1) Use the cost per person for the child or children. If the per child cost is not provided by the insurer, determine the cost per person by subtracting the cost of individual coverage for the policy holder from the total cost of the coverage, and divide the remaining amount by the number of remaining covered persons.

2) When completing guidelines in the automated system, enter costs for vision and dental insurance together. The cost of health insurance is separate as only the cost of health insurance is used to determine if health care coverage is available at a reasonable cost and should be ordered.

i. The monthly amount of a disability benefit paid to a child, in the name of or on account of either parent. This amount is included as income to that parent. If the NCP is responsible for the disability payment to the child, this amount is subtracted from the NCP's portion of the obligation. The ordered amount may be less than the statutory minimum after this deduction.

Table of Contents

1) In some cases, lump sum payments are received by the child or children to cover months of entitlement prior to the date of the first ongoing check. If the NCP is responsible for the lump sum payment to the child or children, the arrearages may need to be established or adjusted. Calculate a retroactive adjustment, if applicable.

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

   b) Submit a written request to the Department of Veterans Affairs on Division letterhead to verify VA benefits.

2) Any credit from this procedure may reduce arrearages that have accrued but cannot reduce any future arrearages, cause a credit balance or contribute to the basis for a refund to the NCP.

3) Adjust the arrearages when requested by the NCP or when the District Office takes action to enforce or review the obligation.

j. Information regarding split custody if applicable

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

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

b. Print the *Worksheet* after saving. The *Worksheet* is a part of the order as it explains how the obligation was determined, including the reason(s) for deviation.

c. Document in the case record how all figures on the *Worksheet* other than those from the Schedule of Monthly Child Support Obligations were determined.

d. The current support obligation will be at least the statutory minimum unless the NCP's disability benefit paid on behalf of the child or children creates a lesser or $0 obligation, even if the application of the guidelines shows an amount less than the statutory minimum.

e. The *Worksheet* identifies the percent obligation of each party which is each party's share of all

1) unreimbursed medical and dental expenses

2) reasonable and necessary unpaid expenses of the mother's pregnancy and delivery of a child born during the 6 months before the date of application.

Table of Contents

7. Complete a second *Worksheet* based upon the prior guidelines, if appropriate, using the same financial information listed above.

   a. With the initial *ASO*, use the prior guidelines to determine debt to state that accrued through 6/30/14.

8. Generate the *ASO*.

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

   b. Establish the reasonable and necessary unpaid expense percentages of the mother's pregnancy and delivery of a child born during the 6 months before the date of application, if applicable.

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

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

   e. Establish a medical support provision.

9. Serve the *ASO*

   Serve the NCP with the *ASO* and the *Worksheet*. The NCP can be served by

   a. Signing the *Waiver of Formal Process of Service*

   b. MCS portal

   c. Sheriff or private process server or

   d. Certified mail, restricted delivery

10. Provide a copy of the served *ASO* and the *Worksheet* to the CP when the NCP waives service, accepts service via the MCS portal or immediately after the *ASO* is received back with successful service.

11. The appeal period for the *ASO* is 10 calendar days. For NCPs this is 10 calendar days from the date of service. For CPs this is 10 calendar days from date of receipt. Please allow at least 5 calendar days for mail delivery. A request for administrative appeal received after this

Table of Contents

time should be considered if the CP can show that the request was made within 10 calendar days of receipt, regardless of mailing time.

12. 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*.

13. Enter the support order on the automated system within 2 days after the expiration of the CP and NCP appeal periods unless an appeal is pending. Ensure that arrearages, if any, are added to the system at this time.

14. Maintain a copy of the *ASO,* the proof of service and the printed *Worksheet(s)* in the case record.

15. If the Division is unable to administratively establish an obligation, refer the case to court.

(03/2015) (06/2015) (06/2016) (01/2017) (08/2017) (01/2018) (07/2018) (05/2019) (01/2020) (07/2020) (07/2021)

G. Deviation from the Child Support Guidelines (04/2023)

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

   a. 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.

      1) 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.

      2) 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 (all earnings on file for the last 12 months divided by 12). 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.

      1) 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 (all earnings on file for the last 12 months divided by 12).

Table of Contents

2) 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.

3) 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. For an incarcerated parent, the length of incarceration is a factor when determining appropriate income.

1) If the parent's current period of incarceration is less than 180 consecutive days, impute income 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.

2) If the parent's current period of incarceration has reached 180 or more consecutive days and there is no evidence of actual income or other ability to pay, use zero income for the income when computing the obligation.

d. The Division may base the child support obligation on an agreement of the parties (legal parents and/or caretakers/guardians) if no state debt is owed.

1) This option is unavailable if one parent has FVI set in relation to the other parent.

a) Staff may meet privately with a party who has FVI set to inquire whether the FVI is in relation to the other party.

b) For other situations in which an agreement should not be accepted, refer to When Obligations Are Not Established.

2) The parties may use the *Child Support Agreement* form to enter into an agreement.

a) If one of the parties is not present, the signature of the absent party on the *Child Support Agreement* form must be notarized.

b) If the parties provide an agreement using another form, refer the form to Legal Counsel for review.

3) If the parties want to use the *Child Support Agreement* form, take the following steps:

Table of Contents

a) Complete the *Child Support Guidelines Worksheet* (*Worksheet*) as normal. Provide each party with a copy of the *Worksheet*. This will inform the parties as to what the support obligation would be in the absence of an agreement.

b) Provide the parties with a copy of the *Child Support Agreement*.

c) Do not mediate, make recommendations or discuss legal rights. Staff can provide generic instructions, such as how to file the form.

d) Provide the parties with privacy while they are completing the form.

4) Reject the agreement of the parties if

a) There is clear evidence of fraud or duress or

b) Either party wants to withdraw the agreement before issuance of the *ASO*.

c) Staff are not required to probe for fraud or duress prior to accepting an agreement.

5) If the agreement is accepted,

a) Upload the agreement document to Perceptive.

b) Enter a SELF event with the description "DEVIATION PER PARENT AGREEMENT." Refer to SELF Event Documentation Table.

c) Continue as below at item 3 and use the parents' agreement as the basis for deviation.

6) When an *ASO* is already in place:

a) The parties may replace a prior order based on the Child Support Guidelines with an agreement.

b) The parties may replace a prior agreement with a new one or with an order based on the Child Support Guidelines if the parties otherwise qualify for review and adjustment of the *ASO*. Refer to Deciding Whether to Conduct the Review.

c) The parties may submit a request to the court for a review at any time, and a court order supersedes the agreement.

7) If the CP is approved for TANF after the ASO has been established, initiate a review and adjustment, as the agreement cannot be used as a basis for an administrative deviation.

Table of Contents

2. Do not impute income to

   a. A CP when one or more of the children on the order is under the age of 13 or is age 13 or older and needs dependent care.

      1) 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.

      2) If the NCP feels that the CP could or should be employed, despite the dependent care costs, the *ASO* may be appealed, and the Hearings Officer's decision 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

      1) For example, the pursuit of additional training or education may be reasonable considering a parent's obligation to support his or her children.

      2) 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 or those children in the future.

3. Complete the *Child Support Guidelines Worksheet* (*Worksheet*) and confirm it, indicating if there is a deviation due to imputed income or an agreement by the parties.

4. Print and document the *Worksheet* listing the factor(s) used to rebut the presumptive amount, including how income imputed to the party was determined if applicable. Retain a copy of the PDF version of the *Worksheet*.

5. Give each party a copy of the *Worksheet*. After the *ASO* is served and the order is entered on the automated system, enter the appropriate rebuttable reason for the deviation on the Update Support Order page.

6. When deviation is due to an agreement of the parties, attach a copy of the agreement and the *Worksheet* to the *ASO* prior to service. Refer to Child Support Orders.

   (11/2013) (06/2014) (07/2014) (09/2014) (02/2015) (03/2015) (08/2017) (01/2020) (09/2022)

H. Split Custody (04/2023)

1. Split custody exists when each parent has physical custody of a child or children

Table of Contents

a. Born of their relationship

b. Born of 1 parent and adopted by the other parent or

c. Adopted by both parents

2. 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.

3. It is not necessary for both parents to apply for child support services for split custody to be considered in calculating the obligation.

4. 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 live in their family unit or for whom they pay support that are the subject of the present split 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. This difference may be less than the statutory minimum.

5. Generate the *ASO* for the parent owing the amount determined in steps 4a - e above. Refer to Determining the Monthly Child Support Obligation for instructions on completing the *ASO*.

(08/2017)

I. Shared Custody (04/2023)

1. Shared custody exists when each parent of a child has physical custody of that child for more than 90 days of the year. The child is

a. Born of the parents

b. Born of 1 parent and adopted by the other

Table of Contents

c. Adopted by both parents

2. Cases involving shared custody must be referred to court. Prior to making the referral, case workers are required to

   a. Gather any necessary information from the CP and NCP to generate shared custody guidelines

   b. If filing a *Motion to Amend or Review Order*, draft guidelines must be prepared and placed in the file that show a minimum 10% and $25 change. Prepare guidelines using the Cardinal Guidelines Calculator and prepare in consultation with Legal Counsel as needed.

3. Document the Case Event notes on the *Petition for Support (Civil)* or *Motion to Amend or Review Order* with the reasons why the determination was made to pursue a shared custody order. Refer to Judicial Actions.

   (07/2014) (08/2017)

J. Support Orders for Foster Care Cases (04/2023)

1. In foster care situations, Division staff may be involved in calculating the support obligation during a court proceeding before receiving a foster care case referral from the local Department of Social Services (LDSS). Refer to Foster Care Cases.

2. 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.

   a. Complete separate guidelines and separate orders for each case.

   b. If there is only one legal parent, calculate the support obligation for that parent using only that parent's financial information.

   c. 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.

3. When the court 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.

Table of Contents

4. Once an order has been established for either a IV-E or non-IV-E foster care case, it is not necessary to terminate the support obligation and establish a new obligation when the foster care 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.

   (12/2014) (08/2017)

K. Assessing Obligations for Parents Whose Children Are in Foster Care or Live in Different Homes (08/2017)

1. Assess each NCP for all of the children by completing separate guidelines for each case. Use 1 *Child Support Guidelines Worksheet* (*Worksheet*) for each case to determine each parent's obligation amount based on his or 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.

   (12/2014)

L. Establishment of a Debt for Reimbursement to the State (04/2023)

1. Payment of TANF and IV-E FC benefits creates a debt for the NCP to the Commonwealth of Virginia.
2. Payments in connection with non-IV-E FC cases create a debt for the NCP to the Commonwealth of Virginia.
3. 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, no separate obligation for debt to the state is established. If the order is payable to someone other than the CP receiving TANF or the foster care agency, immediately begin change of physical custody procedures. Refer to Change of Physical Custody when a Current Support Order Exists.

Table of Contents

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, 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.

4. 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 *Child Support Guidelines Worksheet* (*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.

1) If no evidence of income exists for the period to be assessed, establish the debt based upon the statutory minimum.

2) Use the appropriate set of guidelines in effect at the time that the TANF was paid or that the child was in foster care which may result in the use of multiple guidelines.

e. Assess arrearages 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, the child was in foster care. The per month payment toward the arrearages amount ordered should be

Table of Contents

a) the current support amount from the *Worksheet* when there is no current support due for the same child on any other support order.

b) 25% of current support from the *Worksheet* or $65, whichever is greater when there is current support due for the same child on another support order.

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.

Example: The TANF grant for March is $274.00. The current support amount from the Worksheet is $200.00 per month. Multiply the monthly order amount by 12 months ($200.00 x 12= $2400.00) and then divide by 365 days ($2400.00 divided by 365= $6.58 per day). The prorated TANF debt is $26.32 ($6.58x4 days) for March 1-4.

g. When establishing a debt for reimbursement to the state in an initial judicial child support order

1) If paternity is an issue for one or more children on the petition

a) do not seek reimbursement for periods prior to the filing date of the petition for any child or children for whom paternity has not been established.

b) establish the TANF arrearages from the filing date forward based on the NCP's ability to pay.

2) When paternity is not an issue for any child or children on the petition, establish the total TANF arrearages as follows:

a) For the period prior to the filing date, establish TANF arrearages for all time periods that the CP received TANF for the child(ren) through the filing date of the petition as indicated in 3b above.

b) Establish the TANF arrearages from the filing date forward based on the NCP's ability to pay.

c) Establish the total amount of TANF arrearages as the addition of 2a plus 2b.

h. 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.

5. Do Not Establish a Debt for Reimbursement to the State

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

Table of Contents

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

c. When a court has specifically ordered that no arrearages exists or that arrearages 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 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), referred to as the Eligibility Determination Group (EDG) in VaCMS, 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

6. Document Case Events indicating what prior period(s) the NCP is responsible for support (e.g., TANF grant history).

(06/2014) (12/2014) (08/2016) (08/2017) (09/2020) (07/2021) (03/2022) (09/2022)

M. Retroactive Liability for Support (07/2021)

When to Establish Retroactive Liability for Support

In establishing an initial order in non-TANF cases where no public assistance has been paid to the family, arrearages are calculated retroactively to the effective date of the initial *ASO*. 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. Refer to Adding Orders to the Automated System.

(08/2017) (05/2019)

N. Termination of the ASO (04/2023)

Table of Contents

1. The *ASO* remains in effect when the case is closed (i.e., CP requested direct pay) unless terminated because
   a. The CP and NCP have reconciled.
   b. The NCP has physical custody of the child.
   c. The child has been adopted.
   d. Parental rights have been terminated.
   e. The NCP is deceased and there are no assets.
   f. Physical custody changes and an *ASO* needs to be established payable to the new CP.
   g. The LDSS has determined Good Cause.
   h. The court has issued an *Order Determining Parentage* reflecting that the NCP is not the father of the child.
   i. The child has been added to the TANF case and the support order because of becoming uncapped due to the TANF Family Cap Provision being eliminated.
2. No current support is due and no arrearages accrue from the date the *ASO* is terminated.
   a. Stop all action to collect or enforce current support.
   b. When applicable, continue collect and enforce any a debt owed to the Commonwealth of Virginia and/or to the CP, until all arrearages are paid.
3. If the CP reapplies for child support services or the Division receives a TANF referral for the child listed on the terminated order
   a. Issue a new *ASO*.
   b. The CP can only claim arrearages that accrued before the termination of the *ASO*. Additional TANF arrearages can be established at the time the new ASO is issued.
4. Obtain the District Manager's approval to terminate an *ASO*.
5. Complete the *Termination of Administrative Support Order*. The signature of the District Manager or his or her designee is required for the *Termination of Administrative Support Order*.
6. Mail a copy of the *Termination of Administrative Support Order* to the CP and NCP by first class mail.

Table of Contents

7. Image a copy of the *Termination of Administrative Support Order* for the case record.

8. Document the termination of the *ASO* as indicated in Manual Documents.

(11/2013) (09/2014) (03/2016) (08/2017) (07/2020)

O. Emancipation and the Child Support Obligation (04/2023)

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* (*Notice*) approximately 60 calendar days before the dependent's emancipation date.

   a. A case with a per-child order produces the *Notice* 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* 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* 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.

4. When the youngest child emancipates, determine if arrearages 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) or meet the requirements for a Review and Adjustment when requested by either party, then

Table of Contents

a. For *ASOs*, issue a new *ASO* to establish the arrearages and a payment towards the arrearages.

b. For court orders, file a *Motion to Amend or Review Order* using the pleading option Adjudicate Arrears and/or Set Arrears Payment requesting the court set the total arrears balance and an ongoing payment towards arrears which should include both the prior current support amount and arrearages. However, if the NCP is not making regular payments, a *Motion for Show Cause Summons* to enforce and establish arrearages may be appropriate instead of a *Motion to Amend*.

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. An order may be payable monthly, semi-monthly, bi-weekly, or weekly (payment cycle). Do not prorate the support owed at the time a dependent emancipates. Support is due until the end of the payment cycle during which the child emancipates, whether monthly, semi-monthly, bi-weekly or weekly.

   b. If a per-child order or a one-child order exists at the time a dependent emancipates, determine the payment terms of the order.

   c. 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

   b. A per-child order exists and a dependent emancipates

   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. Refer to Closing Support Extensions.

8. If current support is reduced or terminated due to the emancipation of a dependent, review the case to determine if the *Income Withholding for Support* (*IWO*) should be modified or released. Refer to Modifying and Releasing the IWO.

Table of Contents

9. Initiate case closure if the emancipation of a child terminates the current support order, and no arrearages 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) (06/2015) (08/2017) (09/2020) (12/2020) (07/2021)

P. Lost Administrative Support Orders (04/2023)

1. The *ASO*, along with proof of service, should always be maintained in the case record. When discovered that the current *ASO* (and/or proof of service) is lost

   a. Notify a supervisor once it is confirmed that the *ASO* is missing.

   b. Use due diligence to locate a copy of the *ASO*. Determine if

      1) The *ASO* has ever been registered with any court.

      2) The case file has ever been transferred from another District Office.

      3) A Hearing Officer has ever reviewed the *ASO.*

      4) The case file has ever been archived at the State Library.

      5) Either party has a copy.

   c. The Field Supervisor shall document all efforts to locate the missing *ASO* in Case Events.

2. If the *ASO* is not located,

   a. If the case is closed or set to close, do not take any additional action.

   b. If the case will remain open, issue and serve a new *ASO.*

      1) Serve the *Notice of Proposed Review* on both parties and use the latter date of service as the effective date of the new *ASO*.

      2) Establish, as appropriate, current support per guidelines, the arrearages that accrued under the missing order, and a payment towards arrearages.

(04/2016) (08/2017)

Q. Errors in Administrative Support Orders (04/2021)

Table of Contents

If a served *ASO* contains an error

1. If the error is 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 is about 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 the 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.
3. If an *ASO* is established and the Division later learns of information that would have led to a different outcome when the *ASO* was originally established, such as the NCP was receiving TANF or SSI at the time the order was established, initiate a review and issue a modified order.
4. If an *ASO* cannot be corrected by issuing a modified *ASO*, refer the case to Legal Counsel. There is no administrative process for invalidating an *ASO.*

(08/2017)

6.3 Medical Support Establishment

A. Overview (08/2017)

1. Establishment of a health care coverage order is part of the medical support services that falls under the full range of child support services provided to service recipients.
2. Establish a health care coverage order when the child support order is established. When either party requests a review of an existing order, add a provision for health care coverage if health care coverage was not addressed in the original order.

B. Establishing Health Care Coverage Orders (04/2023)

1. Provide medical support services on all cases.
2. Include a provision for health care coverage on all *ASOs*. Medicaid and FAMIS are considered health care coverage. Order the applicant (or spouse of the applicant) on the Medicaid or

Table of Contents

FAMIS case covering the child or children to provide coverage, unless the other parent is already providing health care coverage for the child or children which is accessible to the child or children and available at a reasonable cost.

a. Order the CP to provide health care coverage unless one of the below circumstances (in b and c) applies.

1) The CP must complete and return the *Health Insurance Verification Notice* and provide requested documentation prior to the *ASO* being completed.

2) If the CP fails to return the form and provide the required documentation, review the case for closure based upon noncooperation if the Division cannot otherwise obtain the information needed to proceed.

b. Order the NCP to provide health care coverage if

1) The NCP claims the child or children as a tax deduction

2) The NCP already carries insurance for the child or children which is accessible to the child or children 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 or children.

3. Include a request for health care coverage on all petitions to establish a support order.

a. The court 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. Update the automated system to reflect the ordered health care coverage information.

Table of Contents

a. Update the HCC Ordered field, indicating both parties are to provide, the CP only, the NCP only or neither party is ordered to provide health care coverage

b. Add the appropriate percentage to the Uninsured Medical Expenses field

c. Enter notes on the order to explain the health care coverage provision as ordered by the court. It should read similar to the following

HEALTH INSURANCE COVERAGE IS ORDERED BY THE COURT/ ASO TO BE PROVIDED BY THE (NCP, CP, BOTH-AS APPLICABLE) WHEN IT BECOMES AVAILABLE AT A REASONABLE COST.

5. If there is no order for health care coverage, initiate action to establish a health care coverage order when coverage becomes available to either party at a reasonable cost.

   a. The cost of health insurance only (do not include vision and dental) for the child or children must not be greater than 5% of the gross income of the parent providing the health insurance.

   b. 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 the gross income of the parent providing the health insurance, order if both parties have signed an *Agreement to Provide Health Care Coverage Waiver of Cost Requirement*.

(12/2014) (06/2015) (04/2017) (08/2017) (07/2020)

Table of Contents

Chapter 7: Enforcement

7.1 Enforcement Rules

A. Overview (05/2025)

1. Federal laws and regulations establish enforcement requirements for IV-D and tribal IV-D agencies. Virginia's state laws and regulations establish the authority for the Division's enforcement remedies. These collective federal and state laws and regulations dictate enforcement activities including

   a. Required enforcement actions

   b. Allowable enforcement actions

   c. Enforcement action timeframes and

   d. Due process provisions

2. Use applicable administrative enforcement actions to enforce child support orders, unless judicial action is more appropriate. Refer to Enforcement Program Standards.

3. Administrative enforcement remedies include:

   a. *Income Withholding for Support*

   b. *National Medical Support Notice*

   c. Driver's License Suspension

   d. *Order to Withhold* and *Order to Deliver*

   e. Federal and State Offset Programs

   f. Passport Denial

   g. FES Team Case Referral

   h. Pre-Court Monitoring Program

   i. Consumer Credit Agency Reporting

   j. IRS Full Collection

Table of Contents

4. The Division also initiates federal and state judicial enforcement actions as applicable to obtain support order compliance. Refer to Judicial Enforcement Remedies.
5. Virginia has the authority to use Long Arm against an NCP who lives out-of-state to enforce an administrative or court order. Any enforcement action that requires service of process still applies when the NCP resides out-of-state.
6. The federally required Administrative Enforcement for Interstate cases (AEI) allows for other states to request the Division to search state databases for delinquent NCPs and their assets. The Division uses the same techniques used in intrastate cases to seize the assets. AEI cases are set up and processed as limited services cases by the NIVD Unit in Home Office.
7. Thoroughly document the case record any time there is an exception to enforcement on a case.
8. The *Important Notice about Child Support*
   a. The *Important Notice about Child Support* (the *Notice*) is batch-generated monthly to NCPs who
      1) Have a current support order or an arrears- only case with a balance
      2) Have a workable case type
      3) Have a mail address on the automated system and
      4) Have not received the document previously
   b. Division staff can generate the *Notice*.
   c. The *Notice* tells NCPs
      1) That the Division charges interest on arrearages
      2) That the Division may charge fees
      3) That the Division takes enforcement actions
      4) How to request a review of their current support order
      5) Where to submit payment and
      6) The requirement to keep contact information current
   d. Division must send the *Notice* before

Table of Contents

1) Charging a fee other than for genetic testing or private service of process to the NCP or

2) Suspending an occupational, professional or driver's license

e. When the automated system generates the *Notice*, it creates a Participant Event and updates the NCP Supplemental page.

f. If the *Notice* is returned by the post office, update the Event Information Disposition field on the Case/Participant Event Detail page.

1) Use RTNU if the *Notice* is returned as undeliverable.

2) Use RTNA if the *Notice* returned with a new address. Update the NCP's address information and generate a new Notice to the new address.

3) The automated system will update the Disposition Effective Date field with the date that the Disposition field is updated.

g. If the *Notice* was successfully sent at any time at least 30 calendar days before attempting to serve 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*, proceed with the action. If not, wait until 30 calendar days have elapsed before proceeding.

(12/2012) (07/2014) (10/2014) (04/2017) (09/2020)

B. Enforcement Program Standards (05/2025)

1. Unless service of process is needed, take enforcement action within 30 calendar days of identifying arrearages or locating the NCP, whichever occurs later. Exceptions are

   a. The federal and state tax refund offset, which have weekly certification and

   b. The *Income Withholding for Support* (*IWO*), which does not require arrearages

2. 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 arrearages or locating the NCP, whichever occurs later, or document unsuccessful attempts to serve process.

3. When enforcing of an out-of-state order and both parties live in Virginia, use all available enforcement actions. If administrative enforcement of the order fails, register the order with

Table of Contents

the appropriate Juvenile and Domestic Relations District Court for enforcement. Refer to Support Enforcement.

4. Issue the *IWO* when a new *ASO* is entered unless

   a. The CP and NCP, on a non-TANF case, sign an *Alternative Payment Arrangement Agreement* or

   b. The Division determines good cause exists to not issue the *IWO*. Refer to Exceptions to Issuing the *IWO*.

5. 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.

6. Case documentation must show that all applicable administrative enforcement actions have been exhausted prior to referring a case for judicial enforcement.

(04/2013) (07/2014) (04/2017)

C. Determining Enforcement Actions (05/2025)

1. Federal regulations require the Division to take actions to enforce support obligations. Refer to Enforcement Program Standards.

2. When a parent is delinquent in an amount equal to at least 1 month's support obligation and has not made a payment within the last 30 days, excluding intercept payments, initiate actions to determine why the Division is not receiving payments and document the actions taken.

3. Verify employment and *IWO* status.

   a. Check the Employer History page for the last 18 months to see if there is an active *IWO.*

   b. Verify there is no unworked new hire information.

   c. Verify that the *IWO* has not been returned by employer.

   d. Contact the employer to determine why there was no response to the *IWO*.

   e. If the *IWO* was in place with another source such as the jail, the Social Security Administration (SSA), etc., contact that source.

4. If there was no *IWO* in place, attempt to determine the source of the most recent payment(s).

Table of Contents

5. Ensure that the case is workable. Refer to Case Workable Status.
6. Contact the CP and see if the CP has information about the NCP's current circumstances (e.g. new address, employer, incarceration, etc.)
7. Verify the Division has a current RES or MAIL address for the NCP.
   a. If the address is located outside of Virginia, and the case is not an intergovernmental case, it may be appropriate to seek intergovernmental services. Refer to Intergovernmental Services.
   b. If there is no RES or MAIL address for the NCP but there are address types listed that are not OLD (such as FIDM), attempt to verify those addresses.
   c. If all addresses are disproven, use available resources to locate the NCP; refer to Locate.
8. Check for assets.
9. Check current licenses.
10. If there is case information indicating that the NCP may be self-employed, or owns or partly owns a business, check the Department of Professional and Occupational Regulation and/or the State Corporation Commission.
11. Verify the arrears balance.
12. Once the appropriate actions in items 3-11 above are complete, when applicable (e.g., case is still workable, NCP not incarcerated, etc.), promptly call the NCP. If phone contact is unsuccessful, send the *Administrative Summons, Virtual Administrative Summons* or *Contact Letter to NCP* through the fastest means, i.e. email, mail, MCS portal.
13. If contact is successful, interview the NCP and request payment.
    a. Document all information collected during the interview. Refer to Case and Participant Events and Interviewing Participants.
    b. Determine if the NCP has barriers that hinder his or her ability to pay support. Refer to FES Team Case Referral.
       1) If the NCP has at least one non-employment related barrier, or employment challenges plus an additional barrier that hinder the NCP's ability to comply with the support obligation, refer the NCP to the Family Engagement Services Team for further assistance unless the only barrier relates to driver's license suspension.

Table of Contents

2) Use the current referral process as per the FES Case Processing Guide.

c. If the NCP's only barrier is Division initiated driver's license suspension, review the case for enrollment in Pre-Court Monitoring.

d. Have the NCP complete the *Financial Statement.* If the NCP's income has decreased since the order was entered and the order is not a minimum order, tell the NCP of the right to request a review of the support obligation.

14. If contact attempts are unsuccessful, the NCP is noncooperative or the NCP does not appear to have any barriers, and it has been more than 90 days since the Division received a payment other than an involuntary payment and the arrearages are at least $500, review the case for civil contempt referral. Refer to Civil Contempt Proceedings and Referral Process.

(03/2018) (09/2020) (09/2022) (04/2023)

D. Enforcement and Special Circumstances NCPs (05/2025)

1. Incarcerated NCPs

a. Incarceration of 180 or More Consecutive Days

1) An NCP whose current incarceration has reached 180 or more consecutive days may be eligible for a Review and Adjustment.

2) Within 10 business days of becoming aware that an NCP is incarcerated

a) Verify the NCP's obligation exceeds the minimum amount.

b) Contact the correctional facility to verify the timeframe of the incarceration to determine if the NCP's incarceration period meets the minimum timeframe of 180 or more consecutive days.

c) Send the *Notice of Right to Request a Review of Your Child Support Due to Incarceration - NCP* and *Notice of Right to Request a Review of Your Child Support Due to Incarceration - CP* if the NCP meets the minimum timeframe and the NCP's obligation exceeds the minimum amount. Refer to Manual Documents.

d) Document the correctional facility contact information and the length of incarceration in Case Events.

2. Incarcerated Felons

Table of Contents

a. A Guardian ad Litem may need to be appointed when an enforcement action is initiated in court against an NCP who is an incarcerated felon.

b. Generate the *Legal Services Case Referral* and attach supporting documentation to refer the case to Legal Counsel before filing a petition with the court.

c. The appointment of a Guardian ad Litem is not required for administrative enforcement actions. If the action is appealed to court after the administrative hearing is complete, then the court determines whether a Guardian ad Litem is needed.

d. Enforcement actions initiated with successful service of process prior to the NCP's incarceration may remain in place.

e. In certain circumstances, a NCP's incarceration may qualify a case for closure. Refer to Reasons for Case Closure.

3. Virginia Department of Corrections Inmates

a. The Division exempts from withholding the first $1,000 in an inmate's Personal Savings Account (Personal Trust Account). Any amount in excess of $1,000 is subject to withholding.

b. Because the Department of Corrections will honor withholding up to the entirety of the inmate's account, if issuing an *Order to Deliver,* indicate that the withholding is requested only for any amount in excess of $1,000.

4. Minor NCPs

a. Minor NCPs are required to pay child support once a support obligation is established.

b. Do not use these enforcement actions against a minor NCP who attends school as required

1) License suspension

2) Seizure and sale of property and

3) Judicial enforcement remedies

c. Use all appropriate administrative and judicial enforcement actions when a minor NCP does not attend school as required.

5. Benefit Program Recipients

Table of Contents

a. Do not enforce when the NCP receives TANF for the benefit of a minor dependent child or children. This includes periods when the NCP receives or received

1) TANF

2) TANF-UP or

3) General Relief (GR) cash benefits

b. Do not enforce foster care cases (both IV-E and non-IV-E) when the NCP receives public assistance benefits for the benefit of minor dependent children. This includes periods when the NCP receives or received

1) TANF

2) TANF-UP

3) GR benefits

4) Medicaid

5) SNAP

6) Energy Assistance

7) Childcare Subsidy or

8) Any other public assistance benefit provided by DSS

c. The guidance in a and b applies whether the NCP is a member of the Assistance Unit (AU) or the Standard Filing Unit (SFU) referred to as the Eligibility Determination Group (EDG) in VaCMS.

d. For *ASOs*, support debt is not incurred and interest is not charged while the circumstances in a or b apply to the NCP.

e. For court orders, support debt is incurred and interest is charged while the circumstances in a or b apply to the NCP.

f. On non-TANF cases, the CP may choose to pursue enforcement on his or her own while the NCP is a benefit recipient and the Division is not enforcing the case.

g. Change the case workable status to “UADC” while the NCP is actively receiving benefits and the circumstances in a or b apply.

6. Supplemental Security Income (SSI) payment Recipients

Table of Contents

a. Do not take administrative or judicial enforcement actions when an NCP receives or is eligible to receive SSI benefits, a combination of SSI and Social Security Disability Insurance (SSDI) or a combination of SSI and Social Security Retirement (SSR) benefits.

b. If the Division collects funds via an *Order to Withhold* (*OW*) or *Income Withholding for Support* (*IWO*), and the NCP receives SSI or a combination of SSI/SSDI benefits or SSI/SSR benefits, the Division must refund the NCP the funds collected within 5 business days of discovering the error.

1) Upon becoming aware of an error, review the case to determine if a refund is appropriate.

2) For payments received from an *OW*, determine the refund calculation period beginning from the date the first payment is received on or after 12/01/2017, through the date the last payment is received from the *OW*. Do not begin the calculation period prior to 12/01/2017.

3) For payments received from an *IWO*, determine the refund calculation period beginning from the date the first payment is received on or after 09/01/2022, through the date the last payment is received from the *IWO*. Do not begin the refund calculation period prior to 09/01/2022.

4) Document Case Events with detailed case review findings and the refund calculation period.

5) Notify the fiscal unit to calculate the NCP's refund amount to issue based on the documented case review findings and refund calculation period.

c. Arrearages continue to accrue while the NCP receives SSI, or a combination of SSI and SSDI or a combination of SSI and SSR.

d. Arrearages that accrue while the NCP receives SSI, a combination of SSI and SSDI or a combination of SSI and SSR can be enforced if and when SSI benefits end.

e. Update the case workable status to "USSI" when the NCP receives or is eligible to receive SSI benefits, a combination of SSI and SSDI benefits or a combination of SSI and SSR benefits. Coding the case USSI prevents the automated system from initiating enforcement actions, including issuing the *IWO*, the *Notice of Intent to Suspend Driver's License* or the *OW*, and certifying the NCP for State Tax/ Vendor Debt Offset and federal tax intercept.

f. The case may also qualify for closure. Refer to Reasons for Case Closure.

Table of Contents

7. Do not administratively enforce an order if an NCP resides in a facility that cares for residents with mental and/or physical disabilities and is not receiving SSI, SSDI or a combination of SSI and SSDI or a combination of SSI and SSR benefits. Refer the case to court for determination of enforceability.

8. If the NCP appears to have a long-term economic hardship, refer the NCP to the Family Engagement Services Case Manager to screen the NCP for enrollment in a Family Engagement Services program. If the NCP does not qualify for or want to participate in a Family Engagement Services program, refer the case to the District Manager for review and determination regarding enforcement of the case.

9. 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.

10. Release any pending enforcement actions and do not initiate any new enforcement actions against a parent as long as he or she is enrolled in a Family Engagement Program except for

    a. Issuing or releasing (unless applicable) an *Income Withholding for Support*

    b. Federal and state offset programs

    c. Consumer credit agency reporting

    d. Passport denial

    Refer to Family Engagement Enforcement Considerations.

    (04/2017) (05/2019) (09/2020) (07/2021) (09/2022) (04/2023)

E. Enforcement and Special Circumstances Cases (05/2024)

1. Good Cause

    a. Do not enforce a case when the LDSS notifies the Division of a finding of Good Cause.

    b. Initiate termination of the support obligation. Refer to Good Cause.

    c. Take action to close the case. Refer to Reasons for Case Closure.

    d. Enforce any arrearages that accrued prior to the finding of Good Cause when Good Cause no longer exists.

2. Bankruptcy

Table of Contents

a. The Division receives most bankruptcy information through the Bankruptcy Court's electronic filing system.

b. Immediately forward bankruptcy information received directly in the District Office to the Bankruptcy Unit.

c. Reply to requests for information from the Bankruptcy Unit no later than the following business day.

d. The Division primarily deals with Chapter 7 and Chapter 13 bankruptcies. Occasionally, the Division also deals with Chapter 11 and Chapter 12 bankruptcies filed by individuals.

e. Chapter 7 and Chapter 13

1) The automated system is programmed to take appropriate actions based on the NCP's bankruptcy filing.

2) For cases in process of bankruptcy as of September 1, 2011, District Office Specialists and legal staff continue to handle the case until it is dismissed or discharged. Contact the Bankruptcy Unit if assistance is needed on these cases.

3) Do not close arrears subaccounts on bankruptcy cases.

4) The Bankruptcy Unit updates the automated system on the Bankruptcy Information page upon receipt of a notice of a Chapter 7 or Chapter 13 filing when the Division is listed as a creditor and the NCP owes arrearages.

5) NIVD cases are not updated with the bankruptcy data.

6) The assigned Specialists and District Managers receive email notification of the bankruptcy filing on open IV-D cases and appropriate legal advice.

7) Notify the Bankruptcy Unit of

a) Pending case closure. Tell them why the Division is initiating case closure.

b) A modified support order. Immediately send a copy of the order, the guidelines and a brief explanation about the modification.

c) A needed modification to an existing *Income Withholding for Support* (*IWO*) because the arrearages are satisfied or current support is no longer due.

d) Any needed fiscal adjustment and the reason(s) for the adjustment. Do not make any adjustment without the review and approval of the Bankruptcy Unit.

Table of Contents

e) Direct contact by the NCP and/or his or her attorney contesting any DCSE actions based on the bankruptcy filing.

8) 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, including the source of the overpayment. Do not issue a refund to the NCP or return funds to the entity submitting the funds without the review and approval of the Bankruptcy Unit.

9) Bankruptcy laws do not stop the enforcement of current support. In any bankruptcy case, the Division can collect current support through an *IWO*.

f. Chapter 7

1) The Division may continue to take most enforcement actions. The Bankruptcy Unit provides the Specialist with the appropriate information needed to take enforcement actions consistent with the bankruptcy laws.

a) If an *IWO* is in place for current support and arrearages, do not automatically modify the *IWO*.

b) Do not file a *Motion for Show Cause* without first discussing with the Bankruptcy Unit.

c) Do not file any new liens or issue an *Order to Withhold* or *Order to Deliver* until the bankruptcy is discharged or dismissed.

2) When a Chapter 7 bankruptcy is dismissed or discharged, the Bankruptcy Unit updates the Bankruptcy Information Page.

3) The assigned Specialists and District Managers receive email notification of the discharge/dismissal and that all enforcement actions may resume.

4) The automated system resumes all usual automated collection measures.

g. Chapter 13 (includes Chapter 11 and 12 cases)

1) Modifications of the *IWO* to only collect current support should be processed only by the automated system. The Specialist should verify that the *IWO* has been modified.

2) In certain cases, the Bankruptcy Unit may determine that an *IWO* for current support and arrearages is appropriate. In these situations, the Bankruptcy Unit will notify the Specialist to send.

Table of Contents

3) Send a copy of the support order for each of the NCP's cases to the Bankruptcy Unit so that they can file a proof of claim.

4) If arrears amounts are changed because of a court hearing after proof of a claim has been filed, immediately notify the Bankruptcy Unit so that an amended proof of claim or other documents can be submitted if needed.

5) The Bankruptcy Unit monitors and maintains electronic files for all Chapter 13 bankruptcy cases.

6) The Bankruptcy Unit files all proofs of claims and all other necessary documents and pleadings with the appropriate bankruptcy courts.

7) When a Chapter 13 bankruptcy is dismissed or discharged, the Bankruptcy Unit updates the Bankruptcy Information Page.

8) The assigned Specialists and District Managers receive email notification of the discharge/dismissal and that all enforcement actions may resume.

h. The automated system reverses all actions taken and generates modified *IWOs* for arrearages if appropriate. The Specialist should verify that the *IWO* has been modified.

3. Department of Juvenile Justice (DJJ) Cases

a. The Division takes all appropriate administrative and judicial enforcement actions for arrears only cases with DJJ as the CP.

b. Refer to Closure of Department of Juvenile Justice Cases.

4. Spousal Support Cases

a. Enforce spousal support when enforcing current child support or child support arrearages. 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.

1) When the current child support charge is $0, do not close the current child support extension.

2) The charge amount for current child support is entered as $0 and the extension remains open to allow the case to continue to be referred for offset programs.

b. In a TANF case, spousal support does not have to be included in the same order as the child support to qualify for federal income tax refund intercept.

Table of Contents

c. 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.

d. Spousal support arrearages are eligible for all enforcement actions except for

1) Passport Denial

2) License Suspension

e. The Division does not collect or enforce orders that are for spousal support only.

1) Spousal support enforcement services end when a current child support obligation is terminated and there are no child support arrearages.

2) Serve a *Change in Payee Notice* to the NCP directing that future spousal support payments be made to the payee directly.

3) If court ordered IDO is in place, transfer case to NIVD unit and,

4) Release any enforcement action(s) for the collection of spousal support.

5. Expenses Incurred Prior to the Birth of a Child

a. The Division does not collect or enforce orders that are for expenses incurred prior to the birth of a child.

b. Pregnancy and delivery expenses may be collected or enforced. Refer to Medical Support.

c. Refer court orders that do not separate expenses incurred prior to the birth of a child from pregnancy and delivery expenses to Legal Counsel for review.

6. If the case meets case closure criteria, refer to Reasons for Case Closure.

(05/2017) (06/2019) (03/2020) (07/2021) (03/2022)

7.2 Income Withholding for Support

A. Overview (07/2020)

1. Federal and state law requires that support orders include a provision for withholding a portion of the NCP's wages as necessary to comply with the support order.

2. All states must use the Office of Management and Budget (OMB)'s *Income Withholding for Support* (IWO) to order income withholding.

Table of Contents

3. Issue an *IWO* against all income except the following:
   a. Supplemental Security Income (SSI or Title XVI payments)
   b. A combination of SSI and Social Security Disability Insurance (SSDI)
   c. A combination of SSI and Social Security Retirement (SSR)
   d. Veterans' Administration benefits that are based on credit for disability
   e. Public assistance payments
   f. Child support payments
   g. Amounts that exceed the Consumer Credit Protection Act (CCPA) limits
   h. Federal student loans and grants, including work study assistance
   i. Any other funds exempt from withholding by federal or state law
4. The NCP does not have to have arrearages in order to issue the *IWO*. Refer to Enforcement Program Standards.
5. The NCP cannot stop an *IWO* by paying arrearages.
   a. If there is no current support obligation and all arrearages are paid, release the *IWO*. Refer to Modifying and Releasing the IWO and Reasons for Case Closure.
6. When appropriate, issue an *IWO* within 2 business days when there is a new hire data match or an employer is found or provided.
7. The employer provides the NCP with a copy of the *IWO* issued to the employer.
8. To contest the *IWO*, the NCP must submit a written appeal request within 10 days from receipt of the *IWO*. Refer to Income Withholding for Support.
9. If the NCP has more than 1 employer, serve the *IWO* on the employer that provides sufficient income to meet the total amount to be withheld. When the income from 1 employer is not sufficient to meet the total amount to be withheld, serve *IWO*s on other employers as necessary to withhold the total amount.
10. Serve the *IWO* on the NCP's new employer if the NCP changes employers.
11. *IWOs* issued by the Division can only be released by the Division.

Table of Contents

12. *IWOs* take priority over other liens created by state law against an employee's income, except for prior income withholding orders.

    a. IRS levies take priority over *IWOs* when the underlying child support order was entered after the date of the levy. An *IWO* takes priority over IRS levies when the underlying child support order was entered prior to the date of the levy. In most cases the employer implements the child support exemption as directed by the IRS.

13. The *IWO* informs the employer about the child support order and the dollar amount needed to comply with the order.

14. Contact the Social Security Administration (SSA) to address any issues with *IWO*s, payments and *IWO* terminations. Refer to the SSA Resolution Process Job Aid for additional information.

    (04/2017) (08/2018) (05/2019)

B. Consumer Credit Protection Act (CCPA) Limitations (05/2019)

1. The total amount withheld from disposable earnings for the insurance premium, the support payment or the total of the 2 may not be more than the amount allowed under the CCPA. In Virginia, child support is the priority when the NCP does not earn enough to cover both the child support and insurance premium deductions. Under the CCPA

    a. If the NCP is not delinquent or has had a delinquency for a period of less than 12 weeks and

        1) if the NCP has biological or adopted children or a spouse residing in his or her home, 50% is the maximum of disposable earnings that may be withheld or

        2) if the NCP has no dependents other than those on the withholding, 60% is the maximum of disposable earnings that may be withheld.

    b. If the NCP has had a delinquency for a period of 12 weeks or more and

        1) if the NCP has biological or adopted children or a spouse residing in his or her home, 55% is the maximum of disposable earnings that may be withheld or

        2) if the NCP has no dependents other than those on the withholding, 65% is the maximum of disposable earnings that may be withheld.

    c. The period of delinquency, not the amount of arrearage, determines which percentage applies.

Table of Contents

d. Determine the CCPA maximum based on dependent information on the most recent financial statement completed by the NCP. If there is no evidence of the existence of other dependents, assume the NCP does not have other dependents.

e. For employees, disposable earnings are the remaining earnings after an employer makes legally required deductions. For independent contractors, disposable earnings are the remaining compensation paid for personal services after the payer makes legally required deductions.

f. Required deductions can include federal, state, and local taxes, as well as withholdings for employee retirement systems required by law.

g. Lump sum payments can be earnings subject to CCPA limits, including the following

1) Commissions
2) Discretionary and nondiscretionary bonuses
3) Productivity or performance bonuses
4) Profit sharing
5) Referral and sign-on bonuses
6) Moving or relocation incentive payments
7) Attendance, safety and cash service awards
8) Retroactive merit increases
9) Payments for working during a holiday
10) Workers' compensation payments for wage replacement
11) Termination pay (payment of last wages, as well as any outstanding accrued benefits)
12) Severance pay
13) Back and front pay payments from insurance settlements

h. The following lump sum payments are not earnings even if paid by an employer to an employee

1) Workers' compensation payments for medical reimbursements
2) Wrongful termination insurance for compensatory or punitive damages

Table of Contents

3) Buybacks of company shares

(12/2015) (03/2016) (06/2016) (01/2017) (08/2018)

C. Exceptions to Issuing the IWO (05/2025)

1. Do not issue an *IWO* when

a. The non-TANF parties agree to an alternative payment arrangement.

1) Have both parties sign the completed *Alternative Payment Arrangement Agreement* (*Agreement*).

2) Update the Alternative Payment Agreement field on the Update Support Order page to "Y- alternative payment arrangement is in place."

3) Retain the *Agreement* in the case file.

b. The Division determines good cause exists and issuing the *IWO* is not in the best interest of the child.

1) The CP's agreement is not required.

2) If the *IWO* is already in place and the NCP requests an exemption, do not release the *IWO* until the Division determines good cause exists.

3) Have the NCP provide supporting documentation for exemption and sign the completed *Agreement*.

4) Supporting documentation may include, but is not limited to

a) An employer letter indicating the NCP cannot obtain an employment security clearance.

b) Verified employer policy indicating restricted or limited advancement opportunity.

5) For cases involving support order modification, proof of timely payments on previously ordered support is required.

6) Once the Division determines good cause

a) Update the Alternative Payment Agreement field on the Update Support Order page to "Y- alternative payment arrangement is in place."

b) Create a SELF event in Case Events with the event description CASE REVIEW IWO.

Table of Contents

c) In the event Notes, document the supporting evidence information, its date of receipt and the Division's determination that good cause exists.

7) Retain the *Agreement* in the case record.

2. If the NCP is unemployed at the time the order is established, an *Agreement* cannot be granted.

(04/2017) (08/2018)

D. Issuing the IWO (05/2024)

1. Issue an *IWO* when:

a. The support order includes a provision for immediate income withholding.

b. Support payments are past due in an amount equal to one month's support payment

c. The employer becomes known and either a or b above applies.

d. The NCP misses a payment after signing the *Alternative Payment Arrangement Agreement* (*Agreement*). A notice is not required.

1) Update the Alternative Payment Arrangement Agreement field on the Order Management > Update Support Order page to N- No alternative payment arrangement is in place.

2) Document Case Events to indicate the NCP defaulted on the *Agreement.*

2. Determining the Arrears Payment

a. If the support order specifies an arrears payment, record this information in the Ordered Arrears Amount field on the Order Management > Update Support Order page in the automated system.

b. When current support is due, the income withholding amount for the arrears payment is

1) The ordered amount when the order specifies an arrears payment or

2) 25% of current support or $65, whichever is greater, when the order does not specify an arrears payment and all arrearages are payable to the Division.

Example: If current support is $200, the withholding amount is $65 because $65 is greater than $50 (25% of $200).

Table of Contents

c. Current support is due if at least 1 child on the support order has not emancipated and the order has not been abated or terminated, unless the order specifies a different duration.

d. When current support is no longer due, the income withholding amount for the arrears payment is

1) For Virginia orders,

a) The current support plus arrears amount from the most recent order

Example – Court Order: most recent support order ordered the NCP to pay $200 towards current support and $50 towards arrearages = $250 is the withholding amount

Example –*ASO*: most recent support order ordered the NCP to pay $200 towards current support plus the provision that includes the statement, “Even if a monthly arrears payment is not ordered at this time, an amount equal to 25% of the current support obligation or $65 per month, whichever is greater, will be withheld if arrears are due in the future”, was checked = $265 is the withholding amount ($65 because $65 is greater than $50 (25% of $200))

Example – *ASO*: most recent support order ordered the NCP to pay $200 towards current support and $50 towards arrearages = $250 is the withholding amount

b) The current support amount from the most recent order if the order does not specify an arrears payment

Example – Court Order and *ASO*: most recent support order ordered the NCP to pay $200 towards current support and no amount was specified to be paid towards the arrears = $200 is the withholding amount

c) The ordered arrears payment from a new court order or adjusted *ASO* entered after all children on the order emancipate

Example – Court Order and *ASO*: arrears only amount ordered on most recent support order after all children emancipated is $100 = $100 is the withholding amount

2) For other states’ orders, the ordered arrears payment from the most recent support order. If there is no ordered arrears payment, use 25% of the former current support amount or $65.00, whichever is greater.

e. If a debt to the Commonwealth was established, but current support was never ordered, the income withholding amount for the arrears payment is

Table of Contents

1) $65 per month when all children on the order have not emancipated or

2) The ordered arrears amount on the most recent support order when all children have emancipated.

f. If the Division is no longer collecting current support due to a change of physical custody and at least 1 child on the order has not emancipated, only collect the arrears payment for the arrears only case.

3. Generating the *IWO*

a. *IWO*s are generated online or via batch processing.

b. Online *IWO*s are generated from the Document menu in the automated system. Refer to item 5 below.

c. Batch generation of the *IWO* is automated. However, the Specialist can generate an *IWO* through batch processing. Refer to item 6 below.

d. When the *IWO* is generated, the automated system

1) Creates a "WWEA-Withholding of Income" Case Event and updates the Process Served Date and the Method of Service fields.

2) Updates the NCP's Participant Management > Participant Employment Detail page to show that an *IWO* is in place for that employer

e. Send a *Notification of Action Taken* (*Notice*) to notify the CP that the *IWO* has been issued.

1) For online *IWOs*, the Specialist sends the *Notice*.

2) For batch *IWOs*, the system generates the *Notice* on all cases except FC, SLFC and ARRP case types.

f. If the employer rejects the *IWO*, document Case Events, correct the *IWO* and re-serve the employer.

4. Service of Process

a. For online *IWOs*, serve the NCP's employer by first class mail or electronic means.

b. For batch *IWOs*, the Process Served Date is auto-populated as 5 days after the document generation date and the Method of Services indicates services by first class mail. Batch *IWOs* are sent by vendor using first class mail.

Table of Contents

c. If the employer does not respond to the *IWO*, resend using a different method of service. Refer to Service Methods.

d. Employers are liable for failing to honor the *IWO* if the Division can show that the employer had actual notice of the *IWO*. Refer to Employers' Responsibilities, Rights, and Reporting.

5. Online *IWO*s

a. There are four options:

1) Original *IWOs*

2) Amended *IWOs.* Refer to Modifying and Releasing the IWO.

3) Lump Sum *IWOs.* Select One-Time Order/Notice for Lump Sum Payment to attach lump sum payments. Refer to Lump Sum Withholding.

4) Termination *IWOs.* Refer to Modifying and Releasing the IWO.

b. For details on generating *IWOs*, refer to the iAPECS User Guide Chapter 8, Documents.

6. Batch *IWOs*

a. If a copy of a batch *IWO* is needed, access the document repository.

b. System-initiated batch *IWO*s are created through the new hire match process. Refer to Employers' Responsibilities, Rights and Reporting.

c. Exceptions to the automatic generation of the *IWO* create the NHRM worklist for Division staff follow-up. The *IWO* will not generate if:

1) The names do not match

2) The case type is NIVD or LOCO

3) The case has a UADC or USSI unworkable code

4) The Alternative Payment Agreement field on the Update Support Order page indicates "Y- alternative payment arrangement is in place"

5) The Interstate field on the Case Detail page indicates "I- VA Initiating State"

6) The Income Withholding field on the Case Detail page is blank

7) There is no active order and no open subaccounts

Table of Contents

8) The case never had a current extension built or

9) The case has no frequency amount on an open current support extension or open arrears subaccounts with no balance due.

d. When the Specialist receives the NHRM worklist, when appropriate, the *IWO* must be sent within 2 business days of receipt of the worklist.

e. To send the *IWO* via batch, the Specialist completes the Maximum Allowable % field and checks the Income Withholding Indicator and Print Withholding in Batch fields on the Participant Management > Participant-Employment-Detail page anytime a new employer is linked to a NCP.

7. Electronic Income Withholding for Support (*EIWO*)

a. The Federal Office of Child Support Services (OCSS) uses an electronic format to allow states to securely transmit electronic income withholdings (*EIWO*) to employers.

b. The Division does not send *IWO*s in a paper format to EIWO employers. If a paper *IWO* is returned by an employer who indicates that they are an EIWO employer, send the E*IWO*.

c. The SDNH and NDNH batch function process new hire information reported by any of the employers participating in EIWO.

d. The Specialist generates the *EIWO* using the same method as worker-initiated batch *IWO*s. Refer to item 6 above.

e. The Specialist selects Amendment or Termination on the Participant Management > Participant- Employment-Detail page to modify or release the *EIWO*.

f. Case Events for the *EIWO* appear as WWEA -Withholding of Income - EIWO.

1) The notes section of the Withholding of Income -EIWO event indicate if the order is an original, amendment or termination.

2) The Method of Service on the case event WWEA - Withholding of Income is "E" for Electronic.

g. EIWO employers send electronic notification of the EIWO's rejection or the NCP's termination date. The notification

1) Creates a worklist. The worklist and descriptions are

a) IWO1: NCP No longer at this employer

Table of Contents

b) IWO2: NCP not known to employer

c) IWO5: Other reason

d) IWO6: Terminated from this employer

e) IWO7: Lump sum (has not been implemented by DFAS at this time)

f) IWO8: Employer could not process the IWO

g) IWOM: Duplicate received from other state

2) Updates the NCP's Participant Management > Participant-Employment History page with an end date for the employer for worklist types IWO1, IWO2 and IWO6 along with a brief explanation as to why the end date is provided.

h. Division staff must review the IWO5, IWO7, IWO8 and IWOM worklists and take the next appropriate action.

i. The EIWO employer may also update the Division by mail, email, fax or telephone.

(06/2015) (03/2016) (06/2016) (04/2017) (08/2018) (09/2020) (10/2020) (04/2023)

E. Lump Sum Withholding (08/2018)

1. Use the lump sum payment option when the *IWO* is used to attach a one-time collection of a lump sum payment after receiving notification from an employer or other source. When this box is checked, enter the amount in the Lump Sum Payment field in the Amounts to Withhold section.
2. Additional *IWOs* must be issued to collect subsequent lump sum payments.
3. It is possible to issue multiple *IWOs* to attach lump sum payments while also having an active regular *IWO.*
4. CCPA limits apply to lump sum withholding. Refer to Consumer Credit Protection Act (CCPA) Limitations.

F. Modifying and Releasing the IWO (08/2018)

1. Modify the *IWO* when

Table of Contents

a. The Division is not collecting current support but arrearages are owed to the Commonwealth, including situations in which the whereabouts of the CP or child is unknown.

b. The withholding amount needs to

1) Decrease because all arrearages are paid and only current support is due. If a Virginia court issued the income withholding, submit a *Motion to Amend or Review Order*. Refer to Modifying Court Support Orders.

2) Increase because arrearages have accrued and the *IWO* is for current support only. If a Virginia court issued the income withholding, submit a *Motion to Amend or Review Order*. Refer to Modifying Court Support Orders.

3) Increase or decrease because a new support order modifies the current support and/or the arrears payment or

4) Decrease due to dependent emancipation on a per child order

2. To modify the *IWO*

a. Generate the *IWO* with the revised withholding information.

1) Select Amended IWO when generating the document from the automated system.

b. Serve the employer by first class mail or electronic means.

3. Terminate the *IWO* when

a. Current support terminates and all arrearages have been paid.

b. The Division is not collecting current support and no arrearages are owed to the Commonwealth.

c. Legal Counsel advises the Division to release the *IWO* because of bankruptcy.

d. DSS notifies the Division of a finding of Good Cause.

4. To terminate the *IWO*

a. Select Termination of IWO when generating the document from the automated system. Use the *EIWO* termination process if an *EIWO* was issued.

b. Serve the NCP's employer by first class mail or by electronic means.

Table of Contents

c. Review the case to determine if case closure is appropriate. Refer to Reasons for Case Closure.

(06/2016) (04/2017)

G. Unemployment Compensation Benefits (04/2017)

1. Virginia unemployment compensation benefits are withheld to pay child support. The automated system runs a daily batch program that
   a. Determines which NCPs need to be submitted to the Virginia Employment Commission (VEC)
   b. Determines which NCPs need to be released
   c. Recalculates withholding amounts and percentages when there is a change in withholding amount or percentage and
   d. Submits the information to VEC.
2. The automated system criteria for submitting NCPs for withholding of VEC 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 1 month's support
   c. At least 1 open workable case type excluding the NIVD and LOCO case types except limited services intergovernmental NIVD cases established specifically to withhold unemployment compensation benefits for child support and
   d. The Alternative Payment Agreement field on the Update Support Order page indicates that there is not an active *Alternative Payment Arrangement Agreement* in place.
3. The automated system updates submitted NCPs when
   a. The total amount due changes
   b. The CCPA percentage changes and/or
   c. The Alternative Payment Agreement field is modified.
4. The automated system releases submitted NCPs when

Table of Contents

a. The NCP's cases no longer meet submission criteria

b. The automated system is updated to release the NCP or

c. A change has been made to the NCP's SSN.

Refer to the iAPECS User Guide for the procedures for releasing and including VEC withholding, excluding an NCP from submission, and excluding and including a case from VEC withholding.

5. Consult the IRG to determine if an *IWO* can be issued directly or if a two-state process is needed when the NCP is receiving unemployment compensation benefits from another state.

(08/2016)

H. Federal Employees and the IWO (04/2017)

1. Use the *IWO* to withhold pay of active or retired federal employees.

   a. For active duty and retired military service members, issue the *EIWO* to the Defense Finance and Accounting Service (DFAS). Refer to the DFAS Quick Guide.

   b. For other federal employees, OCSS provides a list of designated federal agencies that process the *IWO*.

2. The designated agency follows 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. Consumer Credit Protection Act 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 withheld are served and provided the same opportunity to appeal to the Department's Hearing Officers as any other NCP subject to an *IWO*.

Table of Contents

(03/2015)

I. Department of Veterans Affairs Benefits and the IWO (08/2017)

1. If an NCP receives military retirement benefits through the Department of Veterans Affairs (VA), issue an *IWO* to the VA and the VA will submit payment to the Division. However, these circumstances are extremely rare.
2. In most instances, when the NCP receives benefits through the VA, the NCP is receiving VA Disability Compensation. VA Disability Compensation is a monthly monetary benefit paid to veterans who are disabled by injury or disease incurred or aggravated during active military service. These benefits are exempt from income withholding.
3. If the NCP is not complying with his or 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 and is granted by the VA.
4. To submit a request for consideration for an apportionment
   a. Schedule an appointment with the CP to complete VA form 21-0788, *Information Regarding Apportionment of Beneficiary's Award*. This form provides information about the CP's income and net worth and assists the VA with making a determination regarding the apportionment.
   b. Tell the CP that the Division submits this form to request the VA to review the circumstances of the case, and that both the decision as to whether to award an apportionment, as well as the amount of the apportionment if it is awarded, is solely at the discretion of the VA.
   c. The Specialist submits to the VA
      1) A request for an apportionment review written on agency letterhead signed by both the Specialist and the CP
      2) The completed VA form 21-0788,
      3) A copy of the court order or *ASO* and
      4) The *Payment Record*
   d. Mail the letter and enclosures to the VA Regional Office servicing that NCP veteran's benefits. Use the VA Regional Office Inquiry Line 1-800-827-1000 to determine the appropriate VA office.

Table of Contents

(07/2014) (04/2017)

J. Independent Contractors and the IWO (07/2021)

1. An entity that uses the service of an independent contractor (IC) is required to comply with the provisions of the IWO as they would for an employee and submit periodic payments that correspond with payments to the IC. Refer to Employers' Responsibilities, Rights and Reporting.
2. If the IC incorporates, the employer can no longer withhold earnings as the IWO applies to individuals and not a corporation. If the employer notifies the Division that the IC is now incorporated, issue the IWO to the corporation.

K. Intergovernmental Cases and the IWO (08/2018)

1. UIFSA allows an *IWO* to be issued and sent to the NCP's employer in another state.

   a. Employer not located in Virginia

      1) An *IWO* may be served 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 intergovernmental case exists with a IV-D agency in another state, do not send a direct *IWO* 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) The NCP contacts Virginia to contest the *IWO*. The NCP whose employer is not in Virginia has the same *IWO* appeal rights as an NCP whose employer is in Virginia. Refer to Income Withholding for Support.

   b. Employer located in Virginia

      1) An *IWO* issued by any state can be served directly to a Virginia employer without going through the Central Registry.

      2) Virginia employers are required to honor the *IWO* 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

Table of Contents

a) Consumer Credit Protection Act 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

b) Person or agency designated to receive payments as indicated in the *IWO*

c) CP if there is no person or IV-D agency designated to receive payments

(03/2016) (06/2016) (04/2017)

L. Employers' Responsibilities, Rights and Reporting (09/2022)

1. Employer Responsibilities

a. The employer is required to provide a copy of the *IWO* to the NCP

b. The employer is responsible for notifying the Division of the name and address of the NCP's new employer, if known, when the NCP changes employment.

c. 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*.

d. The employer is liable for payments if it fails to deduct or remit the payments as ordered.

1) If Virginia is the NCP's principal place of employment, 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 if paying by check and within 4 days if submitting payment by EFT.

2) When the employer fails to withhold or submit payment timely, Division staff should try contacting the employer by phone. If Division staff are unable to contact the employer or resolve the situation, issue the *Compliance Letter*.

Table of Contents

e. The employer is not liable for failing to honor the *IWO* unless the Division can show that the employer had actual notice of the *IWO*. It may be necessary to have the employer served with the *Compliance Letter* with a copy the *IWO* attached via

1) Certified mail, return receipt requested

2) Sheriff or

3) Private process server

f. The employer prorates among orders when there is more than 1 order for withholding support for an NCP for different families. Proration is based on the current support due under more than one support order. Any remaining amount is prorated among any accrued arrearages.

g. Employers with 100 employees or more, and all payroll processing firms with 50 clients or more, must remit payments by electronic funds transfer (EFT). Refer to EFT Unit.

2. Employer Rights

a. The employer may reject an *IWO* within 5 business days from the date the order is served on the employer if the *IWO*

1) Does not contain the NCP's correct SSN or other information the employer needs to comply with the withholding

2) Does not specify a dollar amount to be withheld per pay period

3) Does not contain the maximum percentage that can be withheld by law

4) Is altered or contains information in conflict with the employer's records

5) Orders payment somewhere other than to the Division's State Disbursement Unit (SDU)

6) Orders payment to the Division other than by combined single payment without the employer's express written consent when the employer employs 10,000 or more employees or

7) Is not the current OMB-approved withholding form

b. The employer may charge the NCP a fee of up to $5.00 for each reply or remittance sent to the Division.

3. Employer Reporting

Table of Contents

a. Employers are required to report all new hires to the Virginia New Hire Reporting Center within 20 days of employment. The Virginia New Hire Reporting Center operates under the Division's authority.

b. The new hire information is shared with the Virginia Employment Commission (VEC).

c. The new hire information is compared to the data in the automated system on NCPs.

1) The automated system creates a worklist for matched NCPs and a New Hire Report in CONTROL-D.

2) The new hire information generates an *IWO* when appropriate.

3) The New Hire Report in CONTROL -D has a double asterisk in front of each case number that generated an *IWO*.

4) If an *IWO* is not generated in batch, the Specialist receives the NHRM (New Hire Reporting Match) worklist. When appropriate, the *IWO* must be issued within 2 business days of receipt of the NHRM worklist.

d. District Office staff takes action within 5 business days of receiving the worklist other than the NHRM worklist.

1) Review the employer's address, NCP's address information, and the NCP's SSN on the automated system to ensure that they are correct. Update the automated system as necessary. It is not necessary to send any document to verify information appearing on this report prior to taking action.

2) Initiate any appropriate action on the case. For example,

a) If paternity needs to be established, refer to Preliminary Procedures in Establishing Paternity.

b) If an obligation needs to be established, refer to Determining the Monthly Child Support Obligation.

c) If applicable, initiate income withholding to new employer or

d) Take other action(s), as appropriate.

e. If an employer calls the Division's employer hot line in the Customer Service Center to report a newly hired employee who is under an *IWO*

Table of Contents

1) A customer service center representative checks the automated system for the employee's name. If the employee's name is found, the representative sends a worklist with the employment information to the appropriate specialist and documents the information in Case Events.

2) Within 2 business days of receiving the worklist, the Specialist

a) Issues an *IWO*, and when appropriate, the *National Medical Support Notice*.

b) Sends the court a copy of the *IWO* for its files if the NCP is under a court *Income Deduction Order* and

c) Updates all appropriate pages with new employment and insurance information

(06/2016) (04/2017) (08/2018)

7.3 Medical Support

A. Overview (08/2017)

1. Federal law requires child support agencies to include medical support services as part of the services they provide.
2. Health care coverage includes fee for service, preferred provider organization (PPO), health maintenance organization (HMO) or other private insurance agencies and public health care coverage.
3. Medical support enforcement includes enforcement of a health care coverage order against an NCP and enforcement of court ordered medical/dental support payments that are a specific dollar amount.
4. Requirements for Health Care Providers

a. No coverage provider may 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 to provide health care coverage for a child, the coverage provider will

Table of Contents

1) Allow the parent to enroll the child under family coverage at that time

2) If such parent is enrolled but fails 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 end the child's coverage unless the provider receives written notice that

a) The order is no longer in effect

b) The child is enrolled in comparable health care coverage through another provider of coverage which takes effect before the termination of the child's coverage under the policy issued by the provider of coverage or

c) Family health care coverage has ended under the contract between the employer and the coverage provider.

5. The Office of Management and Budget (OMB) issued *National Medical Support Notice (NMSN)* is used to enforce health care coverage. The *NMSN* contains 2 sections.

a. Part A of the *NSMN* notifies the employer of the children to enroll and the type of enrollment required, as well as withholding priority and limitations. Part A also contains the *Employer Response*, which the employer is required to return.

b. Part B of the *NMSN* is the *Medical Support Notice to the Plan Administrator*. The employer forwards Part B to the plan administrator to enroll the child when applicable. The plan administrator is required to return Part B to the Division within 40 days of the date of the *NMSN*.

6. While the NCP, the CP or both parties can be ordered to provide health care coverage, the Division does not issue the *NMSN* to the CP's employer when the CP is ordered to provide health care coverage. Only issue the *NMSN* when the NCP is ordered to provide health care coverage.

B. Issuing the National Medical Support Notice (09/2022)

1. Enforce the health care coverage order entered against an NCP within 30 calendar days of establishing an *ASO* or adding a court order to the automated system, or within 60 calendar days of identifying noncompliance with an order or of locating the NCP, whichever occurs later, if service of process is necessary to enforce.

Table of Contents

2. When the NCP is ordered to provide health care coverage, take administrative actions to enforce coverage even if the NCP states that the child is already enrolled under his or her employer's health plan.

   a. Send the *National Medical Support Notice* (*NMSN*) to the NCP's employer if health insurance is available through the employer.

   b. Sending the *NMSN* verifies the coverage and ensures that the NCP cannot remove the child from the plan.

3. When appropriate, issue the *NMSN* to the employer within 2 business days of receiving a New Hire match.

4. Consumer Credit Protection Act Requirements (CCPA)

   a. Always select child support as the priority on the *NMSN*.

   b. If the amount of the child support plus the health insurance premium is less than the CCPA maximum, the employer processes the premium to the insurance company and remits the child support payment to the Division.

   c. If the amount of the child support plus the health insurance premium is more than the CCPA maximum, the employer notifies the Division that the coverage is not available and remits the child support payment to the Division.

5. Electronic National Medical Support Notice

   a. The Federal Office of Child Support Services (OCSS) uses an electronic format to allow states to securely transmit electronic *National Medical Support Notices* (*ENMSN*) to select employers.

   b. Send the *ENMSN* to *ENMSN* employers. If a paper *NMSN* is returned by an employer who indicates that they are an *ENMSN* employer, send the *ENMSN*.

   c. The SDNH and NDNH batch function process new hire information reported by any of the employers participating in *ENMSN*.

   d. To issue the *ENMSN*, use the same process as issuing the EIWO. When generating the *EIWO*, an *ENMSN* will also generate for participating employers. Refer to Electronic Income Withholding for Support.

Table of Contents

e. *ENMSN* employers send electronic notification of the *ENMSN* rejection, the NCP's termination date, the *Response to Part A* and/or *Response to Part B*. The notification creates a worklist. The worklist and descriptions are

1) NMS1: NCP NOT KNOWN TO EMPLOYER

2) NMS2: NCP DOES NOT HAVE ACCESS TO HCC

3) NMS3: NCP NOT ELIGIBLE FOR FAMILY COVERAGE

4) NMS4: NCP NO LONGER AT THIS EMPLOYER

5) NMS5: IWO LIMITS PREVENTS HCC

6) NMS6: NCP SUBJECT TO WAITING PERIOD

7) NMS7: FORWARDED PART B TO PLAN ADMIN

8) NMS8: INS PLAN ADMIN NEEDS FOLLOWUP

Read the worklist notes to determine what action is needed

9) NMS9: RELEASE MAY BE NEEDED

10) NMSA: POSSIBLE CORRECTION- RESUBMIT NEEDED

Review the NCP's SSN or employer information, make the appropriate corrections and resubmit the *ENMSN*.

11) ENMSN PART B INSURANCE REC CREATED

Review the insurance record and send the *Health Insurance Notice* to the CP

f. To terminate the *ENMSN*, refer to Terminating Medical Support.

6. When the *Employer Response* indicates health care coverage is not available, update the automated system to reflect why it is not available.

7. When the *NMSN* is sent to the NCP's employer on a case coded with a FVI, neither the CP nor the child's SSN appear on the document. When the employer contacts the Division and requests the CP and/or child's SSN(s) in order to enroll the child in health care coverage, advise the employer that the information is confidential and is not to be given to the NCP.

a. Provide the information to the employer

1) Verbally via telephone if the employer calls the Division or

Table of Contents

2) In writing if the employer returns the *NMSN* stating they require the CP and/or child's SSN in order to enroll the child in the NCP's health care coverage. A phone call can be made to the employer to provide the information.

8. When the *Plan Administrator Response* provides any coverage information

   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 and mail to the CP.

9. If the employer does not respond to the *NMSN*, contact the employer by phone. If unable to contact the employer or resolve the situation, issue the *Compliance Letter*.

10. If the Division is aware that ordered services are not being provided by the employer

    a. Verify service of the *NMSN* and the employer's response to it and

    b. When necessary, request the Legal Counsel to write to the employer regarding the requirements of the law.

11. If the NCP's employer is unknown or if insurance is available through a union or other group, file a *Motion for Show Cause Summons* to enforce the order.

12. If the dependents are not enrolled because health care coverage is not available through the NCP's employer, monitor the case to determine if health insurance becomes available to the NCP.

    a. Generate an *NMSN* when the NCP changes employers.

    b. Periodically generate the *Employer Information Request* to determine if health care is now available.

13. The NCP may request a review of the amount of the child support obligation once the NCP is paying for health care coverage if the cost was not included in the order.

14. When the CP is ordered to provide the health care coverage, send the *Custodial Parent – Health Care Information Request* or send the *Employer Information Request* to the CP's employer to verify that the child or children is enrolled and to obtain policy information. When the CP or employer provides information about covered dependents,

Table of Contents

a. Create or update the CP's medical insurance record and

b. Add or update covered participants, employer information and insurance company information to the medical insurance record.

15. Any plan provided by an employer or on the Marketplace is considered adequate medical coverage for purposes of enforcement, including catastrophic insurance.

16. Update the Medical Insurance List page for the parent providing the health care coverage or parent whose spouse is providing health care coverage. If both the CP and NCP provide health care coverage, update both the CP's and NCP's records with the information applicable to that participant.

17. The automated system reports information regarding third party liability (e.g., health insurance) to DMAS in TANF, IV-E FC or Medicaid cases on a monthly basis so that Medicaid and other state medical benefit expenditures can be reduced.

(04/2017) (07/2018)

C. Coverage by the CP's or NCP's Spouse (04/2017)

1. The CP or NCP can meet the medical support provision by enrolling the dependent child enrolled on his or her present spouse's health insurance policy even if coverage is available through the CP's or NCP's own employer.

2. Obtain verification from the CP or NCP that the dependent child or children are enrolled on the spouse's health care coverage policy. The information to be verified includes

   a. The name and address of CP's or NCP's spouse's employer, and

   b. Insurance information

3. To build the health care coverage record, refer to items 6a and b under Issuing the National Medical Support Notice.

D. Health Care Coverage by Military Service Members (05/2025)

1. Active duty and retired military personnel receive military medical coverage benefits through TRICARE. TRICARE is an entitlement for military members and their dependents.

2. Because TRICARE is an entitlement and not health insurance, do not send the *National Medical Support Notice* (*NMSN*).

Table of Contents

3. The Division receives quarterly DMDC/FCR matches, which reports children entitled to TRICARE but not currently enrolled. The automated system generates the *Notice of Eligibility for Enrollment* to notify the CP of enrollment eligibility.

4. If the NCP is unable or unwilling to enroll the child, the CP can initiate the process to enroll the child.

   a. The CP will need to go to the nearest RAPIDS ID Card Center. Site location information is found at RAPIDS Site Locator or by contacting the DMDC/DEERS Support at 800-538-9552.

   b. The CP should contact the enrollment site or go online prior to visiting a site to obtain information about documents needed for enrollment. The CP will need to provide proof that the eligible service member is the child's father or mother. Acceptable documentation includes

      1) The child's birth certificate with the NCP's name as the father or mother

      2) A voluntary *Acknowledgment of Paternity* with the NCP's name as the father or mother

      3) An adoption decree with the NCP's name as the father or mother or

      4) A court order establishing paternity to the military member or child support order that specifically adjudicates paternity

5. For civilian Department of Defense (DOD) employees, send the *NMSN* to the human resources department of the appropriate DOD agency provided via the New Hire or Quarterly Wage Report match.

   (08/2017)

E. Enforcing Medical/Dental Payments (04/2017)

1. Do not enforce orders for medical/dental support payments that are not a specific dollar amount. This includes

   a. unreimbursed medical/dental provision of all orders and

   b. reasonable and necessary unpaid expenses of the mother's pregnancy and delivery of a child born during the 6 months before the date of the application provision.

2. Enforce orders for specific dollar amounts using the enforcement remedies available to enforce current child support and arrearages.

Table of Contents

3. Establish the subaccount on the automated system for the medical/dental support order dollar amount before enforcing the order.

(04/2017)

F. Terminating Medical Support (09/2022)

1. Medical support terminates 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).
2. Send the *Health Insurance Order Release* to the employer when medical support terminates to release the *NMSN* and *ENMSN*.
3. Terminate support enforcement actions that are in place to enforce orders for medical/dental support payments that are a specific dollar amount when the current payments are no longer due or when the arrearages are paid in full. Refer to Modifying and Releasing the IWO.
4. When the youngest active child emancipates on an open case, the automated system will update the most recent order to reflect

   a. "N-NCP 'not' ordered to provide HCC" in the HCC Ordered

   b. 0% in the Uninsured Medical Expenses field and

   c. "MCOR-CORRECT/UPDATE ORDER INFORMATION" in the Modification Reason field.

(12/2012) (11/2013) (04/2017)

7.4 License Suspension

A. Overview (09/2020)

State law allows the Division to request suspension of delinquent NCPs' drivers' licenses and to petition the court to order suspension of Occupational, Professional and Other licenses of delinquent NCPs. State law establishes the criteria for reinstatement of suspended licenses.

(08/2017)

B. Driver's License Suspension (05/2025)

Table of Contents

1. The Division has the authority to request that the Department of Motor Vehicles (DMV) suspend a delinquent NCP's driver's license.
2. If an NCP owes at least $5,000 in child support or has child support arrearages totaling at least 90 days of the support obligation, then the NCP is eligible for license suspension.
3. Once the Division suspends the license, the Division will not notify DMV to cease suspension or reinstate the driver's license until the NCP
   a. Pays the child support arrearages in full.
   b. Enters into a payment agreement with the Division. Refer to item 11 below. Or,
   c. Completes or successfully participates in an court or administrative intensive case monitoring program
4. The automated system identifies NCPs and generates the *Notice of Intent to Suspend Driver's License* (*NISD*) to NCPs that
   a. Have a Virginia driver's license
   b. Have child support arrearages 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. Although the automated system will generate the NISD with a $1,000 balance, to proceed with the license suspension, the $1,000 balance must be the equivalent of at least 90 days of the support obligation
   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.
   f. A mail address
   g. Have one or more of the following case types or a subaccount type of OSTA
      1) ADC
      2) FC
      3) SLFC

Table of Contents

4) NADC

5) ARRP

6) ARRN

h. Are not CPs on an open ADC or ADCU case type

i. Do not have an active appeal

j. Do not have a current *Income Withholding for Support* in place and one cannot be issued

k. Are at least 18 years' old

l. Received the *Important Notice about Child Support* at least 30 days earlier

m. Are not coded as active in the review and adjustment process for receipt or pending approval of Social Security benefits. Ensure that the Benefits field on the NCP Supplemental page is appropriately updated to prevent the *NISD* from generating.

n. Have a blank Action Type field on the DMV License Suspension page.

5. The *NISD* can be served on the NCP by

a. The sheriff or process server. Refer to Service Methods.

b. Using certified mail, return receipt requested. For the *NISD*, service by certified mail, return receipt requested, is considered to be successful when the mailing is sent unless returned indicating the address is invalid or the recipient has moved. It is not necessary to receive proof of service.

1) When the *NISD* is generated during the batch process, the automated system updates the Service Method field with "SERVICE BY CERTIFIED MAIL" and updates the Served Date with a date allowing 3 days for delivery.

2) If the *NISD* is returned as undeliverable, update the Unsuccessful Reason field on the NISD event with an unsuccessful service reason and the Returned Date field with the date that the document was returned to the Division.

3) Updating the event for a return also updates the Action Type field on the DMV License Suspension page to "B" for Bad Service. Attempt to find a new address, and once a valid address is obtained, generate the *NISD* again if the NCP continues to meet the criteria for suspension.

c. Signing a *Waiver of Formal Service of Process*

Table of Contents

d. The MCS Portal

6. The NCP must contact the Division within 33 calendar days from the date on the *NISD* to either pay his or her support in full or negotiate a payment agreement.

7. 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 listed in item 4.a-m above are met.

8. If the NCP qualifies for driver's license, the Specialist must diligently attempt to speak with the NCP to determine if the NCP's license should be suspended.

   a. Attempt to call the NCP to discuss the case review results.

   b. If the NCP cannot be reached by phone, contact the NCP using the *Contact Letter to NCP*, the *Administrative Summons*, *Virtual Administrative Summons* or email.

   c. The *Driver's License Suspension Flyer* may be provided to the NCP.

   d. After speaking with the NCP or documenting unsuccessful efforts to contact the NCP, if the NCP qualifies for driver's license suspension, continue as listed in items 10, 11, and 12 below as applicable.

9. If the NCP does not qualify for license suspension, see item 14 below.

10. Ask the NCP to pay the child support arrearages in full. Orally agree to a payment due date.

    a. Create a self-generated worklist to see if the payment is made as agreed.

    b. If the NCP does not make the payment as agreed, is unable to make payment in full or is unable to sign a *Payment Agreement*, determine if the NCP qualifies for participation in an FES program.

       1) If the NCP qualifies for participation in an FES program, refer the NCP to the FES Team. Refer to FES Team Case Referral.

       2) If the NCP qualifies for participation in the Pre-Court Monitoring Program (PRCM), enroll the NCP in PRCM. Refer to Pre-Court Monitoring Program.

       3) If the NCP does not qualify for an FES program, continue with the suspension process.

11. Payment Agreements

    a. Negotiate a payment agreement with the NCP if the arrearages cannot be paid in full.

Table of Contents

1) The required payment towards arrearages may be made in installments as negotiated and agreed to by the Division.

2) Use the *Payment Agreement- Pre-DMV Suspension- Driver's License Suspension* or *Payment Agreement- Post DMV Suspension- Driver's License Suspension* (both referred to as *Payment Agreement*) as appropriate.

3) 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 to comply with the *Payment Agreement*.

4) If an NCP defaults on a *Payment Agreement* and has his or her license suspended, the license cannot be reinstated unless the NCP pays the arrearages in full or meets the requirements for and signs a new *Payment Agreement*.

b. The *Payment Agreement* must include at least one payment towards the required minimum payment.

1) For an initial *Payment Agreement*, the minimum payment is $600 or 5% of the total past-due child support, whichever is less, with 10 years to satisfy the arrearages.

2) If the NCP previously failed to comply with 1 *Payment Agreement*, the minimum payment is $1200 or 7% of the total past-due child support, whichever is less, with 7 years to satisfy the arrearages.

3) If the NCP previously failed to comply with 2 or more *Payment Agreements*, the minimum payment is $1800 or 10% of the total past-due child support, whichever is less, with 7 years to satisfy the arrearages.

c. The required lump sum 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 is received. The NCP must also pay the full current support due each month and the agreed upon arrearage payment in order to be compliant with the *Payment Agreement*.

d. Any involuntary payment received within 12 months of the date of the signed *Payment Agreement* may be used to offset the required lump sum payment. The involuntary payment may only be used one time as a lump sum for a *Payment Agreement*. Document the use of the involuntary payment as a lump sum per the instructions in the SELF Event Documentation Table.

Table of Contents

Example: Involuntary payment received on January 15, 2020, may be used for a lump sum payment for a *Payment Agreement* dated January 10, 2021.

Example: Involuntary payment received on January 15, 2020, may not be used for a lump sum payment for a *Payment Agreement* dated January 20, 2021.

e. The *Payment Agreement*'s terms must satisfy the delinquency, including all interest due and all interest that will accrue during the months after the agreement is signed, 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*.

f. To determine the monthly payment amount for the *Payment Agreement*, use the procedures below in conjunction with the Driver's License Suspension Initial and Monthly Arrears Payment Calculation Worksheet.

1) Take the total child support arrearages for all 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) When current support is still due

a) Use 25% of current support or $65.00, whichever is greater, when no arrears payment has been set or ordered, or

b) Use the court or *ASO* ordered monthly arrears payment.

3) When current support is no longer due, for Virginia orders

a) Use the former monthly current support obligation amount from the most recent support order if the order does not specify an arrears payment, or

b) Use the figure which is the total of current support obligation amount plus arrears payment amount from the most recent support order if a court order or *ASO* includes a current support payment and a payment for arrearages.

c) Use the ordered arrears payment from a new court order or adjusted *ASO* entered after all children on the order emancipate.

4) When current support is no longer due, for other states' orders

a) Use the ordered arrears payment from the most recent support order, or

b) Use 25% of the former current support obligation amount from the most recent support order or $65.00, whichever is greater, if there is no ordered arrears payment.

Table of Contents

5) If a debt to the Commonwealth was established, but current support was never ordered

   a) Use $65.00 per month when all children on the order have not emancipated, or

   b) Use the ordered arrears amount on the most recent support order when all children have emancipated.

6) Upon determining the monthly arrears payment amount for each of the NCP's cases, the Specialist will add each of the monthly amounts together to get one total monthly amount of arrearages due. Compare the results in 1 and 2 and use the calculation that results in the largest monthly arrears payment to complete the payment agreement.

7) A fourth method of calculation may be used if 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. The District Manager's approval is required to use this method.

   a) Calculate the total amount of arrearages due, plus accrued interest, and multiply that total by 75%.

   b) 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*.

   c) The remaining 25% of the arrearages plus interest will be payable at the 120th or 84th month as a lump sum or balloon payment.

8) Complete and generate the *Payment Agreement*. Generating the *Payment Agreement* creates a Participant Event entry.

9) Have the NCP sign the *Payment Agreement* and provide him or her with a signed copy. Entering a *Payment Agreement* does not prevent the Division from taking other enforcement actions to collect the arrearages.

   a) Issue an *IWO* if employment information is provided.

   b) When issuing an *IWO*, the amount to withhold for the arrears payment may differ from the arrears payment in the *Payment Agreement*.

   c) Issue the *IWO* as indicated in Issuing the IWO. If the arrears payment for the *IWO* is less than the amount of the arrears payment for the *Payment Agreement*, the NCP must send in the difference.

Table of Contents

10) The signed *Payment Agreement* is a legal document. Give a copy to the NCP and retain a copy for Division records.

11) Suspend the driver's license if the NCP fails to pay the required amount due each month as provided in the *Payment Agreement*.

12. The automated system checks for payments on arrearages posted 31 calendar days after good service is received on the NISD. If a payment on arrearages 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, a worklist generates to the Specialist.

c. The Specialist reviews the NCP's cases to decide if driver's license suspension is appropriate.

13. If the review reveals that the arrearages do not qualify for driver's license suspension, the Specialist

a. Notifies the NCP that the Division will not suspend his or her license now

b. Corrects the data that caused the notice to be issued in error

14. NCP Requests a 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 30 days after the service of the NISD. Within 2 business days of receiving the request, the Specialist generates the *Petition and Order to Suspend Driver's License - Failure to Pay Child Support* (*Petition and Order*). The Division files the petition with the appropriate Circuit or Juvenile and Domestic Relations District (JDR) Court.

a. ASOs

1) If both parties live in Virginia or only the NCP lives in Virginia, file the *ASO* and the *Petition and Order* with the JDR 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* with the JDR court where the CP lives.

Table of Contents

b. Court Orders

1) If both parties live in Virginia and have a Virginia court order, file the *Petition and Order* with the court enforcing the order with the highest arrearages.

2) If both parties live in Virginia and have an out-of-state court order, register the order in the appropriate jurisdiction, and file the *Petition and Order* with the same court.

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* with the court 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 and file the *Petition and Order* in the jurisdiction in which the NCP resides.

c. Generating the *Petition and Order* creates a Participant Event entry and a worklist.

d. If the NCP has multiple cases, file the *Petition and Order* in one jurisdiction. Consult Legal Counsel to determine the appropriate jurisdiction to file when require further clarification is needed.

e. District Office staff

1) Update Schedule Maintenance when the court provides the hearing date.

2) Notify Legal Counsel of the hearing date.

f. After the hearing, the Court Specialist updates the hearing disposition code in Schedule Maintenance.

g. If the court orders the driver's license suspended, the authorized staff updates the DMV system to request driver’s license suspension.

h. If the court orders the Division not to suspend the driver's license, wait 90 days before starting the process again.

i. Send the CP a *Notification of Action Taken* with the outcome of the court hearing if the CP was not present and any other relevant case information.

15. Staff authorized to use the DMV Driver's License Suspension Screen

a. Each District Office designates appropriate numbers and type of staff to update the DMV system for driver’s license suspension.

b. When designated staff changes, the District Office Security Officer notifies DSS Security

Table of Contents

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)

16. Suspension Notification to the DMV

The authorized staff member enters a code in the DMV system to suspend a driver's license.

a. Access the suspension screen using

1) The SSN or the DMV control number for the NCP or

2) The name and date of birth, if the SSN or DMV control number is not available

b. Enter the code for court ordered suspension or administrative ordered suspension as applicable.

c. The participant identification number field requires 10 digits. This is the NCP's Participant ID number in the Division's automated system. If the number has less than 10 digits, use leading zeros to fill the field.

d. Compare the Division's address for the NCP with the address on the DMV system. If they are different, enter the Division's address on the screen.

e. Use the change function to correct the following data elements in the DMV system

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 when:

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 arrearages 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.

Table of Contents

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

17. The DMV automatically issues the suspension notice when staff enter the suspend code on the DMV system.

a. When an address is entered by a Division worker, the DMV mails the suspension notice to both the DMV's and the Division's addresses via certified mail.

b. The NCP has 15 calendar days to appeal the notice to the DMV.

c. The suspension goes into effect whether or not the NCP signed for the certified mail.

18. If a payment from the NCP posts after his or her license is suspended, the automated system worklists the Specialist with PYRR to indicate that a payment has posted. The payment must pay the arrearages in full or be in the amount pursuant to the payment agreement.

19. Reinstatement Notification to DMV

On the same workday that a payment is received according to the terms of a *Payment Agreement* that pays the arrearages in full or that a determination is made that the NCP has completed or is successfully participating in ICMP or AICMP, the authorized staff member must enter the appropriate code on the DMV system to reinstate the NCP's driver's license.

20. Reinstatement Fees

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 the Division, 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.

21. Restricted Driver's License

a. The NCP may be unable or unwilling to comply with the requirements to reinstate his or her driver's license. In this instance, the NCP may file a *Petition for Restricted Driver's License-Failure to Pay Child Support* with the JDR court in the jurisdiction where he or she resides after the *NISD* is received.

b. The NCP may petition the court at any time after receiving service of the *NISD*. 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.

Table of Contents

c. If the NCP does not comply with the child support order and he or she has a restricted driver's license, submit a *Legal Services Case Referral* to the District Office's Legal Counsel asking for guidance regarding court action to address suspension of the restricted license.

1) Proceed according to Legal Counsel's advice regarding this matter.

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.

(09/2012) (05/2013) (04/2014) (06/2015) (09/2015) (12/2015) (10/2016) (08/2017) (05/2019) (07/2019) (09/2020) (04/2021) (09/2022) (04/2023) (09/2023)

C. Occupational, Professional and Other Licenses Suspension (08/2017)

1. The Division can petition the court to request to suspend the NCP's license, certificate, registration or other authority to engage in a business, trade, profession or occupation or recreational activity.

2. Prior to petitioning the court ensure that

a. If current support is still due, the child support arrearages are

1) At least $5,000 or

2) Greater than or equal to 90 days' obligation and at least $500

b. For an arrears-only case, the child support arrearages are at least $1000.

c. The Commonwealth of Virginia has issued the NCP a license, certificate, registration or other authority because

1) The NCP's occupation requires the credential or

2) The NCP engages in a recreational activity that requires the credential

d. The NCP has a mail or residence address.

e. The NCP is not a CP on another open case. If the NCP is a CP on a TANF case, do not take enforcement action. If the NCP is a CP on any case type other than TANF, discuss the case with office management before using this enforcement method.

Table of Contents

f. All appropriate administrative enforcement actions have been or will be taken when the *Notice of Intent to Petition the Court to Suspend Occupational or Professional License, Certificate, Registration, or Other Authority* (*Notice of Intent*) is issued.

g. Legal Counsel has reviewed the case.

3. Review the case to verify the following enforcement actions, as appropriate, have been or need to be taken

   a. Issuing the *Income Withholding for Support* (*IWO*)

   b. Filing liens

   c. Reporting to consumer credit agencies

   d. Certification for federal and state tax intercept and

   e. Issuing an *Order to Withhold*

4. For any appropriate administrative action that has not been taken, initiate the action when the *Notice of Intent* is sent.

5. To initiate the suspension process

   a. Verify the NCP has a current authorization.

      1) For occupational or professional authorizations, search the website of the Department of Professional and Occupational Regulation.

      2) For hunting and fishing licenses, review for match information from Game and Inland Fisheries.

   b. Once the license(s) are verified, create a SELF event in Case Events with the event description NCP HOLDS A CURRENT <LICENSE OR CERTIFICATION TYPE>.

6. Complete the *Notice of Intent to Petition the Court to Suspend Occupational or Professional License, Certificate, Registration, or Other Authority*, create a SELF event in Case Events with the event description NOT OF INT TO SUSP OCCUPATIONAL LIC and serve it upon the NCP

   a. By sheriff. If the service return indicates posted service, a copy must be mailed to the NCP within 10 days of the service date. Or,

   b. By certified mail restricted delivery with return receipt requested. The NCP must personally sign for the mailing for service to be valid.

Table of Contents

7. If the NCP contacts the Division at any point in the process, the Specialist

a. Reviews the NCP's case record(s) and decides if the NCP's case(s) qualify based on the amount owed and the date of the last payment. Refer to Receivables Maintenance. Total the arrearages the NCP owes on all cases to see if the arrearages meet the criteria 2.a above.

b. Reviews the NCP's case records to decide if the other criteria in 2.a above are met. If all of the above conditions are met, the arrearages qualify for occupational or recreational license suspension.

c. Contacts the NCP to discuss the results of the review

d. Ask the NCP for payment in full. If the NCP is unable to pay the arrearages in full

1) Request a lump sum payment for the arrearages. Verbally agree to a date by which the payment is to be made.

a) Create a self-generated worklist to see if the payment is made by the agreed to date.

b) If the payment is not made by the agreed to date, continue with the process.

2) Ask the NCP if he or she is employed. If yes, obtain the employer's name and address and serve the employer with an *IWO*.

e. Negotiates a payment agreement if the NCP cannot pay the arrearages in full or does not have an employer that the Division can serve with an *IWO*

1) The payment agreement must include an initial payment which is the greater of $500 or 5% of the arrearages balance, and

2) The payment agreement terms must satisfy the delinquency within a period not to exceed 10 years.

3) Make 2 calculations to arrive at the monthly payment amount for the payment agreement.

a) Calculate the amount to be paid monthly using the total arrearages plus accrued interest divided by 120 months, and

b) Calculate the amount to be paid monthly using 25% of current support or $65, whichever is greater.

Table of Contents

4) Compare the results of both calculations and use the calculation that results in the largest arrearages payment plus current support and complete the *Payment Agreement Occupational or Professional License Suspension* (*Payment Agreement*).

5) Have the NCP sign the *Payment Agreement*.

8. If the NCP does not contact the Division within 30 calendar days after the notice is served or make satisfactory payment arrangements, the Specialist

a. Reviews the Case Account Statement for the case

1) Verify that the NCP is not making payments and

a) The child support arrearages for the case are at least $5,000 or

b) The child support arrearages 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.

9. Generate the *Legal Services Case Referral* and forward it and supporting documentation to Legal Counsel.

10. Upon approval of Legal Counsel, within 2 business days, the Specialist will

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* to the CP.

Table of Contents

f. Add the hearing date to Schedule Maintenance when the court provides the hearing date.

g. Notify Legal Counsel of the hearing date.

11. After the hearing, the Court Specialist updates the automated system.

12. When the court orders the NCP to surrender his or her license, certificate, registration, or other authority, the 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. Add the worklist note: CONTACT THE LICENSING AGENCY IF THE NCP HAS NOT PROVIDED WRITTEN NOTIFICATION THAT HIS OR HER LICENSE, CERTIFICATE, REGISTRATION, OR OTHER AUTHORITY HAS BEEN SURRENDERED.

13. When the NCP signs the *Payment Agreement Occupational or Professional License Suspension* and makes one payment according to the terms of the agreement or pays the arrearages in full, the 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 Record*

c. Certifies that the *Payment Record* is correct

d. Attaches the certified *Payment Record* 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

14. If the NCP does not comply with the court order to surrender the license, certificate, registration or other authority, the Specialist reviews the case for payments. If the NCP is not paying as ordered, file a *Motion for Show Cause Summons* for failing to comply with the support order, if appropriate.

15. If a *Motion for Show Cause Summons* is filed

a. Send the CP the *Notification of Action Taken* and

Table of Contents

b. Notify Legal Counsel of the court date and that the NCP has not complied with court's order to surrender the license, certificate, registration or other authority.

7.5 Order to Withhold and Order to Deliver

A. Overview (05/2019)

1. Federal regulations require child support agencies to initiate enforcement actions against delinquent NCPs. State law allows the Division to issue *Orders to Withhold* (OW) and *Orders to Deliver* (OD) to any entity that the Division believes has property due, owing and belonging to the NCP.

2. The *OW* is typically issued to financial institutions but may be sent to other entities that have or will have financial assets belonging to the NCP.

3. Property Exempt from the OW/OD Process

   Virginia law exempts certain property from the *OW* process. If District Office staff are uncertain if the property is exempt or not, consult with Legal Counsel. Major exemptions from the *OW* process include, but are not limited to:

   a. Supplemental Security Income (SSI)

   b. A combination of SSI and Social Security Disability Insurance (SSDI)

   c. A combination of SSI and Social Security Retirement (SSR)

   d. Veterans' benefits

   e. Group life insurance policy benefits except for the Virginia Retirement System group insurance policies

   f. Industrial sick benefits insurance proceeds

   g. Crime victims' benefits

   h. Burial contracts

   i. Public assistance payments

   j. Child support payments

   k. College work study

   l. Growing crops and

Table of Contents

m. Assignment of certain salary and wages

4. The Division exempts the first $1,000 in a Department of Corrections inmate's Personal Savings Account (Personal Trust Account). Refer to Enforcement and Special Circumstances NCPs.

5. Any property that is considered disposable earnings is subject to Consumer Credit Protection Act (CCPA) limits. All other property is subject to withholding in its entirety.

(08/2017) (08/2018)

B. The Order to Withhold (04/2023)

1. General Criteria for Issuing the *OW*

a. Issue the *OW* on a case with current support if the NCP has child support arrearages in an amount greater than or equal to 90 days' obligation.

b. Do not issue an *OW* on cases if arrearages are created as a result of an order until 90 days have elapsed since the order entry date. This includes situations such as

1) An initial support order that is retroactive

2) An initial support order that assesses TANF debt

3) A modified support order that increases current support and the NCP had no arrearages prior to the entry of the new order.

c. Issue the *OW* on an arrears only case.

d. Prior to issuing the *OW*, ensure that the NCP

1) Is at least 18 years old. Refer to Enforcement and Special Circumstances NCPs,

2) Is not a CP on an open case

3) Does not have arrearages held in abeyance and

4) Does not have an outstanding bankruptcy. Refer to Enforcement and Special Circumstances Cases.

e. Obtain approval from the District Manager or his or her designee to issue the *OW* for any exceptions to the criteria listed above.

2. Issuing the *OW*

Table of Contents

a. Generate, sign and serve the *OW* on the holder of assets.

b. Serve the holder of assets using certified mail, return receipt requested or electronic means.

c. Out-of-state financial institutions

1) If an out-of-state financial institution participates in the FIDM or Multi-State Financial Institution Data Match (MSFIDM) send the *OW* to the financial institution's address.

2) If an out-of-state financial institution does not participate in the FIDM or MSFIDM, determine if the institution has a registered agent in Virginia.

a) The registered agent accepts service of process, notice or demand required or permitted by law in Virginia on behalf of the financial institution.

b) If a financial institution is registered with the State Corporation Commission (SCC) but does not have a registered agent in Virginia, or its registered agent cannot be found at the registered office, service may be made on the clerk of the SCC.

3) If the SCC indicated that the out-of-state financial institution is not registered in Virginia and the financial institution will not accept the *OW* directly, request limited services through the other state's central registry. Refer to Central Registry Responsibilities.

d. If the holder of assets indicates the account is a joint account, go to item 3 below.

e. After receiving the served copy of the *OW*, serve the NCP with a copy of the *OW* via

1) MCS portal

2) Sheriff for in-state NCPs

3) Certified mail, return receipt requested for out-of-state NCPs or

4) Electronic means

f. It is not necessary to wait for an answer from the financial institution prior to having the NCP served.

g. Mail a copy of the *OW* to the NCP at the same time the copy is sent for service.

h. If the *OW* cannot be served on the NCP within 45 calendar days, generate and serve the holder of assets with the *Notice of Full-Partial Release of Order to Withhold* and at the same time generate and serve the holder of assets with a new *OW*.

Table of Contents

3. Joint Accounts

a. When the holder of assets indicates the account is a joint account, each account holder must be served with the *Order to Withhold (Joint Account Holder Notice)* (the *Notice*) within 45 days. The holder of assets provides the names and addresses of the joint account holders on his/her answer.

1) Serve the *Notice* on each account holder.

2) For service, use any method as prescribed in 2e above.

3) Each account holder may appeal the action and/or *Notice*.

b. Refer the case to the District Office's Legal Counsel if

1) The holder of assets indicates 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 and/or

3) The NCP is the custodian for the minor joint account holder.

c. If the Specialist 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 *Notice* and does not appeal, proceed with the action.

d. Serve a copy of each *Notice* sent to a joint account holder on the holder of assets by certified mail, return receipt requested. The holder of assets may treat the *OW* as released if they do not receive the copies within 45 days.

1) If the joint account holder is not found at the address provided by the holder of assets, check with the holder of assets for a change of address.

2) Do not use information systems to locate a joint account holder. Use public information locate resources such as online directories, the CP or the NCP.

e. If the Hearing Officer determines that the NCP has some interest in the joint account, the Division files for a judicial hearing with the court having jurisdiction where the NCP or joint account holder resides.

1) Submit a *Legal Services Referral* and all supporting documentation to the Division's Legal Counsel, who file for the hearing.

Table of Contents

2) The petition is filed in the general district court or, in the circuit court if the joint account and the amount claimed against the NCP each exceed $10,000.

3) 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.

4) Serve a copy of the petition on the holder of assets at the same time the petition is filed. 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 or an *OD*, the *OW* is considered released.

4. Releasing the *Order to Withhold*

a. Release the *OW* in part or in full as appropriate when

1) The arrearages stated on the *OW* are paid

2) The NCP makes a satisfactory alternative arrangement to pay the arrearages in full

3) An appeal decision determines that the debt is less than that specified on the *OW*

4) An appeal decision from a joint account holder appeal determines that the NCP does not have an interest in the account.

b. Generate and serve the *Notice of Full or Partial Release of Order to Withhold* (the *Release*) on the holder of assets by certified mail, return receipt requested or via electronic means.

c. Document Case Events to indicate the reason for the release.

(04/2013) (05/2013) (07/2013) (04/2014) (07/2014) (08/2017) (03/2020)

C. The Order to Deliver (08/2017)

Issuing the *OD*

1. Generate, sign and serve the *OD* within 90 days from the date of service of the *OW* once all administrative and judicial appeal rights are exhausted.

2. If the *OD* cannot be issued within 90 days from the date of service of the *OW* because all administrative and judicial appeal rights have not been exhausted, serve a new *OW* on the holder of assets.

3. Serve the *OD* on the holder of assets by using certified mail, return receipt requested or electronic means.

Table of Contents

4. Obtain any required approvals.

5. Document Case Events to show the service of the *OD*.

D. Financial Institution Data Match (01/2017)

1. Agreements with Financial Institutions

   a. The Division is required to enter into agreements with financial institutions in the Commonwealth to conduct quarterly data matches to identify accounts of delinquent NCPs. This process is the Financial Institution Data Match (FIDM) program.

   b. OCSS provides states with quarterly data matches for multi-state financial institutions (MSFIs) through the Federal Case Registry (FCR). MSFIs are financial institutions with branches in more than one state. MSFIs may choose to participate in the OCSS MSFI Data Match program instead of participating with the individual states.

   c. Data matches with are made periodically during each quarter and include the name, address, SSN or any other taxpayer identification number.

   d. The Division uses match data to locate the NCP and his/her assets to establish, modify and enforce child support orders.

   e. The Division may pay a reasonable fee to financial institutions to implement the match process.

2. Financial Institutions Exempt from Liability

   Financial institutions are exempt from civil liability for disclosing NCPs' financial records to the Division or its agents.

3. Unauthorized Disclosure/Confidentiality

   The financial records information may not be disclosed except to the extent necessary to conduct data matches.

4. The Automated FIDM Process

   a. Quarterly data match minimally includes the NCP's name, address and SSN and/or taxpayer ID and the financial institution's name and address.

   b. Optional information may include:

      1) Account balance

Table of Contents

Financial institutions are not required to report account balances. If the financial institution reports account balances, the automated system does not display reported balances of less than $100. If the financial institution does not report account balances, the FIDM response record lists an account balance of $0. Work FIDM accounts showing $0 balances as if funds are available.

2) Account type

3) Account number

4) Secondary account owner name and/or SSN

5) Trust Fund ID

c. The automated system creates worklists and participant events when matches are received. Match information is found on the Financial Institution Data Match page.

5. Issue an *OW* to attach assets. If an out-of-state financial institution will not honor the Division's *OW*, use the *Child Support Enforcement Transmittal #3- Request for Assistance/Discovery* (*Transmittal #3*) to request assistance from the other state. If the other state will not accept the *Transmittal #3*, request full enforcement services using the *Child Support Enforcement Transmittal #1- Initial Request* as appropriate.

6. Refer to Order to Withhold and Order to Deliver.

E. The Thrift Savings Plan (08/2017)

1. The Thrift Savings Plan (TSP) is a federal savings and retirement plan administered by the Federal Retirement Investment Board (FRTIB) for military members and federal civilian employees to contribute toward their retirement. The Division receives quarterly TSP match information via MSFIDM.

2. The Division uses the *Thrift Savings Plan Income Withholding Order for State Agencies (TSP-CS-1)* when seizing TSP assets.

3. The Specialist sends the *TSP-CS-1* when serving the *OD* as this form assists the FRTIB in complying with the *OD*.

a. The Division must identify which account funds are to be taken from.

b. The *TSP-CS-1* provides the information required under the applicable federal regulations.

c. The FRTIB may decline to honor the *OD* if this form does not accompany it.

Table of Contents

d. The *TSP-CS-1* allows the Specialist to check multiple account types. If funds are requested from multiple accounts, only request the NCP's total arrearages for all cases. Overpaid funds from the TSP cannot be returned.

e. One *TSP-CS-1* form can be used to consolidate all arrearages for NCPs with multiple cases. An OD is sent for each case.

4. OCSS provides additional guidance for seizing TSP accounts in their TSP Quick Guide fact sheet as well as a TSP Q&A.

5. It may take 70 to 140 days after sending the *OD* to receive the TSP funds.

F. Insurance Data Match (04/2023)

1. Federal law allows comparison of delinquent NCPs' information with insurers' (or their agents) information for claims, settlements, awards and payments.

2. The Federal Office of Child Support Services (OCSS) works closely with insurers and state child support agencies to administer the Insurance Data Match program (INDM).

3. Participation in INDM is voluntary for both states and the insurance companies.

4. Submission Criteria

   a. The total arrearages for all of the NCP's cases equals a minimum of $25.

   b. Excluded are

      1) NIVD, UADC and USSI cases

      2) NCPs without an SSN and

      3) NCPs with a "NO" under Transmit for INSURANCE DATA MATCH on the Update Offset Indicators page

   c. An NCP is removed from INDM when the arrears amount is 0 or when the NCP is excluded in the automated system. The NCP remains excluded until the indicator is changed.

   d. If an NCP meets the INDM delinquency threshold after removal, the NCP is resubmitted.

5. Receiving Match Information

   a. Daily data matches attempt to match insurance companies' workers' compensation and personal injury claims with the NCP name, address, SSN and date of birth.

Table of Contents

b. For each match, the automated system

1) Creates a Participant Event, INDM – INSURANCE DATA MATCH

2) Sends an INDM worklist to each assigned Specialist for each of the NCP's cases

3) Records match details on the INDM Participant Match page

c. Builds a new record for any insurance company not found in the Third Party List.

d. The Specialist reviews all matches promptly to take appropriate case actions.

6. Workers' Compensation Claims

a. The Type of Claim field indicates WORKER'S COMPENSATION and the Worker's Compensation Status field on the INDM Participant Match page displays a "Y" for a pending workers' compensation claim or Report of First Injury.

b. Contact the insurance company adjuster to determine the settlement type.

1) For periodic payments (e.g., weekly, bi-weekly, monthly, etc.) serve the insurance company with the *Income Withholding for Support* (*IWO*).

2) For a lump sum payout, serve the insurance company with the *Order to Withhold - Insurance Assets* (*OW*). 5 days after the *OW* is sent to the insurance company, serve the NCP with a copy of the same *OW*.

3) For an unknown payout type or if the payout is periodic with an anticipated lump sum, send both the *OW* and the *IWO*.

7. Personal Injury Claims

a. The Type of Claim field indicates PERSONAL INJURY on the INDM Participant Match page is blank for personal injury claims.

b. The automated system initiates the enforcement process.

1) An *OW* is sent to the insurance company via certified mail, return receipt requested for each of the NCP's submitted cases.

a) This action creates the Case Event IORW, Order to Withhold-Ins Co.

b) The Case Event Detail page includes document date; Division case number; insurance company name, address, claim number and contact name; date of loss; arrears amount and method of service.

Table of Contents

2) A copy of the *OW* is sent to the NCP 5 days after the *OW* sent to the insurance company.

a) This action creates the Case Event IOAP, Order to Withhold - NCP.

b) The Case Event Detail page includes document date, Division case number, the NCP's address or addresses, claim number, date of loss, arrears amount and method of service.

c) For NCPs living out of state or with a P. O. Box address, serve the NCP using the MCS portal or certified, return receipt requested.

d) For NCPs living in Virginia with a street address, serve the NCP via the MCS portal or the sheriff.

e) If the claim and the automated system list different addresses, send the *OW* to both addresses. If there is no address on the automated system, send the *OW* to the claim address.

f) In addition to formal service, a copy must be sent to the NCP via first class mail.

8. Issuing the *Order to Deliver - Insurance Assets*

a. The settlement time for some claims may be lengthy. It is not necessary to send a release to the insurance company and issue a new *OW* every 90 days.

b. Review the NCP's arrearages when a settlement date and amount are determined.

1) If the arrearages have increased since the initial OW, serve a new *OW* on both the insurance company and the NCP.

2) If the arrearages have decreased, serve a *Notice of Full/Partial Release of Order to Withhold - Insurance Assets* on the insurance company for the current arrears amount.

3) Once the appropriate document has been served, send the *Order to Deliver - Insurance Assets*.

c. If the NCP no longer owes arrearages, send a *Notice of Full/Partial Release of Order to Withhold - Insurance Assets* to the insurance company to release the action.

(08/2017) (07/2020)

G. Child Support Lien Network (04/2023)

Table of Contents

1. The Division participates in the Child Support Lien Network (CSLN), which matches delinquent NCPs' information with participating insurance companies to intercept workers' compensation and personal injury claims. Participating states submit delinquent NCP information to the CSLN.

2. Submission Criteria

   a. The total arrearages for all of the NCP's cases equal a minimum of $1,000.

   b. Excluded are

      1) NIVD, UADC and USSI cases

      2) NCPs without an SSN and

      3) NCPs with a "NO" under Transmit for CHILD SUPPORT LIEN NETWORK on the Update Offset Indicators page

   c. When an NCP is submitted to CSLN, the automated system

      1) Updates the Transmit field to "YES" and the Transmit Date field with the submission date on the Update Offset Indicators page

      2) Creates the participant event, CSLS - submitted to CSLN. Event notes include the case number and arrears amount for each case, the District Office name and the worker ID.

   d. An NCP is removed from CSLN when the arrears amount is 0 or when the NCP is excluded in the automated system. When the NCP is removed, the automated system

      1) Updates Change Date field on the Update Offset Indicators page.

      2) Creates the Participant Event, CSLR Removed from CSLN. The NCP remains excluded until the indicator is changed. Refer to the iAPECS User Guide.

   e. If an NCP meets the CSLN delinquency threshold after removal, the NCP is re-submitted, and the automated system updates as indicated in c above.

3. Receiving Match Information

   a. Daily data matches attempt to match insurance companies' worker's compensation and personal injury claims with the NCP name, address, SSN and date of birth.

   b. Appropriate matches are added to the CSLN web site and sent to the Division to process.

Table of Contents

c. Questionable match information is assigned an "Investigating" status on the CSLN Participant Match page.

1) Research "Investigating" matches before taking enforcement action.

2) If the match is correct, continue with the appropriate actions.

3) If the match is incorrect, close the match on the CSLN website within 30 days of the match date using the closure reason "not the right person."

d. For each match, the automated system

1) Creates a participant event, CSLM - CSLN Match

2) Sends a CSLM worklist to each assigned Specialist for each of the NCP's cases

3) Records match details on the CSLN Participant Match page.

e. Builds a new record for any insurance company not found in the Third Party List.

f. The Specialist reviews all matches promptly to take appropriate case actions, which may include updating the CSLN website.

4. Interstate Cases

Interstate cases are not excluded from CSLN submission. Notify the other state of the match information within 10 days of receipt.

a. When Virginia is the initiating state, contact the responding state to determine if they are acting on the claim. If they are acting on the match, close match on the CSLN website - closure reason "action taken by (name of state)"and document Case Events.

b. When Virginia is the responding state or the responding state is not acting on the claim, take the appropriate enforcement actions.

5. Worker's Compensation Claims

a. The Workman Compensation Status field on the CSLN Participant Match page displays a "Y" for a pending worker's compensation claim or Report of First Injury.

b. Contact the insurance company adjuster to determine the settlement type.

1) For periodic payments (e.g., weekly, bi-weekly, monthly, etc.), serve the insurance company with the *Income Withholding for Support* (*IWO*).

Table of Contents

2) For a lump sum payout, serve the insurance company with the *Order to Withhold - Insurance Assets* (*OW*). 5 days after the *OW* is sent to the insurance company, serve the NCP with a copy of the same *OW*.

3) For an unknown payout type or if the payout is periodic with an anticipated lump sum, send both the *OW* and the *IWO*.

6. Personal Injury Claims

a. The Workman Compensation field on the CSLN Participant Match page is blank for personal injury claims.

b. The automated system initiates the enforcement process.

1) An *OW* is sent to the insurance company via certified mail, return receipt requested for each of the NCP's submitted cases.

a) This action creates the Case Event IORW, Order to Withhold-Ins Co.

b) The Case Event Detail page includes document date; Division case number; CSLN match ID; insurance company name, address, claim number and contact name; date of loss; arrears amount and method of service.

2) A copy of the *OW* is sent to the NCP 5 days after the *OW* sent to the insurance company.

a) This action creates the Case Event IOAP, Order to Withhold - NCP.

b) The Case Event Detail page includes document date; Division case number; CSLN match ID; the NCP's address or addresses; claim number; date of loss; arrears amount and method of service.

c) For NCPs living out of state or with a P. O. Box address, serve the NCP using the MCS portal or by certified mail, return receipt requested.

d) For NCPs living in Virginia with a street address, serve the NCP using the MCS portal or via the sheriff.

e) If the claim and the automated system list different addresses, send the OW to both addresses. If there is no address on the automated system, send the OW to the claim address.

f) In addition to formal service, a copy must be sent to the NCP via first class mail.

Table of Contents

7. Issuing the *Order to Deliver - Insurance Assets*

   a. The settlement time for some claims may be lengthy. It is not necessary to send a release to the insurance company and issue a new *OW* every 90 days.

   b. Review the NCP's arrearages when a settlement date and amount are determined.

      1) If the arrearages have increased since the initial *OW*, serve a new *OW* on both the insurance company and the NCP.

      2) If the arrearages have decreased, serve a *Notice of Full/Partial Release of Order to Withhold - Insurance Assets* on the insurance company for the current arrears amount.

      3) Once the appropriate document has been served, send the *Order to Deliver - Insurance Assets*.

      4) If the NCP no longer owes arrearages, send a *Notice of Full/Partial Release of Order to Withhold - Insurance Assets* to the insurance company to release the action.

(07/2014) (01/2017)

7.6 Federal and State Offset Programs

A. Overview (08/2017)

1. Federal law requires child support agencies to have procedures in place to intercept federal and state income tax refunds.

   a. The Division intercepts federal income tax refunds and administrative offsets to pay support arrearages owed to the Commonwealth and to CPs.

   b. The Division intercepts state income tax refunds, lottery winnings and vendor payments to pay current support and arrearages owed to the Commonwealth and to CPs.

2. The Division certifies every case which meets the criteria for offset in an automated process.

3. The federal tax information the Division receives from IRS is subject to strict safeguards. Refer to Security of IRS and State Tax Information.

4. IT Operations and the EFT/EDI Tax Intercept Unit are responsible for submitting intercept information files to the appropriate federal and state agencies and maintaining related technical information.

Table of Contents

5. District Office staff are responsible for verifying NCP arrearages information, including updating NCPs certification information.

B. Federal Offset Processes (03/2020)

1. Federal regulations require child support agencies to submit delinquent NCPs for the Federal Tax Offset and Administrative Offset Programs.
2. All cases meeting Federal Tax Offset and Administrative Offset submission criteria are automatically processed weekly.
3. The Division submits new cases weekly along with updates to the arrearage amounts on previously submitted cases to the Federal Office of Child Support Services (OCSS).
4. Updating the Offset Type field on the Update Offset Indicators page allows Division staff to
   a. Exclude from offset, a specific case or all cases attached to an NCP
   b. Remove an NCP previously submitted for offset and
   c. Add back a previously excluded or removed NCP.
5. View intercept indicators via the Intercept Data page.
6. Arrears Certification criteria
   a. For all arrears subaccounts
      1) The CP has received or is receiving public assistance or has applied for services in Virginia.
      2) The Division's official records contain a copy of legally established child support or child and spousal support orders and modifications and any of the following in the Division's official records 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.
      3) The accuracy of the NCP's name, SSN and arrearages has been verified.
   b. For TANF and IV-E FC arrears subaccounts
      1) The total arrearages excluding fees are at least $150 and non-spousal support arrearages exist.

Table of Contents

c. For NTANF arrears subaccounts

1) The total arrearages excluding fees are at least $500 and non-spousal support arrearages exist.

2) The CP's current address is on the automated system.

d. The arrearages are owed for

1) The support and maintenance of a minor child or a minor child and the CP. The current age of the child is not relevant.

2) Spousal support when the NCP is paying child support and spousal support to the CP (the spousal and child support obligation must be in the same order for NTANF cases)

3) Interest and/or

4) A specific dollar amount of medical support included in an order

7. For interstate cases, the initiating state certifies the case.

8. Refer to Enforcement Rules for case and subaccount types that are ineligible for IRS certification.

9. Automated Certification

a. OCSS holds all new cases for 30 days to allow sufficient time for due process. The 30-day hold begins when OCSS issues the pre-offset notice.

b. The automated system submits new cases if

1) The case has never been submitted to the federal offset program

2) An offset applied to the case or a Division submitted modification resulted in a zero balance, but a new arrearage now exists or

3) The case was previously submitted, then deleted, and is now being resubmitted.

10. Stopping an Automated Certification

a. District Office staff initiate actions to prevent or delete the certification of arrearages to the IRS when

1) The arrearages are not enforceable.

Table of Contents

2) A court orders the arrearages not be certified. The order may be entered before or after the arrearages are certified.

3) The Director of Field Operations decides not to certify the arrearages based on exceptional circumstances. Exceptional circumstances are defined as the NCP exhibiting indications of 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.

4) The NCP or NCP's spouse files bankruptcy.

5) Spousal support for a NTANF CP is not included in the same order as the child support.

6) The Commissioner discharges the arrearages.

11. IRS Intercept Pre-Certification Test File

District Offices use the Unaccountable Report to correct and update the automated system before generation of the final certification file.

12. IRS Intercept Files

a. Refer to the current OCSS Action Transmittal for submission specifications and due dates

b. IT Operations Unit (IT Operations)

1) Prepare a written request for Division of Information Systems to generate the

a) IRS pre-certification file,

b) IRS Pre-Offset Notice (PONS) address file and

c) IRS final certification file and report.

2) Review options.

3) Prepare the transmittal documents to submit with files to OCSS.

a) For the IRS PONS address file, the following the Deputy Commissioner's approves and signs the Notification of Issuance of Pre-Offset Notice, Offset Notice and Final Case Submittal memo; the Certification of Verification of Local/State Address and Phone Numbers to be used on the Pre-offset/IRS Offset Notice to Taxpayers; the contact point for OCSS issued PONS memo and the Federal Tax Offset Contact Form memo.

Table of Contents

b) The Health Resources and Services Administration Payment Information Form is submitted for the Payment Processing Unit Manager's approval and signature.

c) For the IRS Final Certification File, the Transmittal Certification form is submitted for the Deputy Commissioner's approval and signature.

4) Receive files from OCSS and submits a request for Division of Information Systems (DIS) to process the files, update the automated system and generate these reports

a) Unaccountable Report File,

b) Edit Validation Report Transmission and

c) Collection and Address File.

13. Notice of Intention to Issue Pre-Offset Notices

IT Operations

a. Prepare request for OCSS to issue the notices and forward to the Deputy Commissioner for approval and signature.

b. Estimates the number of cases submitted for intercept using the totals from the pre-certification test data and multiplies the number of cases times cost per notice. The current OCSS Action Transmittal provides cost per notice and payee information.

14. EFT/EDI Tax Intercept Unit requests the Budget and Reporting Unit to prepare an accounting voucher to generate a check to OCSS for printing and mailing the notices. Submit this request 30 calendar days before payment is due to OCSS.

15. Pre-Offset Notice (PONS) Address File

IT Operations

Verify District Office addresses, telephone numbers and locality codes and updates this information as necessary.

16. Final IRS Certification File

IT Operations

a. Obtain payment for the balance due OCSS if the original estimate of the PONS mailing cost was too low.

b. Submits files and forms to OCSS.

Table of Contents

17. Automated Functions Performed Using the Unaccountable File

a. Add an entry to the Case Events to explain why a NCP's arrearages were removed from the certification file

b. Generate the Unaccountable File

c. Generate a worklist to the Specialist for each case on the list.

d. District Office staff use the information on the report to take corrective action.

18. Weekly modifications and deletions of the certified amount

a. The full certification file is sent each October and the information is added to the IRS files during this time. The PONS to the NCPs are generated from this information.

b. The Division's modifications and deletions began with the mailing of the PONS.

c. The OCSS 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.

d. Modifications and deletions of the certified arrearages and updates to the intercept module occur when

1) The certified arrearages are paid in full

2) A payment is credited to the certified arrearages

3) An adjustment decreases the certified arrearages and/or

4) The Commissioner discharges the arrearages and the subaccount(s) is adjusted.

e. IT Operations, weekly from January through December

1) Receive notice of modifications and deletions to OCSS from DIS and

2) Receive the Edit Validation Report from OCSS to DIS.

19. The Pre-Offset Notice (PONS)

The *PONS* tells the NCP that

a. The Division has determined that he or she owes past-due child and/or spousal support.

b. The arrearages amount and type (TANF or NTANF) as of the date of certification.

Table of Contents

c. If this is the initial certification, that he or she has 30 days to pay the arrearages and if not paid in 30 days, the debt will be certified for Federal Tax Refund Offset and/or Administrative Offset.

d. That if the child support arrearages exceed $2500, the Division will refer him or her to the Department of State and his or her passport will be denied and any previously issued passport may be revoked, restricted or limited. Refer to Passport Denial.

e. That he or she has the right to request an administrative review within 30 days to contest the notice. This review process is the equivalent of the Division's administrative appeals process. Refer to Administrative Appeals.

f. That if the NCP is married, his or her spouse can receive their portion of the joint federal tax refund by filing *Form 8379- Injured Spouse Claim and Allocation* when they file Form 1040 or 1040A.

20. IRS Processing of the Certification File

a. Receive the certification file from OCSS

b. Flag potential intercept cases by the third week in January

c. Reject cases that do not match because

1) The SSN 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 SSN 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 reports cases that were rejected.

e. Receive and process modification and deletion files.

f. Freeze matched refunds.

g. Send the *Offset Notice* to inform the NCP that the payment will be forwarded to the Division.

h. Generate the Collection/Adjustment/Address and Corresponding Name Change report and submit to the Division monthly.

Table of Contents

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. Notices to the NCP

IRS Advance Notice

OCSS sends the *PONS* to the NCP in October

IRS Notice at Intercept

a. OCSS sends the NCP the *BFS Offset Notice*.

b. The notice is also addressed to the NCP's spouse when a joint return was filed and tells the NCP's spouse how to protect his or her share of the refund.

c. The NCP may receive the notice 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 OCSS until the third or fourth week in January. After the end of January, the Division submits bi-monthly update files to OCSS. OCSS forwards the update files to the DOF. The results are forwarded to OCSS and the Division the following week.

d. Customer Service Center staff and other staff who do not have primary responsibility for a case

1) Refer to Self Event Documentation Table for documentation guidance;

2) Worklist the assigned Specialist to report contacts and

Table of Contents

3) Worklist the Specialist's supervisor to report a second contact made after 10 days.

e. District Office staff should contact the NCP within 3 business days of the NCP's initial contact to resolve the issue. If the NCP's requests an administrative review, refer to Federal Tax Intercept - Offset Program Notices.

24. Notices Returned by the Postal Service

a. IRS intercept notices are returned to the District Offices.

b. Create 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) Create a self-generated entry on the Participant Events indicating the mailing address and date.

d. If the automated system has the same address, refer to Locate.

25. IRS Intercept Collections and Address Files

a. The Deputy Commissioner receives monthly files from February through December and the files are forwarded through IT Ops to the DIS.

b. Automated system processing of the files

1) Post payments.

2) Creates holds. Refer to Holds.

3) Issues refunds on closed IV-D cases. Refer to Automated Refunds.

4) Establishes fee subaccounts.

5) Adds adjustments if the payment to be adjusted has not been manually adjusted.

6) Updates mailing addresses

a) If no current address exists for the NCP, add the address as the MAIL address.

b) If the NCP has a MAIL address, the address 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".

Table of Contents

c) Adding the address creates a Participant Event.

7) Generate reports.

8) Updates the NCP's Intercept Data page.

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 initiate a refund when the arrearages were certified in error and payment has been forwarded to the Division.

27. Report Refunds to the IRS

a. The Division automatically reports refunds to the IRS on the Weekly Modifications and Deletions file.

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. 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) (08/2017) (07/2018)

C. Passport Denial Program (05/2024)

1. The Federal Office of Child Support Services (OCSS) administers the mandated Passport Denial Program as part of the Federal Offset Program.

2. Referral Criteria

a. The NCP meets the criteria for the Federal Offset Program. Refer to Federal Offset Processes.

b. The NCP's child support arrearages exceed $2,500. Spousal support arrearages are not considered for meeting the certification threshold of $2,500.

Table of Contents

c. The Division submits new cases to OCSS along with updates to the arrearage amounts on previously submitted cases weekly.

d. OCSS submits qualifying NCPs to the Department of State for passport denial or withdrawal daily.

3. When the NCP qualifies for Federal Offset, the *Pre-Offset Notice* (*Notice*) tells the NCP the Secretary of State will refuse to issue a passport, and may revoke, restrict, or limit a previously issued passport when the NCP's child support arrearages exceed $2,500. The NCP may contest the arrearages within 30 days from receipt of the *Notice* by requesting an administrative appeal. Refer to Administrative Appeals.

4. The certification to the Department of State remains active until

   a. The NCP's child support arrearages are zero or

   b. The Division excludes the NCP from the Passport Denial process using the Passport Denial Indicator on the Case Management > Enforcement > Update Offset Indicators page in the automated system.

5. Criteria for removing referred NCPs

   a. OCSS allows states to establish their own criteria for removing referred NCPs from the Passport Denial process. The Virginia Administrative Code establishes the Division's criteria for removal as

      1) The child support arrearages are paid in full or

      2) The IV-D agency director (Deputy Commissioner) or his or her designee has the discretion to grant an exception based on written documentation of

         a) A life or death situation of an immediate family member.

         b) Erroneous submittal resulting from mistaken identity or an incorrect SSN.

         c) Current employment or an offer and acceptance of employment that requires the NCP to have a passport. For this exception, the Division must be able to implement an *Income Withholding Order for Support* (*IWO*) and the NCP must make a lump sum payment and sign a payment agreement.

6. When an NCP contacts the Division because his or her application for a passport has been denied, take the following steps:

Table of Contents

a. Verify that the correct person has been submitted. If the wrong person was referred (mistaken identity or incorrect SSN), refer to item 11 below.

b. Verify that Virginia is the state that referred the NCP for Passport Denial.

1) If Virginia is not the referring state, tell the NCP that Virginia is not the submitting state and that he or she needs to contact the state that made the referral.

2) If both Virginia and one or more other states have submitted the NCP for Passport Denial, the NCP will need to make separate arrangements with each state involved.

c. Verify the debt meets the threshold for Passport Denial.

1) If the arrearages reported are a combination of child support and spousal support arrearages, refer to item 8 below.

2) If the arrearages reported are the result of "instant debt" created by an initial or modified order, refer to item 9 below.

7. Upon verifying that the Division's referral is correct, inform the NCP that the Passport Denial will remain in place until the child support arrearages are paid in full unless the NCP meets exception criteria.

a. If the NCP alleges a life or death situation, refer to item 10 below.

b. If the NCP alleges that the passport is needed as a condition of continuing employment or a requirement for an accepted job offer, refer to item 12 below.

c. If the NCP has an imminent need for travel and payment is made in full, refer to item 13 below for the expedited withdrawal process.

8. Arrearages include a combination of child and spousal support arrearages.

a. Determine what portion of the debt is attributable to child support and what portion is attributable to spousal support at the time of the initial referral.

1) If it is determined that the child support arrearages met $2,500 criteria at any point in time for Passport Denial, the NCP is not eligible to have the Passport Denial removed until the child support arrearages and interest are paid in full unless another exception is met (i.e. life or death situation).

2) If the referral for Passport Denial occurred because the inclusion of spousal support arrearages met the $2,500 criteria, thoroughly document Case Events and forward the case to the District Manager for review.

Table of Contents

a) If the District Manager determines the NCP should not have been referred, update the Passport Denial Indicator on the Update Offset Indicators page in the automated system.

b) Do not issue the *Emergency Notice of Withdrawal of Passport Denial*; the NCP will be removed via the weekly automated process. Refer to item 13.a below for information on the automated withdrawal process.

9. Arrearages include "Instant Debt"

For cases in which the NCP had "instant debt" created by an initial or modified child support order

a. If the NCP pays the arrearages 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.

b. If the NCP does not pay the arrearages 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 arrearages and interest are paid in full unless another exception is met (i.e. life or death situation).

c. If the NCP met the submission criteria at the time of the submittal and has since made a payment, the NCP is not eligible to have the Passport Denial removed until the child support arrearages are paid in full unless another exception is met.

d. If the District Manager determines that the case meets the circumstances for withdrawal, update the Passport Denial Indicator on the Update Offset Indicators page in the automated system.

e. Do not issue the *Emergency Notice of Withdrawal of Passport Denial*; the NCP will be removed via the weekly automated process. Refer to item 13.a. below for more information on the automated withdrawal process.

10. Life or Death Situation

When the NCP alleges a life or death situation involving a family member, tell the NCP

a. The Department of State defines life or death situations as serious illness, dangerous operation, or imminent death or funeral. The Department of State requires a letter from a doctor or Red Cross notification. The NCP is responsible for providing verification of the life or death situation.

Table of Contents

b. The Department of State defines an immediate family member as

1) Parent or guardian of the obligor

2) Spouse of the obligor

3) Child (natural or adopted)

4) Grandparent

5) Sibling

6) Aunt

7) Uncle

8) Stepparent

9) Step sibling

10) Stepchild

c. Request the NCP make payment in full. If the NCP is unable to make payment in full

1) The NCP will need to make satisfactory payment arrangements.

d. The decision to withdraw the NCP from Passport Denial lies solely with the Deputy Commissioner (IV-D Director) or his or her designee.

e. If the Deputy Commissioner (IV-D Director) or his or her designee approves the payment arrangement and all other requirements are met, release the Passport Denial via the emergency withdrawal process. Refer to 13.c. below.

11. Erroneous Referral

a. The Department of State defines erroneous referral as

1) Mistaken Identity- The wrong person is identified. This happens when a passport application partially matches information in the system used by the Department of State. Information used includes at least 2 matches from name, date of birth, place of birth, gender or SSN.

2) The child support agency submitted the wrong SSN.

b. When the NCP was referred erroneously, documentation in the automated system must clearly substantiate that the referral was in error.

Table of Contents

c. Release the Passport Denial via emergency withdrawal process. Refer to item 13.c. below.

12. Passport Needed as a Condition of Employment

a. If the NCP alleges that the passport is needed as a condition of continuing employment or as a requirement for an accepted job offer, request payment in full. If the NCP is unable to make payment in full, inform the NCP

1) He or she must provide written proof from the employer that the passport is needed for employment.

2) The Division requires verification from the employer that an *IWO* can be implemented.

3) Satisfactory payment arrangement must be made that includes a lump sum payment.

4) The decision to withdraw the NCP from the passport denial lies solely at the discretion of the Deputy Commissioner (IV-D Director) or his or her designee.

b. If the Deputy Commissioner (IV-D Director) or his or her designee approves the payment arrangement, release the Passport Denial via the expedited withdrawal process. Refer to item 13.b. below.

13. Withdrawal Processes

a. Automated Withdrawal Process

1) NCPs are removed from the Passport Denial Program when the Division notifies OCSS through the weekly automated process.

2) District Office staff update the Passport Denial Indicator on the Update Offset Indicators page in the automated system to exclude an NCP from Passport Denial.

b. Expedited Withdrawal Process

1) The Deputy Commissioner (IV-D Director) or his or her designee may approve the payment arrangement and expedited withdrawal of the NCP from Passport Denial.

2) An NCP qualifies for expedited withdrawal from Passport Denial if the NCP has paid arrearages in full and has an imminent need to travel or the NCP has been approved to travel for employment.

3) When expedited withdrawal criteria is met

a) Document the automated system when approval is received.

Table of Contents

b) Update the Passport Denial Indicator on the Update Offset Indicators page in the automated system.

c) Send an encrypted email to the regional Special Assistant that includes the NCP's name, date of birth, SSN, and reason for expedited withdrawal. The regional Special Assistant will notify OCSS of the expedited withdrawal via the Child Support Portal after verifying that the Passport Denial Indicator is updated correctly.

d) Do not issue the *Notice of Emergency Withdrawal of Passport Denial* for an expedited withdrawal.

c. Emergency Withdrawal Process

1) The Department of State's regulations establish the exceptions to the automated process as life or death situations involving an immediate family member or the erroneous submittal of an individual.

2) OCSS guidance indicates that the emergency withdrawal process may not be used for an NCP that was legitimately referred and has since met the Division's other requirements for release.

3) When emergency withdrawal criteria is met

a) Document the system when approval is received.

b) Complete the *Notice of Emergency Withdrawal of Passport Denial* on Division letterhead.

c) Update the Passport Denial Indicator on the Update Offset Indicators page in the automated system.

d) Scan, encrypt, and email the *Notice of Emergency Withdrawal of Passport Denial* to the regional Special Assistant. For life and death situations, include the verification of the death or medical emergency as listed in 10.a. above. The regional Special Assistant will notify the Department of State of the emergency via fax after verifying that the Passport Denial Exclusion Indicator is updated correctly.

e) Do not instruct the NCP to give the *Notice of Emergency Withdrawal of Passport Denial* letter to the Passport Agency. The Department of State requires that all states strictly adhere to the procedures.

14. Once a passport is issued, it is valid for 10 years, even if the NCP's arrearages later exceed $2,500. The passport can only be revoked during this period if it is submitted to the

Table of Contents

Department of State for revision, such as a change of name or to have pages added to a passport book.

15. Send the *Passport Issuance Tracking Letter* to the Department of State via overnight courier to obtain the passport issuance date.

(04/2013) (04/2014) (06/2016) (08/2017) (01/2018) (12/2018)

D. State Income Tax, Lottery Winnings and Vendor Payment Intercept (05/2024)

1. Federal regulations require states to have state laws with procedures for obtaining overdue support from State Income Tax refunds. The Virginia Setoff Debt Collection Act authorizes the Division to intercept State Income Tax refunds, Lottery Winnings and Vendor Payments for delinquent NCPs. This intercept process is handled through the Virginia Department of Taxation (Virginia Taxation).
2. Arrears Certification criteria
   a. Arrearages are owed to the Commonwealth, CPs or other agencies that have applied for IV-D Services.
   b. The arrearages equal or exceed 2 months' current support (monthly obligation x 2) for cases with current support due.
   c. The child support arrearages equal or exceed $25 for arrears only cases.
   d. The arrearages are enforceable. Refer to Enforcement Rules.
3. District Office staff take manual actions to prevent or delete the arrearages certification to the Department of Taxation when
   a. The arrearages are not enforceable. Refer to Enforcement Rules,
   b. A court order prohibits the Division from certifying the arrearages; the order may be entered before or after certification.
   c. A court order holds the arrearages in abeyance.
   d. The Director of Field Operations decides not to certify the arrearages based on exceptional circumstances.
   e. The Commissioner discharges the arrearages.
4. Monthly Additions, Modifications, and Deletions

Table of Contents

a. Additions, modifications, and deletions to the certified arrearages and updates to the intercept module are automated processes when

1) Arrearages accrue on a case not previously certified.

2) Additional arrearages accrue on a previously certified case.

3) A payment is posted to the arrearages.

4) An adjustment decreases or increases the arrearages.

5) The arrearages are paid in full or

6) The Commissioner discharges the arrearages and the automated system subaccount is adjusted.

b. IT Operations

1) Receives notification of the transmission of modifications and deletions to Virginia Taxation from the Division of Information Systems (DIS);

2) Receives notification of the transmission of the Rejection Report from Virginia Taxation to the DIS and

3) Sends bi-weekly addition, modification and deletion updates to Virginia Taxation.

5. Virginia 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 SSN is not on the Virginia Taxation file.

2) The name does not agree with the name on the Virginia Taxation file or

3) The combination of name and social security number are not on the Virginia Taxation file.

d. Generates reports of NCPs that Virginia Taxation rejected,

e. Freezes potential state tax refunds upon match,

Table of Contents

f. Mails the initial notice informing the NCP that the state tax refund payment will be forwarded to the Division and if only a portion of the payment is to be forwarded to the Division or the Division 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 the Division

6. Notification to and from Other States

For intergovernmental cases, 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.

7. Notification to the NCP

a. Virginia Taxation mails the NCP a notice that the state tax refund is being held for the Division.

b. The automated system generates a notice within 10 days of receiving notice from Virginia Taxation that the refund is being held. The NCP has 30 calendar days to file a written appeal. Refer to State Tax and Lottery Winnings Intercept.

8. Notices Returned by the USPS

a. State intercept notices are returned to the District Office

b. Update Participant Events indicating STATE TAX NOTICE RETURNED BY PO as the Event Description and enter the date the notice was returned in the Notes.

c. If the address on the automated system is different from the address on the notice, remail the notice to the new address. Update Participant Events indicating STATE TAX NOTICE REMAILED as the Event Description and enter the date the notice was remailed in the Notes.

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,

Table of Contents

2) Remail the notice and

3) Update Participant Events indicating STATE TAX NOTICE REMAILED as the Event Description and enter the date the notice was remailed and Department of Taxation as the information source in the Notes.

e. If the address on the automated system is the same as the address on the notice and there is no known employer for the NCP, refer the case to locate. Remail the notice when a new address is found.

9. When the Division receives the daily intercept notification from Virginia Taxation, the automated system

a. Generates the *State Income Tax/ Lottery Winnings/ Vendor Payment Intercept Notification to NCP*,

b. Transmits appeals to the Department of Taxation and

c. Generates the State Set-Off Debt Collection report.

10. State Intercept Collections Files

The automated system automatically

a. Processes payments.

b. Refunds payments to NCP if the non-TANF case is closed.

c. Generates reports and

d. Updates the NCP Intercept Data Page.

11. District Office staff immediately initiates a refund when arrearages were certified in error and the Division receives an intercept payment.

12. Payments Transferred by the Department of Taxation in Error

The SDU receives notice that a payment was transferred in error and processes the refund to the Virginia Taxation by Inner-Agency Transaction after the payment posts to the automated system.

(03/2016) (08/2017) (03/2020)

E. Department of Accounts Processing (08/2017)

Table of Contents

1. The Department of Accounts (DOA) decides if certain intercepted payments are 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, the Division can intercept the payment and the third party must settle with the student.
   a. The Specialist contacts the State Disbursement Unit (SDU) when the intercept of an educational loan or grant is challenged.
   b. SDU staff contact the DOA to reevaluate the intercept.
   c. The final decision as to whether the money can be retained is made by the DOA.
   d. SDU staff notifies the Specialist of the DOA's decision.
3. If the payment meets the definition of earnings, the amount that may be intercepted is determined by the Consumer Credit Protection Act. When an NCP challenges the intercept, calculate the amount that may be retained before a hearing. If Division staff are uncertain if the payment is earnings, contact the Program Guidance Team via the appropriate channels.
4. The DOA issues a check to the NCP if any money remains after the certified amount is paid to the Division.

7.7 Other Administrative Enforcement Services

A. Overview (05/2025)

This section provides guidance regarding additional administrative enforcement services that the Division uses that have not been previously covered in this Chapter.

(08/2017)

B. Pre-Court Monitoring Program (05/2025)

1. The Pre-Court Monitoring Program (PRCM) is one of the Division's Family Engagement Services. The Enforcement Specialist (Specialist) administers the PRCM, which is an alternative enforcement method based on very select circumstances that present a barrier to the NCP's ability to comply with the support obligation. Program participation is voluntary.
2. Responsibility of the Specialist

Table of Contents

a. During NCP interviews, if it appears that the NCP has barriers that hinder his or her ability to pay support, the NCP may be eligible for the Division's FES Team services. If the NCP meets eligibility criteria and is interested, provide the NCP with information regarding the Division's FES Team services. Refer to FES Team Case Referral.

b. If the NCP's only barrier to support order compliance is Division initiated driver's license concerns, enroll the NCP in PRCM if the NCP wants to participate.

c. If the NCP is not interested in participating in FES Team services or PRCM, and it has been more than 90 days since the Division received a payment other than an involuntary payment and the arrearages are at least $500, review the case for civil contempt referral. Refer to Civil Contempt Proceedings and Referral Process.

3. Administering the PRCM

a. PRCM participants are parents who have a valid VA driver's license and

1) Have received the *Notice of Intent to Suspend Driver's License* (*NISD*) or

2) Have a Division-only driver's license suspension and are not currently subject to a *Payment Agreement- Pre-DMV Suspension- Driver's License Suspension* or *Payment Agreement- Post-DMV Suspension- Driver's License Suspension* (both referred to as *Payment Agreement*) or have defaulted on a previous *Payment Agreement*.

b. The PRCM program assists participants with eliminating license suspension as a barrier to employment.

4. Enrollment and Participation Requirements

a. Explain to eligible parents that the driver's license suspension will be prevented or removed if he or she provides

1) A job offer verification or

2) Proof of registration with the Virginia Employment Commission or Virginia Workforce Connection and evidence of at least 2 weekly job search activities including submitted applications.

b. Enroll the NCP in PRCM upon receipt of the required information in a.1 or a.2 above. Create the Case Event on each of the NCP's cases and a Participant Event all with the Event Description NCP ENROLLED IN PRCM.

c. Advise the NCP that the PRCM program is limited to 90 days.

Table of Contents

d. Upon enrollment in PRCM, initiate reinstatement of the driver's license if the license is already suspended.

1) Obtain District Office management approval prior to initiating action to reinstate the driver's license.

2) The PRCM participant does not need to make a payment or enter into a *Payment Agreement* to have the license reinstated.

e. Review the case periodically but no less than every 30 days to verify that the parent is

1) Providing evidence of 2 weekly job search activities or

2) Making payments to satisfy current support (if any) and arrearages. For all orders (ASOs, Virginia court orders, and other state's orders), if there is no ordered arrears payment, the payment is the greater of

a) 25% of the current or, in arrears-only cases former, support obligation or

b) $65.

5. If the parent is substantially compliant with the program requirements in 4.e above, the parent can participate in in PRCM for up to 90 days.

6. If the parent is not meeting program requirements in 4.e above at any point in program enrollment,

a. Remove the parent from the PRCM program and

1) Suspend the driver's license if enrollment in PRCM prevented license suspension and it has been at least 30 days since the *NISD* was served. If not, suspend the driver's license once 30 days has passed; no further notice is required.

2) Restart the suspension process by generating and serving the *NISD* if enrollment in PRCM reinstated the license.

b. Review the case for civil contempt referral. Refer to Civil Contempt Proceedings and Referral Process.

7. If 90 days has passed since the NCP's PRCM referral and the NCP is compliant with 4.e.1 above but is not compliant with the support obligation, review the case for civil contempt referral. Refer to Civil Contempt Proceedings and Referral Process.

(10/2016) (08/2017) (09/2020) (09/2022)

Table of Contents

C. TANF Debt Compromise Program (04/2021)

1. The TANF Debt Compromise Program (the Program) provides an incentive for NCPs to discharge a portion of TANF debt owed to the Commonwealth based upon criteria set by the Division and the NCP's ability to pay.

2. The Program has 3 tiers based on the participant's income. To qualify to participate in the Program, the following criteria must be met.

   a. The NCP owes TANF debt to the Commonwealth of Virginia,

   b. The NCP completes the *TANF Debt Compromise Payment Agreement* (*Agreement)* and

   c. The order is a Virginia court or administrative support order.

3. If the NCP owes a TANF debt and the order on the case is a Virginia order but the NCP does not reside in Virginia, the NCP can still participate in the Program. Refer to Division Responsibilities.

4. Each tier includes additional requirements the NCP must meet to qualify for the Program.

   a. Tier 1

      1) The NCP's annual income is $40,000 or less.

      2) The NCP agrees to participate in Family Engagement Services (FES).

      3) The FES Case Manager completes the *Case Action Plan.*

   b. Tier 2

      1) The NCP's annual income is $40,000 or less.

      2) The NCP does not meet the criteria or does not want to participate in FES.

   c. Tier 3

   The NCP's annual income is greater than $40,000.

5. To participate in the Program, the NCP must enroll. Each enrollment is in effect for 1 year. After 1 year, the participant must re-enroll to continue in the Program.

   a. For Program participants enrolled in FES, the FES Case Manager manages the participant's case. Refer to Case Management, Case Manager Responsibilities and TANF Debt Compromise for Family Engagement Services Participants.

Table of Contents

b. For Program participants not enrolled in FES, the Enforcement Specialist manages the participant's case.

6. Do not refer the NCP for civil contempt when the NCP is participating in the Program and complying with the *Agreement*. Pursue all other enforcement actions as appropriate.

7. TANF Debt Reductions

The participant's TANF debt reduction is based on the qualifying Program Tier at the time of application.

a. Tier 1

1) A 5% reduction when the NCP successfully completes 2 of the *Case Action Plan* goals.

2) A 5% reduction when the NCP successfully completes the remaining *Case Action Plan* goals.

3) A 5% reduction when the NCP graduates from FES.

4) A 5% reduction when the NCP obtains employment and makes the required payment for 3 consecutive months. The NCP may receive this reduction until the *Agreement* expires.

5) A $1 for $1 reduction when the NCP makes the required payment for 3 consecutive months and makes a lump sum payment in the amount of $50 or more.

b. Tier 2

1) A 5% reduction when the NCP makes the required payment for 3 consecutive months. The NCP may receive this reduction until the *Agreement* expires.

2) A $1 for $1 reduction when the NCP makes the required payment for 3 consecutive months and makes a lump sum payment in the amount of $50 or more.

c. Tier 3

$1 for $1 reduction when the NCP makes the required payment for 3 consecutive months and makes a lump sum payment in the amount of $100 or more.

d. When calculating the amount to apply for the $1 for $1 reduction, use the lump sum amount. Lump sum payments may include payments received from federal tax intercepts. Do not include state tax intercepts, purge payments or payments from the *Order to Withhold* process.

Table of Contents

e. The NCP can receive reductions up to the total amount of TANF debt owed on all cases.

f. Once an NCP receives the 5% reduction or $1 or $1 reduction, the NCP does not qualify for another reduction until he or she makes required payments for 3 additional consecutive months or pays the equivalent of 3 monthly-required payments during a subsequent 3 consecutive months' time period.

EXAMPLE: The NCP makes his required monthly payments in March, April and May. The NCP receives a 5% reduction in June.

The NCP also makes his required June payment. The NCP will not qualify for a reduction in July due to making the required payment in April, May and June. The NCP will have to make payments in June, July and August before he or she receives another reduction.

8. Partially Compliant and Noncompliant Participants

a. If a participant makes a lump sum payment but has not paid the required payment amount for 3 months, he or she can receive a $1 for $1 reduction for the lump sum payment. To calculate the amount to apply for the $1 for $1 reduction:

1) Determine the required payment amount for all cases for the previous 3 months. Deduct the amount of the required payment amount from the lump sum amount.

2) Apply the remainder as the lump sum payment for the $1 for $1 reduction.

b. If an NCP fails to make a required monthly payment, the NCP can receive the reduction if he or she makes up the payment in the next month.

EXAMPLE: The NCP's required payment is $150. The NCP makes a payment of $150 in March but does not make a payment in April. In May, the NCP pays $300. The NCP qualifies for a reduction.

9. Non-enrolled NCPs

If an NCP is not currently participating in the Program, owes TANF debt to the Commonwealth, and wants to make a lump sum payment to receive the $1 for $1 reduction

a. Determine the NCP's qualifying tier and calculate the required payment due for all cases for the previous 3 months. Deduct this amount from the lump sum payment.

b. Apply the remainder as the lump sum payment for the $1 for $1 reduction.

(04/2018)

Table of Contents

D. Consumer Credit Agency Reporting (05/2024)

1. Federal and state law require child support agencies to report delinquent NCPs to Consumer Credit Reporting Agencies (CRA).
2. The Division reports arrearages to 3 consumer reporting agencies.
   a. Equifax
   b. TransUnion
   c. Experian
3. The Division only reports to the CRAs. These agencies also gather information by searching public records.
4. The Financial Response Team Supervisor in Home Office is the liaison between the Division and consumer credit reporting agencies. This Supervisor requests program and procedure changes and resolves concerns with interaction between the agencies and the Division.
5. The Home Office Financial Response Team
   a. Initiates files, reports and automated updates
   b. Monitors the actions initiated
   c. Coordinates with the CRAs and
   d. Provides technical assistance to District Office staff
6. District Office staff
   a. Monitor and adjust subaccount balances,
   b. Review cases and set indicators to prevent or correct erroneous referrals,
   c. Use e-OSCAR to remove arrearages referred to the CRAs in error,
   d. Process *Consumer Agency Reporting Notices* returned by the US Postal Service,
   e. File authorizations to release arrears information documents signed by the NCP and
   f. Review the Monthly Credit Bureau Removal Report, D398.
7. Notification and Referral Process

   Automated Notification to NCP

Table of Contents

a. The automated system generates monthly the *Consumer Agency Reporting Notice* (the *Notice*) via batch processing. The *Notice* tells NCPs that their arrearages will be referred to the CRAs and the initial reporting amount.

b. Criteria for generating the *Notice*

1) Arrearages are owed to the Commonwealth and/ or the CP on an active IV-D case.

2) On cases with current support due, arrearages are equal to or greater than 3 months of current support.

3) On arrears only cases, arrearages are at least $500.

4) The Present Status field on the Credit Bureau Reporting Status page is either blank if the NCP has not been previously submitted or D if the NCP was previously deleted.

5) The NCP lives in Virginia or, in long arm situations, the NCP resides out-of-state and no other states are enforcing the case. The Case Detail page shows the Interstate field as an R RESPONDING or blank.

6) The arrearages are enforceable. Refer to Enforcement Rules.

c. The automated system creates a Participant Event when the *Consumer Reporting Agency Notice* generates. L-LETTER -10 DAYS TO CONTEST appears in the Present Status field on the Credit Bureau Reporting Status page indicating that a letter has been generated to notify the NCP of the Division's intent to refer the arrearages to consumer credit reporting agencies.

8. New Referrals

a. When the automated system selects a NCP, it creates a Participant Event and changes the L-LETTER -10 DAYS TO CONTEST in the Present Status field to SUBMITTED-TO-AGENCIES to indicate the NCP's arrearages were referred to the CRAs.

b. The automated system refers the arrearages if the NCP does not contest the action within 10 calendar days. Refer to Reporting the NCP to Consumer Credit Reporting Agencies.

c. The file is forwarded to the CRAs.

d. The file includes new referrals and increases or decreases to arrearages previously reported.

Table of Contents

e. The automated system updates the L-LETTER -10 DAYS TO CONTEST with SUBMITTED-TO-AGENCIES in the Credit Bureau Reporting Status field to indicate arrearages have been reported to the CRAs.

f. The automated system updates the SUBMITTED-TO-AGENCIES with E-YOUNGEST CHILD EMANCIPATED on the Credit Bureau Reporting Status screen when the participant is no longer being reported because the youngest child has emancipated and the delinquency date is 7 years or older. This reporting status change creates the Participant Event NCP REMOVED FROM CRA CHLD EMANCIP.

9. Cases Not Referred

a. If the NCP has an L-LETTER -10 DAYS TO CONTEST in the Present Status field and his or her arrearages are less than 3 months of support or $500 on an arrears only case, the automated system changes the L-LETTER -10 DAYS TO CONTEST to a blank and does not select the NCP for submission.

b. If the Present Status field has an

1) A-AP APPEAL FILED. The referral is delayed for 60 calendar days while an appeal hearing and result is pending.

2) T- 60-DAY SUSPENSION. The referral is delayed for 60 days. Use this status when the NCP contests the arrearages and Division staff need to review information to determine if the case should be referred.

3) P- PERMANENT EXCLUSION. This reason is used when the Division decides that the NCP needs to be permanently removed from CRA reporting.

10. Referral with no Confirmed Address

a. If the NCP has an L-LETTER -10 DAYS TO CONTEST in the Present Status field and does not have a mail address or IRS address, *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. Generating the *Notice* to an NCP with an old address will create the worklist CBLN: CRED BUREAU LTR TO NCP OLD ADDR.

c. Upon receipt of the worklist the Specialist immediately initiates locate for the NCP.

d. Make diligent locate efforts when the *Notice* is returned for a bad address. Document every locate method used.

Table of Contents

e. Locate resources should include, but are not limited to:

1) DMV and Virginia Employment Commission

2) Department of Corrections

3) SPIDeR and VaCMS

4) The Employer Information Request

5) CLEAR

6) Review of other cases that pertain to the NCP and contact with CPs

f. Update the New Status field on the Credit Bureau Reporting Status page to T- 60-DAY SUSPENSION when the Division is unable to complete the locate process in 10 days.

g. Update the NCP's Participant Address List page when a verified address is found. Send the *Contact Letter to the Noncustodial Parent* to notify the NCP that the Division is referring the past due child support debt to the CRAs.

1) The arrears amount must be noted.

2) Suggested language to use

THIS IS A NOTICE TO YOU OF OUR INTENT TO REPORT YOUR SUPPORT ARREARAGES IN THE AMOUNT OF [ENTER ARREARAGES AMOUNT] TO THE CONSUMER CREDIT REPORTING AGENCIES. IF YOU CAN PROVIDE EVIDENCE WHY THIS AMOUNT IS INCORRECT OR SHOULD NOT BE REPORTED TO THESE AGENCIES, YOU MUST CONTACT THE DIVISION WITHIN 10 DAYS AT 1-800-468-8894.

11. Manually Generated Referrals

NCPs who owe less than the amounts listed above are reported manually when a consumer credit reporting agency requests information for a specific NCP as part of a security check or loan application.

12. Inquiry Functions

a. Review the Credit Bureau Reporting Status and Effective Date fields on the Intercept Data page to see if the arrearages have been referred.

b. If the Credit Bureau Reporting Status and Effective Date fields are not completed, review the case record to find out why the arrearages were not referred. Refer to the discussion of Stopping Automated Referrals below for reasons not to refer arrearages.

Table of Contents

13. Administrative Reviews and Appeals

Refer to Administrative Reviews and Appeals.

14. Stopping Automated Referrals

a. Division staff prevent the referral or initiate removal of arrearages referred to the CRAs when:

1) The arrearages are not enforceable. Refer to Enforcement Rules.

2) The NCP does not live in Virginia.

3) A judge orders the arrearages held in abeyance.

4) The Director of Field Operations decides not to refer the arrearages based on exceptional circumstances.

5) The Commissioner discharges the arrearages.

b. District Office staff take manual actions to prevent the referral of or to remove arrearages referred to the CRAs in error. Update case management and financial information as needed when the arrearages are unenforceable.

c. If updating case information resolves the referral, update Participant Events to explain the action taken.

d. If updating case information does not resolve the referral, update Participant Events with the Event Description CASE REFERRED TO SUPERVISOR. Document the Event Notes to explain the reason for the referral to the Field Supervisor and the requested action.

e. Field Supervisors, the assigned Specialist or designee

1) Set the New Status on the Credit Bureau Reporting Status page.

a) A-AP APPEAL FILED

b) P-PERMANENT EXCLUSION

c) R-REMOVE AP SUBMITTAL

d) T-60 DAY SUSPENSION

2) Reasons b and c require District Manager or designee approval.

f. Updating the system with P-PERMANENT EXCLUSION creates a Participant Event.

Table of Contents

g. For the other update status changes, update Participant Events, using the appropriate Event Description

1) For A, NCP APPEAL CRA REPORTING

2) For R, NCP REMOVED FROM CRA REPORTING

3) For T, NCP CONSUMER CREDIT REPORT SUSP

h. Update the Event Notes for all of the reasons listed.

1) If the NCP is removed from current submittal or permanently removed from submittal, the notes must indicate the District Manager or designee approved the removal.

2) If the NCP's submittal is being delayed for 60 days, clearly document the reason for the postponement.

15. Removing a Referral

a. Remove NCPs previously referred when

1) The arrearages are unenforceable

2) The arrearages were erroneously reported

3) A default order is amended and the amended arrearage balance is less than 3 months' support or $500 on an arrears only case.

4) A mistake was made in the NCP's identity

5) The Director of Field Operations authorizes the removal due to extraordinary circumstances or

6) Virginia requests the assistance of another state to enforce the order.

b. To remove the NCP's name from the CRAs

1) Ensure that the NCP is not linked to other cases where the arrearages are more than 3 months' current 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

a) Equifax

b) TransUnion

Table of Contents

c) Experian

4) Update the New Status field to R -REMOVE AP SUBMITTAL on the Credit Bureau Reporting Status page.

5) Document Participant Events with the Event Description NCP REMOVED FROM CRA REPORTING and document Event Notes with the detailed reason(s) for removal.

6) The automated system updates to indicate that the NCP has been referred for removal and includes the NCP on the Control-D Monthly Credit Bureau Removal Report, D398.

7) The Specialist sends the *Contact Letter to the Noncustodial Parent* to notify the NCP that he or she has been removed from consumer credit agency reporting.

16. If an NCP contacts the Division about his or her referral to a consumer credit reporting agency

a. The Financial Response Team and Customer Service Center

1) Document Case Events to show the contact and provide details in Event Notes. Refer to Case and Participant Events.

2) Worklist the Specialist to report contact,

3) Worklist the Specialist's Field Supervisor to report second contacts made after 10 days, with worklist notes explaining the situation.

b. The assigned Specialist receives the written request for an administrative review or appeal hearing. Within 2 business days of receiving the request

1) Forward the request for an appeal hearing if an appeal is requested. If a review is requested, conduct the review.

2) Update the New Status filed on the Credit Bureau Reporting Status page with A-AP APPEAL FILED for appeal requests or T-60 DAY SUSPENSION for review requests.

3) Verify the arrearages or worklist a fiscal staff to request arrears verification and include notes explaining the situation.

4) Remove the temporary hold after the case is reviewed and all necessary action is taken or the appeal decision is received.

17. The Financial Response Team staff receive, process or coordinate the processing of from consumer credit reporting agencies and financial institutions inquiries for a specific NCP.

Table of Contents

a. For a financial institution inquiry, request a signed authorization for release of information. Provide the information when the authorization is received.

b. For a consumer credit reporting agency inquiry, verify the identity of the caller or validity and request the NCP's name, address and SSN.

c. Limit the information provided to

1) High balance

2) Current balance and

3) The last 2 payments received

d. Document Participant Events with the Event Description ARREARAGES INFO REQUESTED and document Event Notes with the

1) Name of the entity and person requesting the information

2) Date of the request and how it was received (mail, fax or phone)

3) Date of the written authorization (for all inquiries other than the consumer credit reporting agencies)

4) High balance reported

5) Current balance reported and

6) Last 2 payments received reported

e. Include all additional documentation necessary. Refer to Case and Participant Events.

18. The Financial Response Team coordinates research of disputed referrals and complete Consumer Dispute Verification documents. Consumer credit reporting agencies delete disputed amounts when no response is received within 30 calendar days.

a. Reviews the NCP's cases' Case Account Statements and complete the Consumer Dispute Verification within 1 working day.

b. Create 2 Participant Event entries

1) CRA DISPUTE DOC RECVD MM/DD/YY using the date received.

2) CRA DISPUTE REV COMPL MM/DD/YY using the date verification was completed and returned.

Table of Contents

c. Add Event Notes that indicate the

1) Name of the consumer reporting agency that submitted the dispute document and

2) Amount reported in response to the dispute

19. *Notices* Returned by the Postal Service

a. Returned *Notices* are sent to Home Office to the Consumer Response Team, who sort and forward the *Notices* to the District Offices.

b. District Office staff create a Participant Event with Event Description CRA LTR RETD BY PO. Include in the Event Notes the date the *Notice* was received in the District Office and all additional documentation necessary. Refer to Case and Participant Events.

c. If the automated system as a different mail or residential address than the address the *Notice* was sent to, remail the *Notice* and update Participant Events with the Event Description CONSUM AGENCY LTR REMAILED MM/DD/YY using the date the *Notice* was remailed.

d. If the automated system lists the same address and no new address is found for the NCP, refer the case to Locate.

20. Case Closure

When a case closes and the receivable subaccount balance is adjusted to zero, the automated system reports the case to consumer credit reporting agencies one more time to update the files to zero.

(08/2017) (03/2022)

E. IRS Full Collection (03/2022)

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. However, this enforcement method is exceptionally rare and requests for this enforcement method must go through the Federal Office of Child Support Enforcement for assistance. If the NCP is not paying his or her child support, the Division has exhausted typical enforcement methods, including intergovernmental referral and the District Office would like to initiate IRS full collection services, contact the Program Guidance Team at pgt@dss.virginia.gov for assistance.

(08/2017)

Table of Contents

7.8 Judicial Enforcement Remedies

A. Overview (05/2025) (NEW SECTION)

1. The Division initiates judicial enforcement remedies to secure child support arrearages and/or to obtain support order compliance.
2. Judicial enforcement actions are used in conjunction with or in lieu of administrative enforcement actions.
3. Judicial enforcement actions include
   a. Liens
   b. Suspension of Occupational, Professional or Trade License, Certificate, Registration or Other Authority
   c. Civil Contempt Proceedings and Referral Process
   d. Registration of Foreign Support Order for Enforcement
   e. Bonds
   f. Foreclosures
   g. Seizure and Sale of Property
   h. Federal Criminal Prosecution
4. Use all appropriate enforcement remedies until the Division obtains support order compliance.

B. Liens (04/2023)

1. Overview
   a. If the NCP is delinquent in paying support on any court order or ASO, the arrearages create a judgment. A lien can be filed against and an attachment made on the NCP's property.
   b. A lien is an encumbrance on real or personal property based on support arrearages.
   c. A lien can be filed based on an ASO, a Virginia court order or another state's order.
   d. A filed lien preserves the debt for 20 years.

Table of Contents

e. A filed *Certificate of Extension of Limitation of Right to Enforce Judgment Lien* (*Certificate of Extension*) allows the Division to extend enforcement of liens filed in Virginia for an additional 10 years.

f. A lien filed by the Division is subordinate to the lien of any prior mortgagee and certain other prior liens.

g. A lien may be filed after the following has occurred

1) an ASO is properly served and 10 days have elapsed, or

2) after a court enters a support order,

3) and the NCP is delinquent in payments (an amount equal to 3 months of current support or $1000, whichever is greater).

Example: A court order was entered on 6/1/2020 for $200 per month in current support, $65 per month towards the arrearages of $2000. The lien may be filed 6/2/2020.

h. A lien may be filed, but is not required, when there is no evidence that the NCP owns real or personal property in Virginia.

i. The Division may only file one lien per support order against the NCP (one per Division case number) in each city or county where the NCP may have assets or property.

1) A lien based on child support debt is a continuing lien for any obligations between the parties and does not require any further filings.

2) If the Division case number remains the same, any modifications of the order would not require a new lien to be filed.

j. File the lien in the circuit courts of counties and cities where the NCP has attachable assets, or may own property, or may inherit or have future interest in property.

1) If the NCP has property in only one locality, file the lien(s) in that locality.

2) If the NCP has property in multiple localities, it may be appropriate to file liens in each locality where the NCP has property because a lien filed in one locality cannot attach to property in another locality.

3) If there is no evidence that the NCP has property in a locality, file the lien where the NCP works or resides.

Table of Contents

k. If the NCP 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.

l. Virginia accords full faith and credit to liens arising in another State.

2. Filing a lien

a. When an *ASO* was properly served and 10 days have elapsed since service of the *ASO,* or when a court order for support has been entered, generate the *Lien for Support Debt*.

b. If the NCP appeals the *ASO*, after all appeal processes are resolved, generate the *Lien for Support Debt*.

c. When the court returns the recorded *Lien for Support Debt*, document the automated system to indicate the recorded filing information of the *Lien for Support Debt*.

3. Filing a lien extension

a. When at least 19 years, but less than 20 years has passed since the lien filing date, file a *Certificate of Extension.*

b. Generate the *Certificate of Extension* and make a copy of the document.

c. Sign the *Certificate of Extension* in the presence of a notary. Signatures must be original and not photocopied.

d. Submit the *Certificate of Extension* at least 30 days prior to the expiration of the date of the original lien to extend enforcement of the lien for 10 years. The *Certificate of Extension* must be recorded with the court prior to the expiration of the original lien.

e. Submit one additional *Certificate of Extension* at least 30 days prior to the expiration of the original 10-year extension to extend enforcement of the lien for 10 years from the date of the original 10-year extension. The second *Certificate of Extension* must be recorded with the court prior to the expiration of the original 10-year extension.

f. Send the original and the copy of the *Certificate of Extension* to the same circuit court as the original lien.

g. When the court returns the recorded *Certificate of Extension*, access the original lien record and edit the document to create a note on the lien record indicating the recorded date of the *Certificate of Extension* as follows: CERTIFICATE OF EXTENSION RECORDED ON DD/MM/YYYY.

Table of Contents

4. 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. When the case is closing, generate the *Lien for Support Debt Release*. Refer to Case Closure Procedures.

   c. If a *Certificate of Extension* has been filed, select the original lien record to release the lien.

   d. If a *Certificate of Extension* has not been filed, release liens filed over 20 years ago. Enter a release date of 20 years from the filed date in the automated system, using the same book, page, item number on the filed lien. Document that the lien was released because it was over 20 years old and the court no longer has a record of it.

   e. When the court returns the recorded *Lien for Support Debt Release*, document the automated system indicating the recorded filing information of the *Lien for Support Debt Release*.

5. 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.

Table of Contents

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.

6. Calculating and Issuing the Lien

a. The period in which the arrearages 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).

b. Total support due for this period would equal total CSUP obligations, including any initially assessed debt, all interest charged in that period and fees.

c. Total payments made for the period would be calculated using the same period in item c above.

d. Remaining arrearages due for this period would result from subtracting the total payments made in the period from the total support due for the same period.

7. Foreclosure

Foreclosure is a forced judicial sale of the NCP's real or personal property and is used when the NCP has property in Virginia and other enforcement efforts are exhausted. Proceeds from the sale are used to pay the NCP's arrearages.

a. A lien must be in place prior to initiating foreclosure.

b. The District Office consults with the District Office's Legal Counsel to determine the effectiveness of using foreclosure proceedings. The Field Supervisor, District Manager and Legal Counsel must approve this enforcement method.

c. Legal Counsel files the foreclosure petition.

d. Document Case Events to indicate

1) Detailed information about the property

2) Equity and balance owed and

3) The date and results of the judicial hearing

8. Fraudulent Transfers

Table of Contents

If the Division becomes aware of a situation where an NCP has transferred income or property to avoid paying child support, refer the case to the District Office's Legal Counsel to review and initiate any appropriate action.

(07/2013) (06/2017) (08/2017) (09/2020) (01/2021)

C. Bonds (08/2017)

A bond is a written instrument guaranteeing performance or payment under specified conditions.

1. The Division may request that the court order the NCP to post a bond to guarantee payment of support.
2. This request may be made either in an initial petition or in a subsequent show cause petition.
3. The judge sets the bond at an amount determined by the court to be appropriate.
4. The NCP posts the bond with the clerk of court.
5. If the NCP defaults in payment, the Division files a *Motion for Show Cause or Capias*. After the court hearing, the bond may be forfeited in part or in full.

(12/2012)

D. Civil Contempt Proceedings and Referral Process (05/2025)

1. Federal regulations require the Division to determine an NCP's ability to comply with the support obligation before referring a case for civil contempt (show cause) proceedings. The Division must provide the court with information showing the NCP had the ability to pay support or otherwise comply with the order.
2. Screening the NCP's cases prior to referral for civil contempt ensures that the Division
   a. Exhausts all appropriate administrative enforcement actions.
   b. Investigates the NCP's current ability to pay support.
   c. When applicable, attempts to address barriers that affect the NCP's ability to pay support.
3. Do not file the *Motion for Show Cause Summons or Capias* (*Motion*) when
   a. An NCP is successfully complying with the requirements of an administrative FES *Case Action Plan* and

Table of Contents

1) It has been less than 90 days since the case was referred for FES Team services or

2) It has been more than 90 days since the case was referred for FES Team services and the NCP is also complying with paying the support obligation.

b. An order review and adjustment has been initiated based on the NCP's approval or receipt of disability benefits or

c. The *Show Cause Assets Checklist* (*Checklist*) does not indicate that the NCP has an ability to pay or comply with the support obligation.

4. For cases assigned to the Enforcement Specialist, begin the process for civil contempt referral screening when the NCP has made no payments or only nominal payments in the last 90 days.

   a. Ensure all case appropriate administrative actions are taken or not available. Refer to Enforcement Rules and FES Team Case Referral.

   b. If all appropriate administrative enforcement actions have been unsuccessful in obtaining the NCP's support order compliance, proceed to item 6 below.

5. For cases assigned to the FES Team Case Manager, begin the screening process for civil contempt referral when

   a. The NCP is not substantially compliant with the requirements of the *Case Action Plan* or

   b. The NCP is substantially compliant with the *Case Action Plan* but is not paying support as ordered and 90 days have passed since the NCP was referred for FES Team services.

6. To determine the NCP's ability to pay or otherwise comply with the support obligation, complete the *Checklist*. To complete the *Checklist*

   a. Use Case Events and Participant Events documentation, including information obtained during interviews.

   b. Request a consumer credit report (credit report).

      1) Review Case Events for all the NCP's cases and the NCP's Participant Events for the previous 12 months to verify that a credit report has not been requested within the last 12 months. If the review shows that no credit report has been requested within the last 12 months, notify by worklist all the NCP's workers that may be reviewing the NCP's cases for civil contempt referral that a credit report has been requested.

Table of Contents

2) Do not request more than 1 credit report per 12-month period. A credit report request is a hard inquiry (shows up negatively on a credit report). Request the credit report only when the Division is reviewing the NCP's ability to pay for the civil contempt referral process.

3) Review the credit report for assets and financial obligations, such as mortgage, credit card installment or loan payments, to determine if the NCP is currently meeting these obligations.

4) Once the report is requested, document Participant Events.

a) Create a SELF event with the Event Description CREDIT REPORT RUN ON MM/DD/YY.

b) Detail the findings in Event Notes for the SELF event CREDIT REPORT RUN ON MM/DD/YY.

5) Do not print or image the credit report.

c. Review FCR/Locate Match information, automated systems information and any other appropriate resources. Refer to Locate Resources.

d. Complete the *Checklist* as thoroughly as possible. If the information requested is not found or not applicable, indicate such on the *Checklist*.

e. If the NCP meets the criteria as indicated on the *Checklist*, proceed to file the *Motion*, unless the District Office management or Legal Counsel determine that it would not be appropriate to file the *Motion*.

1) It may not be appropriate to file the *Motion* if the court has demonstrated an unwillingness to enforce the child support order.

2) The Field Supervisor makes the final determination about filing the *Motion* in these situations.

f. Document Case Events to indicate that the *Checklist* was completed. Image the *Checklist* and retain in the case record.

7. Upon referring a case to court for civil contempt, send the *Important Notice Regarding Court Action* (*Notice*) to the NCP. The *Notice* generates at the time the *Motion* is filed.

8. The Division sends the *Notice* to the NCP as the NCP must be notified prior to the hearing. A payment card or the *Ways to Pay* flyer may be enclosed with the *Notice*.

Table of Contents

9. The *Notice* tells the NCP that

   a. His or her case has been referred to court and the name of the court,

   b. An attorney fee may be charged and

   c. His or her ability to pay is the critical issue in the civil contempt action.

10. Thoroughly document Case Events any time that administrative enforcement remedies are unsuccessful, and the Division makes an exception for initiating judicial enforcement action.

(12/2012) (08/2017) (03/2018) (09/2020) (03/2022) (09/2022)

E. Seizure and Sale (08/2017)

The Division can seize the NCP's assets and sell them at auction to pay child support arrearages. However, this enforcement method is rarely used. If the NCP is not paying his or her child support, the Division has exhausted typical enforcement remedies and the District Office would like to initiate seizure and sale of assets, contact the Program Guidance Team at pgt@dss.virginia.gov for assistance.

F. Federal Criminal Prosecution (03/2022)

1. The willful failure to pay past due support for a child living in another state is a federal crime.

   a. The Federal Office of Child Support Services (OCSS) 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) to enforce federal criminal child support laws.

   b. Because all states have enacted the 2008 amendments to the Uniform Interstate Family Support Act (UIFSA 2008), the need for referral for federal prosecution is very rare. UIFSA 2008 establishes standards for personal, subject matter and long-arm jurisdiction as well as well as procedures for registering and enforcing foreign support orders.

   c. The Division must show that all reasonable, applicable and available enforcement remedies have been unsuccessful before referring a case for PSOC.

2. Federal criteria for qualification for federal prosecution are

   a. The NCP is not currently paying child support and has not paid for more than 1 year or is $5000 in arrearages and

Table of Contents

b. 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

3. 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.

4. Because the NCP is subject to criminal sanctions under this process, this remedy is used only for the most egregious cases.

5. Division criteria for selecting cases for referral

a. The federal criteria for referral are met.

b. The case must be

1) An active IV-D Division case and

2) An interstate case with one parent residing in Virginia and the other parent residing in another state

c. For an NCP who resides in Virginia, whether or not and his/her specific location is known,

1) There must be evidence of a pattern of avoidance.

2) The Division must 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.

3) The CP and child must reside out of state.

Table of Contents

d. 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.

1) If enforcement was unsuccessful due to the noncooperation of the other state's IV-D agency rather than the action being unsuccessful, take steps to notify OCSS of the noncooperation.

2) Noncooperation by another IV-D agency is not a reason to refer a case for federal prosecution.

e. A current support order exists. This remedy is not used for arrearages only cases unless the Division can provide a compelling reason for the United States Attorney's Office (USAO) to pursue the case.

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; all other District Offices must refer their cases to the State PSOC Coordinator.

(03/2016) (08/2016) (04/2017)

7.9 Enforcement Procedures

A. TANF Debt Compromise Procedures (04/2021)

1. Implementation and NCP Notification

a. The Division notifies NCPs about the TANF Debt Compromise Program (the Program).

1) Eligible NCPs with telephone numbers will receive an automated call that provides information about the Program.

2) NCPs not reached by telephone will receive a TANF Debt Compromise Postcard (Postcard) if there is a mailing address for the NCP in the automated system. The Postcard:

a) Provides a brief introduction to the Program and

b) Asks the NCP to visit a District Office to participate.

b. If the NCP contacts the Customer Service Center, tell the NCP that he or she must meet with the Enforcement Specialist (the Specialist) to apply for the Program. If the NCP

Table of Contents

requests an appointment, transfer the call to the District Office. For calls received after business hours, send a worklist to the Specialist and Administrative Assistant.

c. District Office Staff

1) Schedule the NCP for a meeting to discuss his or her case and to complete the TANF Debt Compromise Payment Agreement (the Agreement).

a) When the Customer Care Center transfers the NCP's call, the Receptionist schedules the appointment and notifies the Specialist of the appointment.

b) When the Customer Service Center worklists the Specialist, the Specialist returns the NCP's call the same or next business day and schedules the appointment.

2) Provide the Postcard to all NCPs with newly established Virginia orders that include TANF debt.

d. The Postcard and Agreement are available through the warehouse.

2. The NCP Interview

a. The NCP must meet with District Office staff. If the NCP is unable to meet in person, resides in Virginia, and wants to participate in the Program, the NCP may participate in the interview telephonically.

b. During the interview

1) Determine the NCP's income by using information provided by the NCP. Review the NCP's quarterly income to ensure the accuracy of reported income.

2) If the NCP is unemployed or has income of $40,000 or less, provide the NCP with information about Family Engagement Services (FES). If the NCP wants to participate in FES, the NCP must meet in person with the FES Case Manager. Refer to TANF Debt Compromise for Family Engagement Services Participants.

3) If the NCP does not want to or is not eligible to participate in FES, determine the NCP's qualifying tier for the Program and provide the NCP with information about that tier. The NCP will only qualify to participate in Tier 2 and Tier 3 of the Program if he or she is not enrolled in FES.

c. Ensure completion of the Agreement during the interview.

3. The TANF Debt Compromise Payment Agreement (the Agreement)

Table of Contents

a. The NCP completes the Agreement during an in person interview.

b. The Enforcement Specialist

1) Completes both sides of the Agreement for telephonic interviews.

2) For telephonic interviews, sends the NCP the Agreement with a letter requesting that the NCP sign the "Office Use Only" portion and return the completed document to the District Office.

3) For all interviews

a) Provides the NCP with a copy of the completed payment agreement portion of the Agreement.

b) Images a copy of the completed and signed Agreement for the case record.

c. Once the NCP completes and/or returns the Agreement, update the NCP's Participant Detail page in the automated system.

1) Place a checkmark in the Debt Compromise Eligible Indicator. A checkmark in the checkbox means the NCP is participating in the program.

2) Update the Required Monthly Payment Amount.

3) When the indicator is updated, the automated system

a) Updates the Indicator Effective Date.

b) Displays a message indicating that the NCP is participating in the program in the Notification Box.

c) Creates the NCP Participant Event type TDCE, with the Event Description TANF DEBT COMPROMISE ELIGIBLE.

d. Document the TDCE Participant Event with Event Notes that indicate the

1) Tier the NCP qualifies for

2) Total TANF debt owed at the time of the Agreement and

3) Required monthly payment. The required monthly payment is the sum of all the NCP's cases regardless of case type.

EXAMPLE: The NCP has an annual income of $24,000. The NCP has signed up to participate in FES. The NCP has two cases and has a required payment of $175.00 on one case and

Table of Contents

$65.00 on another case. The NCP owes $3,140 TANF debt on one case and there is no TANF debt on the other case.

Document the TDCE Participant Event with the following Event Notes:

TIER 1, TOTAL TANF DEBT OWED $3,140, REQUIRED PAYMENT $240.

4. Calculate the required minimum payment for eligibility in the Program.

   a. When current support is due, add the current support amount plus the ordered arrears payment or $65.00, whichever is less.

   b. When current support is not owed, use $65.00 per month for each arrears only case or the court ordered arrears amount, whichever is less.

   c. The NCP is still responsible for their ordered current support and the ordered arrears amount. a. and b. above are the required minimum payments that must be made to be eligible to participate in the program.

EXAMPLE 1

The NCP has a current support obligation of $175 per month. There is no ordered arrears payment. The total required payment is $175 plus an arrears payment of $65. The required payment is $240 per month.

EXAMPLE 2

The NCP has 2 cases. The first case has a current support obligation of $100 and an ordered arrears payment of $50 per month. The second case is arrears only and has an ordered arrears payment of $25 per month.

The required payment for case 1 is $150 ($100 CSUP plus $50 arrears payment). The required payment for case 2 is $25. The total required payment is $175 per month.

EXAMPLE 3

The NCP has 2 cases. The first case has a current support obligation of $65 per month and no ordered arrears payment. The second case is an arrears only case with an arrears payment of $100 per month.

The required payment for case 1 is $130 ($65 CSUP plus $65 arrears payment). The required payment for case 2 is $65 ($65 is less than $100). The total required payment is $195.00 per month.

Table of Contents

5. Removal from the Program

a. One year after the Agreement's enrollment effective date, District Offices will receive monthly reports listing participants whose annual agreements have expired. The enrollment effective date is the date the FES Case Manager or Enforcement Specialist receives the completed and signed TANF Debt Compromise Payment Agreement and updates the automated system. To remove the participant from the Program, District Office staff

1) Update the NCP's Participant Detail page.

2) Remove the checkmark from the Debt Compromise Eligible Indicator. When the checkmark is removed from the Indicator, the automated system

a) Updates the Indicator Effective Date

b) Creates the NCP Participant Event, TDCR, with the Event Description TANF DEBT COMPROMISE REMOVED.

b. Send a letter to inform the NCP that he or she has been removed from the TANF Debt Compromise Program because his or her TANF Debt Compromise Payment Agreement has expired. The NCP must meet with a caseworker and reapply to continue participating in the Program.

c. Do not remove an NCP from the Program if he or she does not make payments as agreed. Only remove NCPs when the enrollment expires and the NCP fails to reapply for the Program.

(04/2018) (12/2020)

Table of Contents

Chapter 8: Review and Adjustment

8.1 Review and Adjustment Process

A. Overview (09/2022)

1. Current support owed cases and arrears only cases may be reviewed.
2. 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. Request may be submitted
   a. Using the *Request for Review and Adjustment*,
   b. Informally in writing,
   c. Via email to dcserevadjteam@dss.virginia.gov, askdcse@dss.virginia.gov or directly to Division staff,
   d. Via the MCS portal or
   e. Verbally to Division staff, including the Division's Customer Service Center.
3. Active obligated TANF and IV-E FC cases must be reviewed every 36 months from the date the last support order was entered or the date the last review was completed. The automated system generates the CFRA 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.
4. When both parents are noncustodial and a review begins on a TANF, IV-E FC, Non-IV-E FC or arrears only DJJ case, conduct a review on both cases, if a review on both cases is appropriate. Both cases for non-TANF caretakers do not have to be reviewed if a review of the child support obligation is only received for one case.
5. The Division may conduct a review
   a. Every 36 months at its option or when requested by either party or another child support agency.
   b. When it has been less than 36 months since the last support order was entered or the last review was completed, if special circumstances exist and the requesting party provides the reason for the review and required documentation. Refer to Special Circumstances Criteria for Earlier Review.

Table of Contents

6. Once the review is initiated, complete the review process unless there is a written or verbal 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 provide the necessary information and the Division is unable to verify independently. Refer to Termination of a Review and Adjustment.

7. Complete the Review Process within 180 days of:

   a. Receiving a review request and it has been 36 months or more since the last order was entered or the last review was completed.

   b. Receiving a request that provides the reason and supporting documentation of special circumstances when it has been less than 36 months since the last support order was entered or the last review was completed. Refer to Special Circumstances Criteria for Earlier Review.

   c. Receiving notification that a 36 month review is required on an active obligated TANF or IV-E FC case.

8. The Review Process includes

   a. Contacting the case participants by phone or email to obtain required information and determine the appropriate service of process.

   b. Sending and serving the notice that a review will be conducted

   c. Conducting the review

   d. Adjusting or deciding not to adjust an *ASO* or referring or not referring a court order for modification in accordance with Virginia's Child Support Guideline

   e. Sending the post-review notice, when applicable

   f. Ensuring that a modified order is entered, when applicable and

   g. Updating the automated system appropriately

9. The automated system generates the *Notice of Right to Request a Review and Adjustment* 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) (03/2016) (08/2017) (12/2018) (01/2020) (09/2020) (02/2021) (04/2021) (07/2021)

Table of Contents

B. Deciding Whether to Conduct the Review (09/2022)

1. When a review request is received, create a SELF event in Case Events to document receipt of the request. Refer to Processing the Review Request and the SELF Events Documentation Table for documentation requirements.
2. Make a decision whether to conduct the review within
   a. 5 business days of receiving the CFRA worklist identifying that 34 months have elapsed since the last order was entered or the last review was completed in a TANF or IV-E FC case. If the worker does not disposition the CFRA worklist or generate the *Notice of Proposed Review (NOPR)* the day the worklist is received, the automated system starts the review process and issues the *NOPR* via overnight batch-processing.
   b. 3 business days of receiving a request for a review if 36 months have elapsed since the last order was entered or the last review was completed.
   c. 3 business days of receiving a request for a special circumstances review (less than 36 months since the last order was entered or reviewed) that provides the reason for the request. Refer to Special Circumstances Criteria for Earlier Review.
3. Update the review Request Type on the Review and Adjust page in the automated system, unless the review is being handled by another Intergovernmental agency. Refer to Jurisdiction Principles. When another Intergovernmental agency is responsible for the review, update Case Events as indicated in the SELF Events Documentation Table. Refer to the iAPECS User Guide Chapter 5, Order Management for more information.
4. When both parents are noncustodial and a review begins on a TANF, IV-E FC, Non-IV-E FC, or arrears only DJJ case, conduct a review of both cases if a review on both cases is appropriate. Use RQDC REQUEST BY DCSE for the Request Type to start the review on the other case.

(06/2014) (06/2015) (08/2017) (12/2018) (03/2020) (02/2021) (04/2021) (07/2021)

C. When the Review is Not Conducted (03/2022)

1. Do not conduct the review if
   a. Either party cannot be located.
   b. The order was entered or a review was completed less than 36 months ago and special circumstances do not exist. Refer to Special Circumstances Criteria for Earlier Review.

Table of Contents

1) If the requesting party provides the special circumstances documentation after the review is denied or terminated because the documentation was not timely, treat the receipt of the information as a new request.

2) If the current order was established under prior guidelines and it is determined that the review should not be conducted and other special circumstances do not exist, do not conduct the review.

c. The case has an active *Pendente lite* order. Refer the case to Legal Counsel to determine the status of the *Pendente lite* order, including whether there is a hearing date set to enter a final order and, if not, what steps need to be taken to schedule a hearing date.

d. The case is a TANF or IV-E FC case, 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 has been determined by the LDSS.

2) If Good Cause is claimed by the CP during the review process, stop all action and refer the case to LDSS for a Good Cause determination. If the LDSS determines there is good cause, terminate the review and close the case. Refer to Local Department of Social Services and Division Interactions and Reasons for Case Closure.

e. The case is a NIVD case.

f. A special circumstances review is requested due to a change in the NCP's income resulting from the ending of secondary employment obtained to discharge a child support arrearage. Refer to Determining Income.

g. 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.

2. When a determination is made that the review will not be conducted, update the automated system.

a. Use the appropriate Non-Review Reason code on the Order Management > Review and Adjust page.

1) If the review is not conducted because either party cannot be located,

a) use the Non-Review Reason NOML NO MAIL ADDRESS or,

Table of Contents

b) if the case is referred to locate, LOCT CASE IN LOCATE.

2) The automated system will generate the RARS NEW ADDRESS RESTART REVIEW worklist when a mailing address is updated for the party. Upon receipt of the worklist, conduct the review.

3) If the order was established under prior guidelines and it is determined that the review should not be conducted, use the Non-Review Reason RD36 ORDER LESS THAN 36 MONTHS OLD or RDND REVIEWED LESS THAN 36 MONTHS AGO.

b. The *Review Request Denied* letter notifies the requesting party that the review will not be conducted. The automated system generates the *Review Request Denied* the same day the Non-Review Reason is updated on the Review and Adjust page. If the review is not conducted because the case is a NIVD case, send an application packet for IVD services the same day the Non-Review Reason is updated.

c. Add Event Notes to the RARD REVIEW REQUEST DENIED LETTER Case Event to document the factors considered in denying the review.

(08/2017) (12/2018) (05/2019) (01/2020) (09/2020) (02/2021)

D. Special Circumstances Criteria for Earlier Review (09/2022)

1. When it has been less than 36 months since the last order was entered or the last review was completed, conduct the review only when special circumstances exist and the requesting party provides required documentation or the Division verifies the information independently. Refer to Corroborating Documentation for detailed guidance for acceptable documentation to confirm the special circumstance.

   A special circumstance is determined to exist when the following criteria are met

   a. A child needs to be added to an order because of a birth or a physical change in custody when paternity is not an issue. 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 needs to be added to an order because of becoming uncapped due to the TANF Family Cap Provision being eliminated.

   c. 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.

Table of Contents

d. A health care coverage obligation needs to be added to the order. No documentation from a requesting party is necessary.

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

f. The health care coverage insurance premium increases or decreases by at least 25%. When possible, the Division should determine if the increase or decrease is at least 25%. If the *Child Support Guidelines Worksheet* is available, compare the change and determine if it meets the criteria. Conduct the review if a determination cannot be made.

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

h. The existing child support order does not include the reasonable and necessary unpaid expenses of the mother's pregnancy and delivery of a child born during the 6 months before the date of the application provision and the application was received on or after 7/1/2020. No documentation from a requesting party is necessary.

i. The CP's work-related childcare expense increases or decreases by at least 25%. When possible, the Division should determine if the increase or decrease is at least 25%. If the *Child Support Guidelines Worksheet* is available, compare the change and determine if it meets the criteria. Conduct the review if a determination cannot be made.

j. Either parent's income increases or decreases by at least 25%. Income verification should be provided.

1) If a self-employed parent is unable to provide proof of loss of income, refer the case to Legal Counsel. If no response is received from Legal Counsel within 3 business days of receiving the review request, start the review.

2) If the requesting party is unemployed, refer to Deviation from the Child Support Guidelines to determine if imputing income is appropriate.

Do not include secondary employment income obtained by the NCP if:

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. Refer to Determining Income.

Table of Contents

3) When possible, determine if the increase or decrease is at least 25%. If the *Child Support Guidelines Worksheet* is available, compare the change and determine if it meets the criteria. Conduct the review if a determination cannot be made.

k. Reserve or National Guard personnel have a change of income due to recall to active duty. Documentation that supports a return to active duty should be provided.

l. The NCP begins receiving Social Security benefits. Refer to NCP is Receiving Social Security Benefits.

m. The parent who owes child support is incarcerated for 180 or more consecutive days.

n. 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.

1) Using the *Child Support Guidelines Worksheet* completed at the time the order was established, determine the combined adjusted monthly gross income. Compare the Basic Child Support Obligation for the current support order with the Basic Child Support Obligation that would be due under the updated Child Support Guidelines based upon the combined adjusted monthly gross income.

a) If the amounts show a difference of at least 10% (higher or lower) and a change of at least $25 per month, conduct the review. Granting the review may or may not result in a new order being issued. Proceed with the review and adjustment process.

b) If the amounts do not show a difference of at least 10% or $25, do not conduct the review unless other special circumstances exist. Refer to When the Review is Not Conducted.

2. 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.

a. 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, contact the other party's employer to verify income.

b. If the Division disproves the allegation, deny the review. Proceed with the review if the allegation is proven or cannot be verified.

Table of Contents

c. Do not deny the review if the requesting party cannot prove the change in circumstances is a 25% increase or decrease.

3. When the review will not be conducted because special circumstances do not exist, refer to When the Review is Not Conducted.

4. If special circumstances exist, proceed with the review and adjustment process. Refer to Reviewing Administrative Support Orders or Modifying Court Support Orders.

(06/2014) (06/2015) (08/2017) (12/2018) (07/2020) (02/2021)

E. NCP is Receiving Social Security Benefits (09/2022)

1. The Division initiates a review and adjustment when an NCP begins receiving Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI) or a combination of SSDI/SSI, or a combination of SSI/Social Security Retirement (SSR).

2. Conduct a review on SSI cases even when coded unworkable to ensure that the order is based upon the current financial situation of the parties prior to case closure.

3. If the NCP has multiple cases, a review will begin on all cases with a current support order.

4. If the order must be modified by another state, the other state determines whether a review is conducted. When the NCP receives SSI and the other agency will not conduct the review, the case may be closed.

5. The automated system

a. Updates the Review Request Type to RQSS REVIEW DUE TO RECEIPT OF SOCIAL SECURITY BENEFITS when the Benefit Indicator on the NCP Supplemental page is updated by a SVES match or by the worker.

b. Generates a *Notice of Proposed Review* (*NOPR)* to the NCP and CP, along with a *Financial Statement* for both parties to complete and return.

6. If an automated match is not received, the worker updates the automated system using RQSS as the review type.

7. Serve the *NOPR* on both parties, since the Division is the requesting party.

8. Follow procedures already in place for conducting a review for *ASOs* and court orders. Refer to Determining Income (12/2018), Deviation from the Child Support Guidelines (08/2017) and/or Review and Adjustment Procedures.

Table of Contents

9. The outcome of a review conducted on a SSI and/or SSDI case may result in a current support order lower than the statutory minimum.

10. For a case with an *ASO*

    a. SSI only cases and combination SSDI/SSI or SSR/SSI cases

        1) When completing the *Child Support Guidelines Worksheet* select Income Type as Sole SSI for the appropriate parent.

        2) The current support obligation will be $0.

        3) Establish arrearages owed even though the Division cannot enforce the arrearages.

        4) Select the statement on the *ASO* indicating that the NCP is exempt from the presumptive minimum monthly child support obligation because he or she is a recipient of SSI.

        5) Review the case for closure based on CINS after a new order is entered, if warranted, and properly served. Refer to Reasons for Case Closure.

    b. SSDI or SSR only cases

        1) Complete the *Child Support Guidelines Worksheet*

            a) Include the monthly derivative benefit the child receives based on the NCP's disability in the NCP's Monthly Gross Income.

            b) List the monthly derivative benefit the child receives in the Statutory Benefits field. Giving the NCP credit for the monthly derivative payment the child receives will not result in a negative current support obligation. The lowest support obligation defaults to $0 in the automated system.

            Refer to Determining the Monthly Child Support Obligation.

        2) Select the statement on the *ASO* indicating that current support is reduced by the child or children's share of the parent's disability compensation.

        3) Establish arrearages owed and a payment towards arrearages, as applicable, even if current support is $0.

    c. The *ASO* is effective the date the *NOPR* is served on the second party (later date of service).

11. For a case with a Virginia court order:

Table of Contents

a. Immediately file a *Motion to Amend or Review Order* with the appropriate court without waiting for the return of the *Financial Statement*. The fact that the NCP is now the beneficiary of SSI and/or SSDI benefits qualifies the case for review for modification.

b. Retain the completed *Financial Statements* in the case file for reference in court.

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

a. For ASOs, apply the credit if the benefit the child receives is more than the monthly support obligation calculated based upon the review.

1) To calculate the credit, verify the months covered by the lump sum payment using SVES. The credit is applicable from the NCP's social security disability entitlement date until the modified order is entered.

2) Any credit from this procedure may reduce arrearages that have accrued but cannot reduce future arrearage, cause a credit balance or contribute to the basis for a refund for the NCP.

Example: The NCP's social security entitlement date is July 1, 2017. In December 2017, the support obligation is modified to $100 per month. The child receives $150 per month as a derivative payment.

The difference between the child's derivative payment, $150, and the new support obligation, $100, is $50 per month. The NCP receives a credit for $50 per month multiplied by 5 months (July to November). Apply the credit against any arrearages due on the case if applicable. In this example, the credit given is $250.

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

c. Refer the case to fiscal staff to complete any necessary adjustments.

(05/2013) (09/2013) (01/2017) (12/2018) (02/2021)

F. NCP is Incarcerated (04/2023)

1. If an NCP requests a review and the NCP's current period of incarceration will be less than 180 days when the request is made, take the following actions

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

Table of Contents

b. If the review is requested due to incarceration,

1) Update the Non Review Reason field on the Review and Adjustment page to NRIN INCARCERATED NCP in the automated system. Refer to the iAPECS User Guide Chapter 5, Order Management .

2) Conduct the review by sending the *Review Results* to the NCP, advising there is no justification for a change in the current child support order because incarceration is considered voluntary unemployment. The automated system generates the *Review Results* via batch processing when the worker does not manually generate the *Review Results* after updating the Non Review Reason field.

3) After the NCP is continuously incarcerated for 180 days, the NCP is eligible to have the support order reviewed. Refer to Processing the Review Request.

c. If an incarcerated NCP requests a review for any of the reasons listed in Deciding Whether to Conduct the Review, conduct the review if review criteria are met.

d. Impute income to the incarcerated NCP based upon voluntary unemployment. Refer to Deviation from the Child Support Guidelines.

2. If a CP requests a review and the NCP is incarcerated at the time that the request is made, conduct the review if review criteria are met. Refer to Deciding to Conduct the Review and Processing the Review Request.

3. If the NCP's current period of incarceration has reached 180 or more consecutive days, use zero income for the incarcerated NCP when there is no evidence of actual income or other ability to pay. Refer to Deviation from the Child Support Guidelines.

4. If the review was initiated prior to the NCP's incarceration or before the Division was made aware of the NCP's incarceration, conduct the review if review criteria are met.

5. If the NCP is incarcerated and the review is initiated to meet the 3 year review requirement for TANF and IV-E FC cases, conduct the review.

6. File the appropriate court pleading when the review is conducted and the results show there should be a change in the child support obligation. Refer to Reasons for Judicial Action.

a. If the existing order is an ASO, file a *Petition for Support* selecting the Replace an Existing Administrative Support Order option.

b. If the existing order is a court order, file a *Motion to Amend* using the applicable option. Refer to Issuing the Motion to Amend.

Table of Contents

7. Refer to Service of Process for information on how to accomplish service when the NCP is incarcerated.

(06/2014) (08/2017) (12/2018) (02/2021) (04/2021) (09/2022)

G. CP Loss of Contact on ARRP Case (05/2024)

1. If an NCP requests a review on an ARRP case type and the CP cannot be located or is deceased, proceed with the review process as the only parties necessary to conduct the review are the NCP and the Division. When these circumstances apply, take the following steps

   a. Create a SELF Event in Case Events to document that the CP cannot be located or is deceased.

   b. Except for not serving the *Notice of Proposed Review* (*NOPR)* on the CP, follow established procedures for conducting a review for the *Administrative Support Order* (*ASO*) or court order. Refer to Determining Income , Deviation from the Child Support Guidelines and Review and Adjustment Procedure.

2. For cases with an *ASO*,

   a. Once the review is completed and the *ASO* is modified, the *ASO* effective date is the date the *NOPR* is generated.

   b. If the NCP appeals the *ASO*, only the NCP's appeal period is applicable.

3. For cases with a court order, complete the appropriate documents to file the *Motion to Amend or Review Order*, for the court to address the modification request.

H. Reviewing Administrative Support Orders (09/2022)

1. The automated system generates a *Notice of Proposed Review* (*NOPR*) with a *Financial Statement* to the NCP and CP, where applicable, if the worker does not manually generate the documents on the same day the Review Request Type is updated in the automated system. The *Financial Statement* is not sent to a CP who receives TANF or is a caretaker. 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.

2. Serve the *NOPR* on the nonrequesting party and send a copy to the requesting party. Refer to Obtaining the Review Information and Issuing the Notice of Proposed Review for requirements for serving and sending the *NOPR*.

Table of Contents

3. Use appropriate financial information obtained from both parties and other sources, when necessary, to conduct the review. Follow the procedures outlined in Determining Income and Deviation from the Child Support Guidelines.

4. After reviewing the financial information provided by the parties and available from other resources, enter the information required to calculate the obligation onto the *Child Support Guidelines Worksheet (Worksheet)*. Refer to Determining Income, Deviation from the Child Support Guidelines and Completing the Child Support Guidelines Worksheet.

5. Compare the review results (the new obligation amount to the current obligation amount).

6. 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 unless:

      1) a child needs to be added to or removed from the order

      2) a provision for health care coverage needs to be added or changed

      3) a provision for unreimbursed medical needs to be added or

      4) a provision for reasonable and necessary unpaid expenses for the mother's pregnancy and delivery needs to be added.

7. If the review indicates no change is justified, update the Modification Reason to MDRR on the current order record in the automated system. This update resets the Last Review Date on the Review and Adjust page, which restarts the clock for the 3-year period. Add a note to the current order record stating UPDATED MDRR – REVIEW COMPLETED MM/DD/YY RESULTING IN NO MATERIAL CHANGE.

8. If the review indicates a change is justified, takes steps to adjust the *ASO*.

(06/2014) (04/2016) (06/2016) (08/2017) (12/2018) (09/2020) (02/2021)

Table of Contents

I. Adjusting Administrative Support Orders (09/2022)

1. If the review indicates a change is justified, within 5 business days of receiving the served *Notice of Proposed Review* (*NOPR*) on the nonrequesting party/parties or receiving the signed *Waiver of Formal Service of Process*, issue the modified *ASO*. Refer to Issuing Administrative Support Orders.

2. 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". Create a case event indicating the guideline has been run.

3. Generate the *ASO*.

   a. Ensure that the *ASO* reflects the total arrearage (principal, interest and fees) owed through the end of the month preceding the month that the *NOPR* was served on the nonrequesting party (or parties). Use the date that the arrearages first accrued as the beginning date of the arrearages. Confirm arrearage start dates with any existing Statements of Payment.

   b. Example: The effective date of the original order is April 15, 2016. The arrearages began August 1, 2016. The arrearages were not paid off at the time of the modified ASOs generation. The modified ASO is effective June 6, 2019 and the arrearage beginning date is August 1, 2016.

   c. Example: The effective date of the original order is December 12, 2014. TANF debt was established for the period August 1, 2014 through October 31, 2014. The arrearages were not paid off at the time of the modified ASOs generation. The modified ASO is effective February 2, 2019 and the arrearage beginning date is August 1, 2014.

   d. Example: The effective date of the original order is January 2, 2011. The arrearages began October 1, 2012. The arrearages were not paid off when the second modified ASO was generated. The second modified ASO was effective April 3, 2015 and the arrearage beginning date was October 1, 2012. There was no arrearage balance in September 2017. The arrearages began again August 1, 2018. The arrearages were not paid off at the time of the third modified ASOs generation. The third modified ASO is effective April 25, 2019 and the arrearage beginning date is August 1, 2018.

Table of Contents

e. For orders with arrearages only, the per month payment toward the arrearages amount ordered should be

1) the current support amount from the *Child Support Guidelines Worksheet* (*Worksheet*) when there is no current support due for the same child on any other support order.

2) 25% of current support from the *Worksheet* or $65, whichever is greater when there is current support due for the same child on another support order.

4. Ensure that medical support is addressed in the order. Refer to Establishing Health Care Coverage Orders.

5. Serve the modified *ASO* or have the NCP waive service; for service requirements, refer to Issuing Administrative Support Orders.

6. Provide a copy of the served *ASO* and the printed *Worksheet* to the CP when the NCP waives service or immediately after the *ASO* is received back with successful service. Refer to Issuing Administrative Support Orders.

7. The appeal period for the *ASO* is 10 calendar days. For NCPs this is 10 calendar days from the date of service. For CPs this is 10 calendar days from the date of receipt. Allow at least 5 calendar days for mail delivery. A request for administrative appeal received after this time should be considered if the CP can show that the request was made within 10 calendar days of receipt, regardless of mailing time. Refer to Administrative Support Order.

8. The new obligation remains in effect until adjusted by a subsequent *ASO* or is superseded by a court order.

9. Add the modified order to the automated system within 2 business days after the expiration of the CP and NCP appeal periods or appeal decision. Use the most appropriate code to update the Modification Reason field when adding the new order. Do not use MCOR. Refer to Adding Subsequent Support Orders.

10. Refer the case to fiscal to adjust the arrearages, as appropriate.

(06/2014) (04/2016) (08/2017) (01/2018) (07/2018) (12/2018) (05/2019) (10/2019) (01/2020) (09/2020) (02/2021) (03/2022)

J. Reviewing Court Support Orders (09/2022)

1. Filing the *Motion to Approve Proposed Modified Order*

Table of Contents

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* (PMO)

a. The automated system generates the *Notice of Proposed Review* (*NOPR*) with a *Financial Statement* to the NCP and CP, where applicable, if the worker does not manually generate the documents on the same day the Review Request Type is updated in the automated system. The *Financial Statement* is not sent to a CP who receives TANF or a caretaker.

b. Serve the *NOPR* on the nonrequesting party and send a copy to the requesting party. Refer to Obtaining the Review Information and Issuing the Notice of Proposed Review for requirements for serving and sending the *NOPR*.

c. Use financial information obtained from both parties and other sources, when necessary, to conduct the review. Follow the procedures outlined in Determining Income, Deviation from the Child Support Guidelines and Obtaining the Review Information. In shared custody cases, prepare draft guidelines using the Cardinal Guidelines Calculator. Shared custody guidelines may need to be completed in consultation with Legal Counsel. Refer to Completing the Child Support Guidelines Worksheet.

d. Retain a copy of the *Worksheet* in the case record. Compare the results of the new obligation to the current obligation.

e. Determine if an adjustment to the obligation is needed. An adjustment is needed if a material change of circumstance has occurred. A material change of circumstance has occurred when

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

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

f. A referral to court is warranted even if no material change of circumstance has occurred if:

1) a child needs to be added to or removed from the order

2) a provision for health care coverage needs to be added or changed

3) a provision for unreimbursed medical needs to be added or

4) a provision for reasonable and necessary unpaid expenses for the mother's pregnancy and delivery needs to be added.

Table of Contents

g. Send the *Review Results* to both parties. Send via the MCS portal or email if the parties agreed to receive documents with these methods; otherwise, send via first class mail.

h. If the review indicates no change is justified, update the Modification Reason to MDRR on the current order record in the automated system. This resets the Last Review Date on the Review and Adjust page, which restarts the clock for the 3-year period. Add a note to the current order record stating: UPDATED MDRR – REVIEW COMPLETED MM/DD/YY RESULTING IN NO MATERIAL CHANGE.

i. If the review indicates a change is justified, within 5 business days of receiving the *NOPR* served on the nonrequesting party or receiving the *Waiver of Formal Service of Process*, forward the PMO package to the Assistant Attorney General. Refer to Issuing the Motion to Approve Proposed Modified Order.

j. 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.

k. 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.

l. Enter the obligation information into the automated system within 2 business days of receipt of the order. Refer to Adding Subsequent Support Orders.

2. Filing the *Motion to Amend or Review Order*

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. The automated system generates a *NOPR* with a *Financial Statement* to the NCP and CP, where applicable, if the worker does not manually generate the documents on the same day the Review Request Type is updated in the automated system. The *Financial Statement* is not sent to a CP who receives TANF or a caretaker.

Table of Contents

b. Serve the *NOPR* on the nonrequesting party and send a copy to the requesting party. Refer to Issuing the Notice of Proposed Review.

c. Use appropriate financial information obtained from both parties and other sources, when necessary, to conduct the review. Follow the procedures outlined in Determining Income, Deviation from the Child Support Guidelines and Obtaining the Review Information.

d. Enter the required information on the *Child Support Guidelines Worksheet (Worksheet)*. In shared custody cases, prepare draft guidelines using the Cardinal Guidelines Calculator. Shared custody guidelines may need to be completed in consultation with Legal Counsel.

e. Retain a copy of the *Worksheet* in the case record. Compare the results of the new obligation to the current obligation.

f. Determine if an adjustment to the obligation is needed. An adjustment is needed if a material change in circumstances has occurred. A material change of circumstance has occurred if

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

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

g. If no material change of circumstance has occurred, a court referral is still appropriate if:

1) a child needs to be added to or removed from the order

2) a provision for health care coverage needs to be added or changed

3) a provision for unreimbursed medical needs to be added or

4) a provision for reasonable and necessary unpaid expenses for the mother's pregnancy and delivery needs to be added.

h. Send the *Review Results* to both parties via the MCS portal or email if the parties agreed to receive documents with these methods; otherwise, send via first class mail.

i. If the review indicates no change is justified, update the Modification Reason to MDRR ORDER DUE FOR REVIEW on the current order record in the automated system. Add a note to the current order record stating UPDATED MDRR – REVIEW COMPLETED MM/DD/YY RESULTING IN NO MATERIAL CHANGE. This update resets the last review date on the Review and Adjust page, which restarts the 3-year review period.

Table of Contents

j. If the review indicates a change is justified, immediately prepare a *Motion to Amend or Review Order*. If neither party resides in the jurisdiction of the court which entered the most recent order, prepare a *Motion to Amend to Transfer Jurisdiction* and file simultaneously with the *Motion to Amend or Review Order*. Refer to Issuing the Motion to Amend.

k. When a *Motion to Amend or Review Order* requesting venue transfer is filed simultaneously with the *Motion to Amend or Review Order* requesting order modification and the court only acted on the venue transfer and not the order modification, the Division should monitor the case to ensure that the order modification is either transferred to and heard by the new locality or refiled in the new locality.

l. Enter the obligation information into the automated system within 2 business days of receipt of a copy of the order. Refer to Adding Subsequent Support Orders.

m. Refer the case to fiscal to adjust the arrearages, as appropriate.

3. If a review and adjustment request is dismissed, denied or withdrawn in court, this is considered a complete review of the court order. Update the Modification Reason to MDRR ORDER DUE FOR REVIEW on the current order record in the automated system; do not use MCOR. Add detailed order notes. This update resets the last review date on the Review and Adjust page, which restarts the 3-year review period.

(12/2012) (04/2013) (07/2014) (03/2015) (04/2016) (08/2017) (01/2018) (07/2018) (12/2018) (02/2021)

K. Termination of a Review and Adjustment (09/2022)

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* within 15 calendar days from the date the *Notice of Proposed Review* is generated and the Division is unable to obtain the information independently, including by phone interview with the requesting party or nonrequesting party as applicable, by email, text or the MCS portal, or

b. The requesting party requests to withdraw the review.

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.

Table of Contents

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*. The nonrequesting party may ask that the review continue. The nonrequesting party has 10 days from the date of the notice to request for the review to continue.

1) Create a worklist for 10 days after the *Review and Adjustment Termination Notice* has been sent. 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.

(08/2017) (12/2018) (07/2019) (02/2021)

L. Registration for Modification of Interstate Support Orders (09/2022)

1. Intergovernmental cases have the same time periods for review and adjustment as intrastate cases.

2. Virginia as Initiating State

a. Virginia may request that another state register and modify an order if:

1) The requesting party does not live in the state where the order will be registered

2) Virginia does not have jurisdiction over the nonrequesting party and

3) The original issuing state lacks CEJ either because the NCP, CP and child do not live there or the CP and NCP have agreed in writing for the registering tribunal to exercise jurisdiction to modify.

b. When the other state will determine if a review will be conducted

1) Document the request for review and adjustment in case events.

2) Send the review and adjustment request to the other state within 20 days of receipt of the review and adjustment request.

3) Send any other information gathered from the requesting party to the other state. within 20 days of receipt. For example, send a *Financial Statement.*

Table of Contents

c. Send all required UIFSA forms and attachments to the responding state. Refer to the UIFSA Forms Matrix.

d. Within 30 days after receiving the modified order, 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 the Division knows that the earlier order was registered

3. Virginia as Responding State

a. Virginia may modify a support order issued by another state if

1) The NCP and CP reside in Virginia and the child does not reside in the issuing state

2) The NCP, CP and child do not live in the issuing state, the requesting party does not reside in Virginia and the nonrequesting party is subject to Virginia jurisdiction or

3) The child lives in Virginia or the NCP or CP is subject to Virginia jurisdiction and the NCP and CP file a written agreement with the tribunal in the issuing state for Virginia to modify.

b. When a request to modify an order is received

1) Determine if the case meets the criteria for review and adjustment.

2) If 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 page 3 of the *Transmittal #1-Acknowledgment* that the case does not meet Virginia's criteria for review and adjustment.

3) If the case meets the criteria for review and adjustment, file the *Request for Virginia Registration of Non-Virginia Support Order* along with 2 copies (1 certified) of the support order and a sworn or certified arrears statement with the appropriate Juvenile and Domestic Relations District Court prior to conducting the review.

4) Do not file the *Motion to Amend or Review Order* until you have conducted the review.

5) Conduct the review following procedures for court orders that deviate from the guidelines.

c. After modifying a support order issued by another state, another state cannot modify the order until it can meet requirements consistent with UIFSA principles.

Table of Contents

d. The original issuing state must recognize the modification.

4. Controlling Order

a. New Controlling Order

1) A new controlling order determines the support obligation and prospective interest rate.

2) A new controlling order cannot retroactively modify prior orders. Arrearages accrued prior to the effective date of the new order remain valid, including interest arrearages.

b. Initial Controlling Order

1) The initial controlling order continues to control the duration of the obligation of support. The duration often depends on when the youngest child would emancipate under the laws of the state that issued the initial order.

2) 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.

5. Receiving a Modified Order

a. When another state sends a copy of an order that was modified according to UIFSA principles, add the order to the automated system within 2 business days.

b. Maintain a copy of the modified order in the case record.

c. Do not add the order to the automated system if the order was not modified according to UIFSA principles.

(01/2017) (05/2018) (12/2018) (05/2019) (07/2020)

M. Review and Adjustment under UIFSA (09/2022)

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 the *Notice of Right to Review* to every state that has an order.

Table of Contents

3. If the order was established by Virginia, send out the *Notice of Right to Request a Review of Your Child Support Due to Incarceration* when applicable. Refer to Enforcement and Special Circumstances NCPs.
4. If Virginia is only enforcing the order, do not send out the *Notice of Right to Review* or the *Notice of Right to Request a Review of Your Child Support Due to Incarceration*.
5. The initiating state decides whether the review will be conducted and where the review will take place.
6. Apply CEJ principles when looking at where you can request a review.
7. If a state requests a review in Virginia and Virginia does not have CEJ, do not conduct the review.
8. 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.
9. If Virginia cannot modify the order and registration in the other state is not necessary, Virginia is still considered the initiating state and should send all required UIFSA forms and attachments to the other state. Refer to the UIFSA Forms Matrix.

(06/2015) (08/2017)

8.2 Review and Adjustment Procedure

A. Processing the Review Request (04/2023)

1. Either party in a IV-D case can submit a request for the review. The request can be submitted using the *Request for Review and Adjustment*, informally in writing, via email, via the MCS portal or verbally.
2. When the review request is received, the responsible Review and Adjustment (R&A) caseworker
   a. Creates a SELF event in Case Events with the event descriptor REVIEW REQUEST RECEIVED.
   b. Documents in the Event Notes which party requested the review, the date the review request was received, the manner in which the review was received (verbal, by email, etc.) and, when provided, the reason for the review request.
   c. Reviews the request, the support order and the case facts.

Table of Contents

1) If the support order is not a Virginia order but Virginia is the appropriate state to modify, take action to have the support order registered in Virginia. Refer to Registration for Modification of Interstate Support Orders.

2) If the support order needs to be remanded from circuit court, complete a *Legal Services Referral.* Refer to Referring Cases to Legal Counsel.

3) If neither the CP nor NCP reside in the Virginia jurisdiction that issued the order, the prepare a *Motion to Amend or Review Order* selecting the Venue Transfer option and file simultaneously with the *Motion to Amend or Review Order* (Proposed Modified Order or Standard) with the issuing court.

4) If the CP is deceased or cannot be located on an ARRP case when an NCP has requested a review, proceed with the review as the only two parties necessary to conduct the review are the NCP and the Division.

d. Determines within 3 days of receiving the review request, or within 5 days of receiving the CFRA worklist, whether to conduct the review. If the caseworker does not disposition the CFRA worklist or generate the *Notice of Proposed Review (NOPR)* the day the worklist is received, the automated system starts the review process and issues the *Notice of Proposed Review* via overnight batch-processing.

e. The Division only initiates reviews for incarcerated NCPs using RQDC when the review request received indicates incarceration as the reason for the request and the NCP has been incarcerated for less than 180 days. Within 15 calendar days of receiving a review request from an incarcerated NCP, the Review and Adjustment caseworker will verify that the NCP has been incarcerated 180 consecutive days. If the NCP has not been incarcerated at least 180 consecutive days, the Review and Adjustment caseworker will

1) Add the NCP's name to the Review and Adjustment tracker, including date the NCP will reach 180 days.

2) Use the NRIN (Incarcerated NCP) code to disposition the Review and Adjust page to indicate the review was denied.

3) Send the *Notice of Right to Request a Review of Your Child Support Due To Incarceration Status* to the NCP.

4) When the review tracker indicates the NCP has been incarcerated 180 days, the Review and Adjustment caseworker will verify the NCP has been continuously incarcerated.

Table of Contents

5) The Review and Adjustment caseworker will initiate the review using the RQDC request type after incarceration verification.

f. When Virginia does not have CEJ and it is determined that the other state will complete the review and adjustment, terminate the review using the RQWD code and document the case specifying that the other state will conduct the review. Send all required UIFSA forms and attachments to the other state. Refer to the UIFSA forms Matrix.

3. When the review request is submitted via email to the askdcse@dss.virginia.gov, upon receipt of the email, the Resolution Specialist forwards the email to the Division's Review and Adjustment Team at dcserevadjteam@dss.virginia.gov. The R&A Team images the email and the accompanying documents to Perceptive.

4. When the review request is submitted via direct email to Division staff other than the R&A Team, staff document case events, complete the *Review Request Form* and forward to the Review and Adjustment Team Perceptive queue within 3 business days. The email recipient images the email and any attachments to Perceptive. Refer to the SELF Events Documentation Table and Electronic Communications for documentation requirements.

(02/2021) (09/2022) (04/2023)

B. Obtaining the Review Information (05/2024)

1. Within 3 business days of receiving a review request or 5 business days of receiving the CFRA worklist, contact both parties, conduct an interview, explain the review process and provide direct contact information.

a. Because the determination whether or not to conduct the review must be made within 3 or 5 business days, staff should attempt phone contact within 1 business day of receiving the worklist or the request.

b. If the initial contact with either party is unsuccessful, within 1 business day there should be at least 1 additional attempt to contact the party by phone. Use all available phone numbers. If unable to contact a party by phone, if an email address is available, send an email requesting the party contact the review and adjust caseworker.

c. Refer to Interviewing and Communications for documentation requirements.

2. Requesting Party

a. If the review request was not submitted on the *Request for Review and Adjustment* and the reason was not provided in the informal request, obtain this information. If the

Table of Contents

Financial Statement and, when applicable, the *Health Insurance Verification Notice*, were not submitted with the review request, request the information needed over the phone.

b. If the request is a special circumstances review request and supporting documentation was not submitted with the request, advise the party that the documentation must be submitted within 15 calendar days, or the review will be terminated.

c. Request the party provide any needed documentation within 5 business days and submit it via

1) The MCS portal

2) Email to the R&A caseworker

3) Mail to the District Office

4) Fax to the District Office

d. Verify if the party is willing to receive documents from the Division via the MCS portal or email and document this information in the Case Event notes.

3. Nonrequesting Party

a. Advise the party that the other party has requested a review of the support order.

b. Ask for information needed, including financial information. Do not obtain financial information from a TANF recipient or caretaker and do not send a *Financial Statement* to a TANF recipient or caretaker.

c. If the nonrequesting party is deceased or cannot be located on an ARRP case, create a SELF event in Case Events, document your findings that the CP is deceased or cannot be located, and proceed with the review process.

d. Determine if the party is willing to receive documents and accept service of any required documents via the MCS portal or email, including the *Waiver of Formal Service of Process* (*Waiver*). If the party agrees to receive documents via the MCS portal or email, explain that they will need to sign and return the *Waiver* when it is received, and that signing the Waiver indicates they are willing to accept the *NOPR* via MCS or email.

e. Request the party provide any needed documentation within 5 business days and submit it via

1) The MCS portal

Table of Contents

2) Email to the R&A caseworker

3) Mail to the District Office

4) Fax to the District Office.

f. If the party is willing to receive documents from the Division via the MCS portal or email, document this information in the Case Event notes.

(02/2021) (09/2022)

C. Corroborating Documentation (05/2024)

1. For a special circumstances review, the requesting party is required to provide proof of a change in circumstances within 15 calendar days. Acceptable documentation of a proof of change in circumstances includes

   a. An employer letter stating that the individual was laid off or furloughed, including a form letter not addressed to a specific employee,

   b. Proof of application for unemployment benefits,

   c. Verification of receipt of unemployment benefits,

   d. A physician's letter indicating the individual's inability to work due to illness, including specific dates (if known),

   e. Proof of childcare costs increase or decrease,

   f. Proof of health care cost increase or decrease,

   g. Proof of changes due to a pandemic, such as letter from childcare provider or school stating closure date.

2. If documentation is not provided and cannot be verified using available resources, attempt to contact the employer, childcare provider, etc., by phone to verify changes. Make at least 2 attempts by phone to obtain the information. Document Case Events with the information obtained. Refer to Interviewing and Communications.

3. While the requesting party has 15 calendar days to provide documentation, the decision to conduct the review must still be made within 3 business days of receiving the review request. If the proof of change in circumstances has not been verified within the 3 business day period, start the review.

Table of Contents

4. If the requesting party fails to provide the appropriate documentation within 15 calendar days and the Division is unable to substantiate that special circumstances exist, terminate the review.

(02/2021) (09/2022)

D. Issuing the Notice of Proposed Review (05/2024)

1. Once the decision is made to grant the review, update the Request Type field on the Review and Adjustment page. Refer to Updating the Review and Adjust page in the iAPECS User Guide Chapter 5, Order Management.

2. Generate the *Notice of Proposed Review* (*NOPR*). Send the *NOPR*, and when applicable, the *Financial Statement* and the *Health Insurance Verification Notice*, to the parties via the MCS portal or email when the parties have agreed to receive the documents in this manner.

   a. If the nonrequesting party has agreed to receive documents via MCS or email, include the *Waiver of Formal Service of Process*.

   b. Request the parties return the documents within 5 business days.

   c. The *NOPR* is not served on an ARRP case when the CP is deceased or cannot be located.

   d. Use the language found in Review and Adjustment Customer Contact Standard Language in the body of the MCS message or email, ensuring that the party's name/ title is correct and that it only lists the documents attached to the MCS message or encrypted email.

   e. If a party has not agreed to receive documents via the MCS portal or email or 5 business days have passed and the party has not returned required documentation,

      1) For the requesting party, send the NOPR and any accompanying documents via first class mail.

      2) For the nonrequesting party, send NOPR and any accompanying documents for formal service. If sent for sheriff or private process server service, send 2 copies to the sheriff's office or private process server and send one copy via first class mail. For certified mail, send 1 copy via certified mail and 1 copy via first class mail, ensuring that the certified mail tracking number is documented in the Notes for the REVP Case Event.

3. When the *NOPR* is generated by the automated system, the mail vendor sends the *NOPR* to the requesting party by first-class mail and to the nonrequesting party by certified mail

Table of Contents

return receipt requested and first-class mail. Access the "Daily Reports from BMS" to obtain the certified mail tracking number from the vendor and add this information to the notes under the REVP event type.

(02/2021) (09/2022)

E. Completing the Child Support Guidelines Worksheet (02/2021)

1. Complete the *Child Support Guidelines Worksheet* (*Worksheet*) using the financial and other information acquired during the review process, including information obtained from phone interviews. To determine the amounts to use in the *Worksheet*'s fields, refer to Determining Income, Determining the Monthly Child Support Obligation and Deviation from the Child Support Guidelines.

2. Income Determination- Special Circumstances

   a. If verified that a party is no longer employed due to the pandemic and not receiving unemployment benefits, use $0 income for the guideline calculation. If the party is no longer unemployed and it is not related to the pandemic, refer to Determining Income and Deviation from the Child Support Guidelines.

   b. If a party is receiving unemployment benefits, use unemployment benefits information for the guideline calculation.

   c. If a party has applied for unemployment benefits but has not received a determination

      1) Postpone completing the guideline calculation for up to 10 calendar days.

      2) Continue to check VEC and follow-up with the party for the status of benefits.

      3) If after 10 days no determination has been made by VEC, proceed with $0 income for the guideline calculation.

3. After calculating the support amount, print the *Worksheet*. If calculating support using the Shared Custody Guidelines, image the *Worksheet* to the case record.

4. If the *Worksheet* indicates that a modification is warranted, take steps to modify the support order.

   a. To modify the *Administrative Support Order*, refer to Adjusting Administrative Support Orders and Issuing Administrative Support Orders.

b. To modify a court order, refer to Modifying Court Support Orders, Issuing the Motion to Approve Proposed Modified Support Order and Issuing the Motion to Amend.

c. If the *Worksheet* indicates that no modification is warranted, send the *Review Results*.

F. Issuing Administrative Support Orders (05/2024)

1. Send the modified *Administrative Support Order* (ASO) to the NCP (which includes the *Child Support Guidelines Worksheet*). Review Case Event notes to determine if the parties agreed to receive documents via the MCS portal or email.

   a. If the NCP agreed to receive service via the MCS portal or email, send the ASO (which includes the *Child Support Guidelines Worksheet*) *and* a *Waiver of Formal Service of Process* (*Waiver*) to the NCP with a request that he/she return the signed *Waiver* within 5 business days via the MCS portal or email. Refer to Review and Adjustment Customer Contact Standard Language and Interviewing and Communications for documentation requirements.

   b. If the NCP did not agree to receive service via the MCS portal or email or the NCP does not return the signed *Waiver* within 5 business days, proceed with other methods of service.

      1) Sheriff, or private process server. Send 2 copies to the sheriff or private process server and send 1 copy via first class mail or

      2) Certified mail, restricted delivery. Send 1 copy via certified mail, recording the USPS tracking number in Case Event notes for the EASO Case Event.

2. Once the served ASO is received, send a copy of the served ASO to the CP within 5 business days.

   a. Send via the MCS portal or email, if the CP agreed to receive documents via these methods.

   b. Send via first class mail if the CP did not agree to receive documents via these methods.

3. The appeal period is 10 days. For the NCP, it is 10 calendar days from the date the NCP signed the *Waiver or* received formal service. For the CP, it is 10 calendar days from the date the served ASO is sent. If the served ASO is sent via first class mail, allow an additional 5 calendar days for mailing.

4. Only the NCPs appeal period is applicable on an ARRP case when the CP is deceased or cannot be located.

Table of Contents

5. If an appeal is filed, refer to Administrative Appeals and Administrative Hearings.

6. Enter the modified order and update the automated system within 2 days of the expiration of the appeal periods or the Hearing Officer's decision. Use the appropriate Modification Reason code on the order record; do not use MCOR. Refer to Adding Subsequent Support Orders and Special Status Indicator.

   (02/2021) (09/2022)

G. Issuing the Motion to Approve Proposed Modified Support Order (09/2022)

1. When a court order does not specify that the award amount deviates from the guidelines, complete the *Motion to Approve Proposed Modified Order* (PMO) packet within 5 business days of receiving the served *Notice of Proposed Review*. The PMO packet consists of

   a. *Case Referral Checklist for Court Pleadings* (image document to case record)

   b. *Legal Services Case Referral*

   c. Current court order, including *Child Support Guidelines Worksheet* if available

   d. Copy of served *Notice of Proposed Review*

   e. Proposed Order (DC-628), 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.

   f. *Child Support Guidelines Worksheet*

   g. Signed and notarized *Servicemembers Civil Relief Act Affidavit* (DC 418) and the Department of Defense status reports for both parties

2. Email the PMO packet to the Review and Adjustment Supervisor (Supervisor). The Supervisor reviews and emails the PMO packet within 3 business days of receipt to the Review and Adjustment Team Manager (Manager) for review. The Manager reviews and emails the PMO packet within 3 business days of receipt to the Assistant Attorney General (AAG) for review and signature.

3. Create a worklist to check for the returned PMO 12 days after submitting to the Supervisor.

Table of Contents

4. The AAG reviews the guidelines and the new proposed order to ensure the information is correct, and, within 5 business days of receipt, returns to the Manager either the approved PMO packet or the rejected PMO packet for correction.

   a. If rejected, the R&A Specialist makes the needed corrections and resubmits the corrected PMO packet within 3 business days.

   b. Within 5 business days, the AAG returns the approved PMO to the Supervisor.

5. E-file the approved PMO within 3 business days of receipt. Refer to the iAPECS User Guide Chapter 8, Documents. Submit the following documents as attachments

   a. Current court order, including the *Child Support Guidelines Worksheet* if available

   b. Proposed Order (DC-628)

   c. *Child Support Guidelines Worksheet*

   d. Certified *Payment Record* reflecting the arrearages through the date of the end of the month that the NOPR was served

   e. Proof of service of the NOPR

   f. Signed and notarized *Servicemembers Civil Relief Act Affidavit* (DC 418) and the Department of Defense status reports for both parties

6. Upon e-filing, the automated system generates the Notice that accompanies *Motion to Amend or Review Order* (DC-630) for the court to use and a notice to both parties that the case has been referred to court.

7. The court serves copies of the motion on both parties.

8. Send a copy of the filed *Motion* and the accompanying documents to both parties. If previously agreed to, send via the MCS portal or email. Otherwise send, via first class mail. Sending a copy to the parties fulfills service requirements if the parties receive posted service of the motion.

9. The court dockets the order for entry unless one or both parties request a hearing.

10. The court enters the order after the hearing or expiration of the response period and forwards a copy of the order to the parties and the District Office.

Table of Contents

11. Enter the court order and update the automated system within 2 days of receiving the order. Use the appropriate Modification Reason code on the order record; do not use MCOR. Refer to Adding Subsequent Support Orders and Special Status Indicator.

    (02/2021) (04/2021)

H. Issuing the Motion to Amend (09/2022)

1. When court order does not qualify for the filing of a *Motion to Approve Proposed Modified Order* (PMO), e-file the *Motion to Amend* (MTA) within 5 business days of receiving the served *Notice of Proposed Review* if the MTA has not already been filed.
2. Complete the appropriate documents to e-file the MTA
   a. *Case Referral Checklist for Court Pleadings* (image document to case record)
   b. Submit the following documents as attachments
      1) Current court order, include the *Child Support Guidelines Worksheet* if available
      2) Certified *Payment Record*
      3) Signed and notarized *Servicemembers Civil Relief Act Affidavit* (DC 418) and the Department of Defense status reports for both parties
3. Upon e-filing, the automated system generates a notice to both parties that the case has been referred to court.
4. The court dockets a hearing and notifies both parties of the court date.
5. The court enters the order after the hearing and forwards a copy of the order to the parties and the District Office.
6. Enter the court order and update the automated system within 2 days of receiving the order. Use the appropriate Modification Reason code on the order record; do not use MCOR. Refer to Adding Subsequent Support Orders and Special Status Indicator.
7. If a review and adjustment is dismissed, denied or withdrawn in court, the review process is complete. Update the Modification Reason to MDRR ORDER DUE FOR REVIEW on the current order record in the automated system; do not use MCOR. Add detailed order notes. This update resets the last review date on the Review and Adjust page, which restarts the 3 year review period.

   (02/2021)

Table of Contents

I. Special Status Indicator (09/2022)

1. The Special Status Indicator is used to identify parties and cases when the existing support order is modified based on a pandemic related review request.

2. When the support order is modified due to a pandemic related review request, update the

   a. Update Support Order page

      1) When adding the modified support order, select SS SPECIAL STATUS under the Obligation Rebuttal Reason field and

      2) Update the Modification Reason field with the most appropriate reason; do not use MCOR.

   b. Participant Detail page of the party that requested the review

      1) Update the Special Status Indicator by selecting PAND- PANDEMIC and

      2) Update the Special Status Date field with the order date of the modified support order.

3. Updating the participant's Special Status Indicator creates the

   a. SSCE- SPECIAL STATUS SELECTED Participant Event – the Event Notes capture the date and reason of the special status

   b. SSCE- REVIEW SPECIAL STATUS Worklist- generated 6 months after the Special Status Indicator is updated.

   c. A pop-up Notification displays on all case and participant pages for that participant with the Special Status reason and Special Status Date displayed.

4. When the Special Status worklist is received, review the participant's case(s) that had the support order modified.

   a. The R&A Specialist calls both parties. If either party wants to proceed with a new request or if either party is not reached by phone, send a notice that it has been 6 months since the order was adjusted due to pandemic circumstances. Include the *Request for Review and Adjustment* with the notices. Use the language found in Review and Adjustment Customer Contact Standard Language in the body of the MCS message or email, ensuring that the party's name/ title is correct and that it only lists the documents attached to the MCS message or encrypted email.

Table of Contents

b. Send the notices via the MCS portal or email if the parties previously agreed to receive documents this way. If not, mail the notices to the parties.

c. If neither party wants to proceed with a new request or after sending the notices to the parties, update the participant's Special Status Indicator to REMV- REMOVED.

(02/2021)

Table of Contents

Chapter 9: Intergovernmental Services

A. General Provisions for Handling Intergovernmental Cases under UIFSA (01/2017)

1. UIFSA and federal regulations require the Division to handle requests for services from any other state, Tribe, or foreign country similarly.
2. The following definitions apply in this chapter:
   a. "Agency" means a child support agency of any state, Tribe or country.
   b. "Jurisdiction" means any state, Tribe, or country.
   c. "Intergovernmental case" means a IV-D case in which the NCP lives and/or works in a different jurisdiction than the CP and child or children that has been referred by an initiating agency to a responding agency for services.
   d. "Foreign country" means a country or its political subdivision, other than the United States, that authorizes the issuance of support orders and
      1) Has been declared under United States law to be a foreign reciprocating country
      2) Has established a reciprocal agreement for child support with the state of
      3) Has enacted a law or established procedures for the issuance and enforcement of support orders which are similar to those in the Code of Virginia; or
      4) Has ratified the Hague Convention
3. Under UIFSA, the guidance provided regarding interaction with another state also applies to foreign countries.
4. The full range of support enforcement services are provided on an intergovernmental case referred by another agency, including, but not limited to
   a. Asserting jurisdiction over the NCP
   b. Establishing a child support order in accordance with Virginia's child support guidelines
   c. Enforcing a support order and income withholding order issued by another jurisdiction without registration
   d. Registering another jurisdiction's child support order for enforcement and/or modification

Table of Contents

e. Modifying a Virginia child support order

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

g. Establishing and enforcing health care coverage

h. Collecting and forwarding payments to the initiating agency within 10 business days after receiving 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 and

3) The Responding State's FIPS code

(11/2013) (06/2015)

B. Overview (07/2021)

The Uniform Interstate Family Support Act (UIFSA) was first adopted in 1992 by the National Conference of Commissioners on Uniform State Laws (now the Uniform Law Commission). Under UIFSA, the United States collaborates with other states, tribes and countries. The development of UIFSA resolved the problem of multiple conflicting orders. It established rules that restricted when a tribunal could establish a new order and limited the authority of a tribunal of one state to modify a valid support order entered by the tribunal of a sister state. UIFSA was amended in 1996, 2001, and 2008. The Virginia version of UIFSA is found in Virginia Code §§ 20-88.32 et seq.

Effective January 1, 2017, the Hague Child Support Convention became effective in the United States. The United States began processing cases with several countries that have ratified the Convention.

1. 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 rules in intergovernmental cases for

1) The admissibility of verified petitions and affidavits

Table of Contents

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

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. Under the Full Faith and Credit for Child Support Orders Act (FFCCSOA), a support order issued by one state is entitled to recognition by another state.

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.

f. The Federal Office of Child Support Enforcement created new intergovernmental forms in compliance with the provisions of UIFSA 2008. The revisions include safeguards for personal data, considerations for additional gender types and diverse family structures. There is no longer a requirement for forms to be notarized.

(06/2015) (08/2017) (05/2018)

C. Division Responsibilities (05/2024)

1. General Responsibilities

a. Use federally approved forms unless a country has provided alternative forms as part of its chapter in the OCSS 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.

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

Table of Contents

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.

e. Cooperate with requests for the following limited services

1) Quick locate

2) Service of process

a) Directly contact via telephone, fax, or other means, the sheriff or other appropriate official in another agency in another state to request personal service of process in the other jurisdiction. Send the request for assistance/discovery on the Transmittal #3 only if attempts have been unsuccessful. Attach documentation as necessary for service of process.

3) Assistance with discovery

4) Assistance with genetic testing

5) Teleconferenced hearings

6) Administrative reviews

7) High-volume automated administrative enforcement

8) Providing copies of court orders and payment records

9) Attaching unemployment compensation benefits and

10) Any other appropriate services

2. Communication responsibilities

a. UIFSA communication provisions assist in expediting actions to establish, enforce or modify a support order.

b. Use the *Child Support Enforcement Transmittal #1- Initial Request*, *Child Support Enforcement Transmittal #2- Subsequent Action* (*Transmittal#2*) or *Child Support Enforcement Transmittal #3- Request for Assistance/Discovery* for referring a case and/or for providing new information.

Table of Contents

c. Use the *Transmittal #2* to provide information about specific actions taken on a case (e.g., the status of a case).

d. Send documents via the Electronic Document Exchange (EDE) application in the Child Support Portal when applicable.

1) For the most current information about state participation, once in the EDE application, select the EDE State Status Map and Information and click on a specific state.

2) After uploading a document to EDE, staff must remove any saved document that contains PII from their PC.

e. Review incoming EDE requests within 5 business days of the EDE document receipt date to download the document(s) and/or to view document requests. If the incoming request has an incorrect FIPS code, District Office staff update the request with the correct FIPS code to allow the EDE to automatically route the request to the appropriate locality.

f. Any state or tribe can request, in writing or verbally, information about the UIFSA laws of another state or tribe; the legal effect of a judgment, decree or order of that tribunal or the status of a proceeding in the other state. Provide this information to another state or tribe when a request for information concerning Virginia's laws or legal effect of a judgment, decree or child support order upon receipt of a request.

3. Initiating State Responsibilities

Process intergovernmental cases according to the following program standards:

a. Access all appropriate sources, including Federal Parent Locator Service (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.

Table of Contents

c. Determine whether 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, enforce and modify a support order, including medical support and income withholding.

f. Within 20 calendar days of completing the actions required in paragraphs c through e above, and if appropriate, receipt of any information needed to process the case.

1) If a determination of the controlling order and reconciliation of arrearages 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 arrearages 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 arrearages in U.S. dollars. Refer to Receivables Maintenance.

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

Table of Contents

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 the Division has closed its case but has not notified the responding agency to close its case make a diligent effort to locate the obligee, including use of the FPLS and the State Parent Locator Service, 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.

4. Responding State Responsibilities

Process intergovernmental cases 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

Table of Contents

3) If the documentation received is incomplete and cannot be remedied without assistance from the Initiating State, process the case to the extent possible pending receipt of additional information requested from the Initiating State. The Division 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 1 business day.

d. When the Central Registry is unable to update a payee code for an incoming UIFSA because the CP has a direct pay companion case in Virginia, a case level hold is placed on the interstate case and forwarded to the appropriate District Office.

1) When a payment is received, the payee code will need to be added so that the payment can be processed to the other state.

2) The payee code is immediately removed after the payment is processed and the case level hold added back. This process will need to occur every time that a payment is received. The Division may contact the CP about the option of applying for intergovernmental services for his or her other case; however, the CP is not required to do so.

e. When a UIFSA petition is received in the District Office in error, forward it to the appropriate Division Office or Central Registry in the other state. Notify the Initiating State where and when the UIFSA petition was sent.

f. Within 10 working days of locating the NCP in a different State, the Division 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 Division Central Registry of that action.

g. 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.

Table of Contents

h. 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 childbirth costs if paternity is established

2) Establishing a child support obligation

3) Reporting overdue support to consumer credit 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 the Division 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

a) Sufficient information to identify the case

b) Date of collection and

c) The Division's state identifier and locator code

6) Reviewing and adjusting Virginia child support orders upon request

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

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

k. Within 10 working days of receipt of instructions for case closure from an Initiating State agency, stop the Division's income withholding order and close the intergovernmental case, unless the 2 states reach an alternative agreement on how to proceed.

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

m. Pay the costs incurred in processing intergovernmental cases, including the costs of genetic testing. If paternity is established, the Division may seek recovery of the costs of testing from the alleged father who denied paternity.

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

Table of Contents

o. Send the *Child Support Enforcement Transmittal #2- Subsequent Actions* 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.

p. Use administrative remedies when possible when responding to a request from an Initiating State.

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

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

5. Responding Tribunal Capabilities

Virginia may

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 the Division 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

Table of Contents

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

o. Any other available remedy

6. A Virginia tribunal may not condition the payment of a UIFSA- issued support order upon a party's compliance with visitation provisions.

7. Send the *Child Support Enforcement Transmittal #2- Subsequent Actions* 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.

8. Notify the Initiating State of the receipt of new information within 10 business days.

9. Notify the Central Registry when the case closes. Refer Closure of Intergovernmental Cases.

10. Use administrative remedies when responding to a request from an Initiating State.

11. An NCP cannot raise paternity as an issue in a case brought under UIFSA when paternity has already been determined in another state.

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

13. NCPs residing outside of Virginia who have a Virginia court or administrative support order may participate in the TANF Debt Compromise Program (the Program).

a. The NCP must speak directly with the Enforcement Specialist in person or telephonically.

1) The Specialist determines the NCP's income and the tier of the Program for which the NCP qualifies.

2) Non-resident NCPs only qualify for Tier 2 or Tier 3 of the Program.

b. For intergovernmental cases, use the *Transmittal #2* to notify the responding state when the NCP enrolls in the Program. Include a copy of the completed *TANF Debt Compromise Payment Agreement* and notify the responding agency that

1) The Division will only compromise debt owed to the Commonwealth of Virginia and

Table of Contents

2) The Division will send an account summary when an adjustment is made to provide accurate arrears information.

c. Refer to TANF Debt Compromise Procedures.

(04/2017) (4/2018) (05/2018) (07/2018) (06/2019) (12/2020)

D. Central Registry Responsibilities (05/2024)

1. The Division's Central Registry is responsible for receiving, distributing, and acknowledging receipt of all incoming intergovernmental cases, except when another state sends an income withholding order directly to a NCP's employer.
2. The 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. The Central Registry receives new requests for IV-D services, UIFSA documents, and solicited and unsolicited documents without a local FIPS code via the Electronic Document Exchange (EDE). Central Registry staff
   a. Receive incoming non-UIFSA requests for existing Division cases, update the request and route it to the appropriate locality in the EDE;
   b. Upload the EDE UIFSA document to Perceptive and
   c. Forwards certified and original UIFSA documents to District Offices via the Department's interoffice courier.
4. 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 Division Responsibilities.
5. 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.

Table of Contents

6. 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 OCSS website for a list of countries declared by the U.S. government as foreign reciprocating countries.

7. If the payee code cannot be updated for the incoming UIFSA because the CP has a direct pay companion case in Virginia, proceed with timely processing of the UIFSA. Put detailed notes in case events about the payee code status, put a hold on the case, and forward the case to the appropriate District Office.

8. While Central Registry may receive a *Transmittal #1 – Initial Request* via the Child Support Enforcement Network (CSENeT), the Division requires a paper *Transmittal #1* to provide services. The paper *Transmittal #1* can be received via the Electronic Document Exchange (EDE). If received via EDE, it must be downloaded and scanned into Perceptive.

9. 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

         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 #1 Initial Request – Acknowledgement* (*Acknowledgement*) or *Child Support Enforcement Transmittal #2- Subsequent Actions* (*Transmittal #2*) or the name of the state the case was forwarded to.

   e. Adds the case to the automated system or updates the case if the case already exists.

Table of Contents

f. Sets the FVI if the other state has checked the box for "Nondisclosure Finding/ Affidavit Attached" on any intergovernmental documents.

g. Sets up the case record

h. Forwards the case record along with the *Interstate Request for Provision of IV-D Services* to the appropriate District Office for action

i. Sends the completed *Transmittal #1- Initial Request/Acknowledgment* or *Transmittal #2* 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. Refer to Reasons for Case Closure.

10. 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

Table of Contents

agency. The idea is to help the Initiating State process its case by providing a one-time service. The Responding State is not involved for the life of the case.

b. Virginia will act as a Responding State in response to an incoming *Child Support Enforcement Transmittal #3- Request for Assistance/Discovery (Transmittal #3)*. A few Limited Services request require a *Transmittal #1*. Virginia may also choose to ask another state IV-D agency for assistance with a case by sending a *Transmittal #3* request.

c. The Initiating State can ask the Responding State to conduct or help secure one of the following:

1) "Quick locates"

2) Service of process

Directly contact via telephone, fax or other means, the sheriff or other appropriate official in another agency in another state to request personal service of process in the other jurisdiction. Send the request for assistance/discovery on the *Transmittal #3* only if attempts have been unsuccessful. Attach documentation as necessary for 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 *Transmittal #3* is received, it is handled by the Central Registry.

Table of Contents

1) The following *Transmittal #3* requests 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 *Transmittal #3* requests do not have a case set up on the automated system

   a) "Quick locates"

   b) Service of process

   c) Assistance with discovery

   d) Certified payment records

   e) Order copies

3) The following *Transmittal # 1* requests require a case to be set up on the automated system

   a) Attachment of unemployment compensation benefits. These requests will require a closure request from the Initiating State in order to close the case.

   b) Seizure of assets. These cases will close as soon as the action is completed and the Initiating State is notified.

e. When building a Limited Services case on the automated system

1) Use the case type NIVD (non-IV-D)

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

3) Create a Case Event using the Event Description "Limited Services Case". Update the Event Notes stating what action the Initiating State requested.

f. Accepting the Limited Services Requests Requirements

1) Receipt of a *Transmittal #1* or *Transmittal #3*

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

Table of Contents

3) If the request is for attachment of unemployment compensation benefits, a certified arrearages 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.

4) If the request is for the seizure of a bank account, the other state must provide the FIDM financial institution and account information. In addition to the existing criteria for filing an *Order to Withhold*, Virginia will not process the request unless there is a minimum balance of $500 in the account. Refer to Order to Withhold.

5) When filing an *Order to Withhold*, Central Registry staff will attach the *Order to Withhold Addendum Limited Services Case* to the document. The addendum provides the NCP with the appropriate contact information for the Initiating State in the event he or she wishes to file an appeal the *Order to Withhold*.

g. Central Registry staff takes requested *Transmittal #3* actions 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) (04/2016) (04/2017) (08/2017) (04/2018) (05/2018) (12/2018)

E. Paternity Establishment (05/2018)

1. Virginia as Initiating State

a. Long Arm Jurisdiction

1) UIFSA does not require the use of long arm.

2) District Offices attempt to use long arm whenever possible.

3) Long arm jurisdiction to establish paternity requires service on the putative father (PUTF) and sufficient minimum contacts between the PUTF and Virginia. Refer to Establishing Paternity in Intergovernmental Cases.

4) UIFSA allows Virginia to seek stand-alone paternity establishment or paternity and support order establishment.

5) Assertion of long arm jurisdiction over an NCP results in a one-state proceeding.

b. UIFSA Petition to establish paternity

Table of Contents

1) If long arm is not available or feasible, forward the *Declaration in Support of Establishing Parentage*, *Personal Information Form* 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 PUTF 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.

(08/2016) (8/2017)

F. Support Order Establishment (04/2023)

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 apply:

a) The NCP can be located and personally served in Virginia, including 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.

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.

Table of Contents

e) The child lives in Virginia because of an act or directive of the NCP (for example, the NCP tells the CP to go to Virginia and he or 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 the *Transmittal #1- Initial Request*, the *Confidential Information Form* and other intergovernmental documents along with 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.

Table of Contents

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 and/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 provide updates to 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 *Child Support Guidelines Worksheet* to the child support order to show how the obligation amount was calculated.

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

(08/2017) (05/2018)

G. Support Enforcement (05/2018)

1. One Support Order

If there is only one child support order, enforce that order.

2. Multiple Child Support Orders

a. Determining the Controlling Current Support Order for Ongoing Enforcement

Table of Contents

1) 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.

2) Apply the following rules to decide which order to enforce when one or more states have issued child support orders for the same NCP, CP, and child.

a) If more than 1 state has issued a child support order and only 1 has Continuing Exclusive Jurisdiction (CEJ), enforce the order of the CEJ state.

Example

VA Order	SC Order	TX
CP/ child		NCP

The Virginia order is the controlling order because only Virginia has CEJ.

b) If more than 1 state has issued a child support order and more than 1 of them has CEJ, enforce the order issued by the state which is the current home state of the child (where the child has lived for at least 6 months).

Example

VA Order	SC Order
CP/ child (6 months)	NCP

The Virginia order is the controlling order because the child has lived in VA for 6 months.

c) If more than 1 state has issued a child support order and more than 1 of them has CEJ, and there is no home state of the child, enforce the most recent order.

Example

VA	SC
CP/child (1 month)	NCP
2002 Order	2006 Order

The South Carolina order is the controlling order.

d) If more than 1 state has issued a child support order and none of the states have CEJ, establish a new order.

Example

Table of Contents

WV	VA	SC	MT
CP/child	NCP	2006 Order	2002 Order

Virginia would issue a new order at West Virginia's request. The new Virginia order is the controlling order.

b. Determination of the controlling order is not necessary for enforcement of arrearages only.

c. Send the *Notice of Determination of Controlling Order* to

1) The NCP

2) The CP

3) The initiating IV-D agency if Virginia is the Responding State

4) Any tribunal that issued a child support order for the same parties

5) Any IV-D agency with an open or closed IV-D case for the same parties

6) The Central Registry in the state that is representing an NCP or CP, as appropriate

d. Do not continue to enforce a Virginia order when the Division is notified that the Virginia order is not the controlling order.

e. Arrearages

1) Arrearages are entitled to full faith and credit.

2) If a higher order was entered first, calculate arrearages 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 (6 months)

Calculate the arrearages using the TX order up to the point that the controlling order is determined (VA order). Use the VA order to calculate arrearages from that point on.

Table of Contents

3) If a lower order was entered first, calculate the arrearages 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/Child (6 months) NCP

Calculate the arrearages 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) Once an arrears determination has been made, distribute collections in excess of the current support amount to Virginia first if arrearages are owed to Virginia, then to the Initiating State for distribution to other states.

3. Enforcement of Support Order without Registration

a. Virginia as the Initiating State

1) Direct Income Withholding

a) Send a direct *Income Withholding for Support* (*IWO*) to the NCP's employer in another state if the employer does business in a state that has a direct income withholding provision.

b) It is not necessary to file any pleading or register 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 an *IWO* without first notifying the Responding State and requesting that the existing intergovernmental case be closed.

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

e) If the NCP contests the *IWO*, he or 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 Income Withholding for Support.

Table of Contents

2) Utilize other administrative enforcement actions, as appropriate, to enforce the case long arm before referring the case to the other state for enforcement.

3) Complete the *Child Support Enforcement Transmittal #1- Initial Request, Confidential Information Form* and other required documents to request that another state enforce the order when long arm administrative enforcement actions are unsuccessful.

4) Send the intergovernmental forms to the Central Registry in the other state.

5) Do not ask the Responding State to enforce current support under its own order if another state has modified the order.

b. Virginia as the Responding State

1) Administratively enforce the order when responding to a request for enforcement before registering the order with the court.

2) The Hearing Officer hears the case when there is an appeal of an administrative enforcement action.

3) After the hearing, the Hearing Officer sends the *Administrative Hearing Decision (out-of-state)* to the parties.

4) If either party disagrees with the decision of the hearing officer, he or she can send written notice to the Manager of Appeals and Fair Hearings.

5) The Manager of Appeals & Fair Hearings & Civil Rights forwards the request for an appeal of the Administrative Hearing Officer's decision to the District Office responsible for the case.

6) Within 5 business days of receipt of written notice of the request for an appeal of the administrative hearing decision, send to the Juvenile and Domestic Relations District (JDR) Court.

a) The *Registration Statement*, and

b) Any other court forms necessary to take enforcement action.

7) The JDR court notifies both parties when the order is registered.

4. Registration for Enforcement

a. Virginia as the Initiating State

1) Virginia may request registration for enforcement in the Responding State.

Table of Contents

2) Once an order is registered for enforcement in the Responding State, it is enforceable in the same manner as an in-state order, but it may not be modified.

3) Send to the Responding State's Central Registry:

a) The *Child Support Enforcement Transmittal #1- Initial Request* (*Transmittal #1*) requesting registration for enforcement

b) The *Registration Statement*

c) Two copies, including 1certified copy, of all orders to be registered

d) A certified statement of arrearages

e) Description and location of property subject to seizure and sale or any other source of income

4) List the NCP's source of income not from the employer or description and location of property to be seized and sold on the *Transmittal #1* in section VI "Additional Case Information".

b. Virginia as the Registering State

1) Court Registration

a) Register the order with the JDR court using the *Request for Virginia Registration of Non-Virginia Support Order* after exhausting all applicable administrative enforcement remedies.

b) Send 2 copies, including 1 certified copy, of all the orders to be registered and a certified pay history from the issuing state with the *Request for Virginia Registration of Non-Virginia Support Order*.

c) When a support order issued by another state is registered, the JDR court sends the notice of registration to the non-registering party.

d) The notice informs the non-registering party that 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; failure to timely contest the registration of the order results in confirmation of the order and enforcement of the order and arrearages; and a further appeal is precluded.

e) If either party contests the registration of the order, the JDR court notifies the parties and the Division of the date, time and location of the hearing.

Table of Contents

2) Virginia law applies except

a) The issuing state law 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; and

e) The court may enforce any uncontested portion of the registered order during a stay or continuance.

3) Confirmation of a Registered Order

a) An order is confirmed when a hearing is not requested in a timely manner by either party or

b) A valid defense is not established by the contesting party.

(03/2016) (06/2016) (01/2017) (08/2017)

H. Jurisdiction Principles (08/2017)

Continuing, Exclusive Jurisdiction (CEJ)

1. 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).
2. Under UIFSA, if Virginia issued a support order first, Virginia retains CEJ over the order until 1 of the following occurs:

a. The CP, NCP and child all take up permanent residency in 1 or more other states, or

b. The CP and NCP file a written consent with the Division for another state to modify the order and assume CEJ. 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.

c. Virginia as Responding State (other state has CEJ)

Table of Contents

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.

d. 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* in the file until the court confirms the transfer of jurisdiction.

d) The court sends the *Confirmation to Transfer Jurisdiction* to the parties and the Division 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* 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.

e. 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.

Table of Contents

f. 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.

g. 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.

h. After losing CEJ, a state continues to have authority to enforce arrearages that accrued prior to the order being modified by another state.

i. 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.

j. A temporary support order issued by another state pending resolution of a jurisdictional conflict does not create CEJ.

3. Recognition of Modified Order

Recognize a modification of a Virginia order when the modification was done by another state consistent with UIFSA principles.

4. 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. Resolving Intergovernmental Communication Problems as the Initiating State (08/2017)

1. Ensure that the correct FIPS code is used so that correspondence goes to the appropriate locality. Refer to the Intergovernmental Reference Guide (IRG) for this information.

2. Send the *Child Support Enforcement Transmittal #2* (*Transmittal #2*) to obtain case status.

Table of Contents

a. The Specialist should allow 30 days for a response.

b. Using the *Transmittal #2* generates a CSENet referral to the Responding State and creates a Case Event.

3. If no response has been received within 30 days of sending the *Transmittal #2*, the Specialist calls the Responding State case worker and/or sends an email to the case worker.

a. Allow 10 days for a response.

b. Document all telephone calls, numbers, and the email address in Case Events. Prior to contacting the Responding State worker ensure that Case Events, incoming CSENet transactions and Perceptive are reviewed.

4. If no response is received from the Responding State, the Field Supervisor attempts to contact a supervisor or manager in the Responding State by phone or email. Document the attempts in Case Events.

5. If the District Office does not receive a response within 10 days, refer the matter to the Division's Central Registry. Complete an *Intergovernmental Case Problem* form and send it to the Central Registry Supervisor with all appropriate documentation.

6. The Central Registry Supervisor contacts the Responding State's Central Registry explaining what action or information is needed and provides a brief description of the contacts already made.

7. If status information still not received, the Central Registry Supervisor drafts a letter from the Deputy Commissioner to the Director of the Responding State's agency asking for intervention and assistance.

J. Reciprocal Enforcement (10/2019)

1. Reciprocal laws are in effect in all states, the District of Columbia and the territories of the United States.

2. OCSS has established federal level reciprocal child support agreements with certain countries and Canadian provinces.

a. The countries are Australia, El Salvador, Israel and Switzerland.

b. The Canadian Provinces are Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland/Labrador, Northwest Territories, Nova Scotia, Nunavut, Ontario, Prince Edward Island, Saskatchewan, and Yukon.

Table of Contents

c. Refer to the OCSS website.

3. The Hague Child Support Convention (the Convention) establishes a reciprocal agreement with certain countries. Refer to the Hague Conference website for the list of country profiles.

4. Requests received from a child support agency of a foreign country do not require a *Child Support Enforcement Services Application*. These requests for services should be processed by Central Registry only.

5. Requests received from an individual or an attorney requires a *Child Support Enforcement Services Application* except for certain requests initiated under the Convention. If a direct request is not permitted under the Convention and an *Application for Child Support Enforcement Service* (*Application*) is not received, return the request along with an *Application* and advise that the *Application* must be completed in order for Virginia to open a child support case.

6. If a request is received from a foreign country with no federal reciprocal agreement, Central Registry sets the case up and forwards it to the appropriate District Office to pursue the requested actions. If the case has to be referred to court, document the notes section of the *Case Referral Checklist for Court Pleadings* to notify Legal Counsel that the case is from a non-reciprocating country.

7. The Division may forward a UIFSA petition to any country with no reciprocal agreement. Include a copy of Virginia's UIFSA laws in the packet and provide translations of the documents.

8. Review the reciprocal agreement when requesting assistance from a foreign reciprocating country to determine if the country will accept the documents in English. If the reciprocal agreement does not resolve the question of which country should provide the translation, provide a translation of the document. Reciprocal agreements are available on the OCSS website and the Hague Conference website.

9. File a certified translation of the support order with a request for registration in Virginia.

10. Provide a certified translation of the support order to request registration for modification in another state. The Division pays for the certified translation. See the VDSS Office of General Services website for a list of authorized language interpretation and translation service vendors.

(11/2013) (01/2017) (04/2017) (08/2017)

Table of Contents

K. The Hague Convention (04/2023)

1. The Division, as an Initiating or Responding child support agency, respects international case processing timeframes and procedures. Refer to the Practical Handbook for Caseworkers under the 2007 Child Support Convention for information regarding case processing under the Hague Convention.
2. Cases under the Hague Convention (the Convention) are reviewed by a designated AAG if a specialist has questions or needs a petition reviewed. Current contact information for each designated specialist is located on the Program Guidance page on Fusion under Chapter 9.
3. Existing cases identified as Hague Convention cases, must be transferred in the automated system to the designated regional worker. Email the regional worker so that a "Y" can be added through the override process to complete the transfer. The regional worker is responsible for sending necessary Hague information to the other country for follow-up.
4. Under the Convention the responding foreign country must provide the following services
   a. To a CP
      1) Establishment of paternity
      2) Establishment of a support order if there is no existing order
      3) Recognition or recognition and enforcement of a support order issued by another state/foreign country
      4) Enforcement of a support order issued by or recognized in the Responding State/foreign country
      5) Establishment of a support order if recognition of a foreign support order is refused because
         a) The issuing tribunal lacked personal jurisdiction,
         b) The order was obtained by fraud or
         c) The respondent did not appear and was not represented in the proceeding in the issuing country and did not receive notice prior to the proceeding if prior notice is provided in that country or did not receive notice of the order and the right to appeal.
      6) Modification of a support order issued by the Responding State/foreign country

Table of Contents

7) Modification of a support order issued by another state/foreign country

8) Disbursement of support

b. To an NCP when there is an existing support order:

1) Recognition of an order suspending or limiting enforcement of an existing support order issued by the Responding State/foreign country

2) Modification of a support order issued by Virginia, another state or a foreign country

c. To a government authority acting on behalf of a CP or seeking reimbursement for benefits paid to a CP

1) Recognition or recognition and enforcement of a foreign support order

2) Enforcement of a support order issued or recognized in the Responding State/foreign country

3) Establishment of a support order if recognition of a foreign support order is refused because

a) The issuing tribunal lacked personal jurisdiction,

b) The order was obtained by fraud or

c) The respondent did not appear and was not represented in the proceeding in the issuing country and did not receive notice prior to the proceeding if prior notice is provided in that country or did not receive notice of the order and the right to appeal.

5. Requests for Specific Measures

a. Countries may send “requests for specific measures” which are similar to limited services request under UIFSA.

b. These may include, but are not limited to:

1) Help completing an application

2) Determining if an order exists and

3) Locate services

6. Incoming Cases under the Convention

Table of Contents

a. A request for recognition of a support order from a CP, NCP or government authority must include

1) A copy of the support order, an abstract or an extract of the support order drawn up by the issuing foreign tribunal

2) A record stating that the support order is enforceable in the issuing country

3) If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the proceedings and an opportunity to be heard in a challenge or appeal on fact of law before a tribunal

4) A record showing the amount of the arrearages and the date the amount was calculated

5) A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make appropriate calculations and

6) A record showing the extent to which the applicant received free legal assistance in the issuing country

b. The request must be in the original language and must be accompanied by an English translation if the original language is not English.

c. A request may seek recognition and partial enforcement of the order.

d. Send the initiating country the *Acknowledgement* from under Article 12(3)

e. Register the order with the appropriate court after receiving a valid request for recognition.

f. The court will promptly notify the parties of the registration or order vacating the registration.

g. To contest a registered order, a party living in the United States must file the contest no later than 30 days after notice of registration, and a party not living in the United States must file the contest no later than 60 days after notice of registration.

h. If the non-registering party fails to contest the registered support order within the period specified above, the order is enforceable.

Table of Contents

i. Notify the initiating country of actions taken by sending the appropriate (based upon the application type received) *Status of Application Report – Article 12*.

7. Outgoing cases under the Convention

a. Initiate action when the CP, NCP or government authority is the applicant, and the party resides in a Convention country.

b. If a case was opened in a Convention country prior to ratification of the Convention, continue processing the case using normal intergovernmental procedures until a major case action (i.e., modification) is needed.

c. If nondisclosure exists for the application, do not include the applicant's address, phone number, fax number or email on the *Applicati*on. Instead, complete the Restricted Information on the Applicant page of the *Application*.

d. Send the *Transmittal* form under Article 12(2) to initiate a request. Additionally, send the following for

1) Recognition or Recognition and Enforcement:

a) *Application for Recognition and Enforcement* (always send)

b) *Financial Circumstances Form* (always send but not always necessary to complete all sections)

c) *Statement of Proper Notice* (only send if respondent did not appear and was not represented in issuing jurisdiction)

d) *Statement of Enforceability of a Decision* (always send)

e) Complete order (always send)

f) Arrears calculation (always send if arrearages exist)

g) Information about any automatic adjustments including if the initiating country will calculate the adjustment or information so the responding country can adjust as required (send if applicable)

h) Proof of benefits (send if government authority is the applicant)

2) Enforcement of a Decision Made or Recognized by the Requested State:

a) Application for Enforcement of a Decision Made or Recognized in the Requested State (always send)

Table of Contents

b) *Financial Circumstances Form* (always send but not always necessary to complete all sections)

c) Complete order (always send)

d) Arrears calculation (always send)

e) Information about any automatic adjustments including if the initiating country will calculate the adjustment or information so the responding country can adjust as required (send if applicable)

f) Proof of benefits (send if government authority is the applicant)

3) Establishment of a Decision

a) *Application for Establishment of a Decision* (always send)

b) *Financial Circumstances Form* (always send but not always necessary to complete all sections)

c) Proof of benefits (send if government authority is the applicant)

4) Modification of a Decision

a) *Application for Modification of a Decision* (always send)

b) *Financial Circumstances Form* (always send but not always necessary to complete all sections)

c) Complete order (always send)

d) Arrears calculation (always send if there are arrearages)

e) Information about any automatic adjustments including if the initiating country will calculate the adjustment or information so the responding country can adjust as required (send if applicable)

e. Refer to the country profile to determine if the *Transmittal* form under Article 12(2) and accompanying documents should be translated into the responding country's language.

f. For additional guidance, refer to the *Practical Handbook for Caseworkers under the 2007 Child Support Convention*.

g. As of January 14, 2019, U.S. states process cases under the requirements of the Hague Convention Treaty with the following countries: Albania, Belarus, Bosnia-Herzegovina,

Table of Contents

Brazil, Honduras, Montenegro, Nicaragua, Norway, Turkey, Ukraine, and 27 European Union Countries (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden).

(01/2017) (04/2017) (08/2017) (07/2020)

Table of Contents

Chapter 10: Legal

10.1 Administrative Reviews and Appeals

A. Overview (04/2017)

1. Federal and state laws require that NCPs be given the right to contest and appeal certain administrative actions taken by the Division to establish and enforce a support obligation.
2. CPs have the right to appeal any action to establish or adjust a child support obligation.
3. Either party may be entitled to a case review, the right to appeal and/or a formal hearing with a Department Hearing Officer.

B. Administrative Reviews (04/2017)

1. An administrative review is an informal conference held when the NCP contests an action taken to enforce the case.
2. The NCP and/or his or her representative, the Specialist and an impartial designee, such as the Field Supervisor, who oversees the proceeding, attend the administrative review conference.
3. If the NCP is not satisfied with the outcome of the administrative review, he or she may request an administrative appeal hearing. The NCP can request an appeal hearing on certain actions without requesting an administrative review. Refer to Administrative Appeals.

C. Reporting the NCP to Consumer Credit Reporting Agencies (04/2017)

1. The NCP can request a case or an administrative review of the *Credit Reporting Agency Notice.*
2. Document Case Events with the NCP's request for the review.
3. Notify the NCP in writing of the date and time of the administrative review.
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 or her legal representative within 10 calendar days of the administrative review conference.

Table of Contents

6. The NCP has 10 days from the date of the notice to submit a written request for an administrative appeal hearing.

(04/2013)

D. Administrative Appeals (05/2024)

1. An administrative appeal is a formal hearing that gives an appellant the opportunity to contest actions taken by the Division.
2. Either party may formally appeal any of the provisions of an ASO.
3. The NCP appeals an action when he or she formally contests certain enforcement actions taken by the Division. These actions are:
   a. Federal Income Tax Offset – *BFS Offset Notice*
   b. Federal Income Tax *Pre-Offset Notice*
   c. Passport Denial
   d. *Order to Withhold*
   e. State Income Tax and Lottery Winnings Intercept
   f. Vendor Payment Intercept
   g. *Income Withholding for Support*
   h. Consumer Credit Agency Reporting
4. The NCP may only appeal the Division's actions to enforce a support order enforcement based on
   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 or,
   b. Whether the funds to be held are exempt from garnishment by law
5. Administrative appeals requests must be made in writing.
   a. If a party verbally indicates that he or she wishes to appeal an action, Division staff and Customer Service Center staff notify the party that he or she must submit a written appeal

Table of Contents

request within the appropriate timeframe for the given action. If requested, provide the address for the Division of Appeals and Fair Hearings and Civil Rights.

b. 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.

c. Use the postmark date on the envelope to determine the date of the appeal request.

6. Immediately forward any written appeal requests received in the District Office to the Department's Division of Appeals and Fair Hearings and Civil Rights.

7. The Hearing Officer denies appeals requests if the appellant gives an appeal reason other than those allowed by law or regulation or if the appeal request is invalid.

8. Either party may withdraw his or her administrative appeal request at any time while the appeal is pending.

9. The administrative appeal process must be completed before the appellant can file a *de novo* appeal of the Hearing Officer's decision with the court.

10. An appeal to court must be made within 10 or 30 days of receiving the Hearing Officer's decision, depending on the action appealed.

11. An appeal is 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 and sends an *Administrative Appeal Ruling* to the appellant by certified mail, return receipt requested when the appeal request is abandoned. A copy is sent to the District Office at the same time.

b. If the appellant contacts the Hearing Officer after the *Administrative Appeal Ruling* is issued and gives a valid reason for not appearing, the Hearing Officer may schedule another hearing.

12. Once the Hearing Officer generates the *Administrative Appeal Ruling* notifying the appellant that the appeal request is abandoned, and no notice is received of a rescheduled hearing, the Specialist proceeds with the planned action.

(08/2017)

10.2 Administrative Hearings

A. Overview (04/2017)

Table of Contents

1. Hearing Officers from the Department's Division of Appeals and Fair Hearings and Civil Rights schedule hearings for the Division's administrative appeals.
2. Administrative hearings are conducted either by telephone or face-to-face.
3. Face-to-face hearings are conducted in the District Office where the CP resides unless the NCP requests another location.
4. The appellant and the Specialist or the Field Supervisor attend the hearing.
5. Other individuals may also attend the 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
6. A continuance of the hearing may be granted at the Hearing Officer's discretion.
7. The appellant can make a request for a continuance by telephone with a follow-up in writing.
8. The appellant receives the Hearing Officer's decision within 45 calendar days of the date of the appeal request; a copy is sent to the District Office at the same time. For face-to-face hearings, the Hearing Officer can serve the appellant at the hearing by *Waiver of Formal Process of Service*.
9. If the Hearing Officer enters a decision that changes an amount or other factor, proceed with actions based on the Hearing Officer's modifications.
10. For appeals of an administrative enforcement action on an intergovernmental case when Virginia is the responding state, the Hearing Officer hears the case.
    a. Once the hearing is held, the Hearing Officer sends the *Administrative Hearing Decision (Out-of-State)* to the parties.
    b. If either party disagrees with the decision, he or she sends written notice to the Manager of the Division of Appeals and Fair Hearings and Civil Rights.
    c. The Manager notifies the appropriate District Office to register the out-of-state order for the purpose of judicial appeal.

Table of Contents

d. Within 5 working days of receipt of written notice of the appeal request of the Hearing Officer's decision to court, the Specialist

1) Prepares the *Request for Registration of Foreign Support Order*

2) Attaches any court forms necessary to take enforcement action

3) Forwards the packet for review for court referral according to District Office requirements and

4) Sends the approved packet to the appropriate Juvenile and Domestic Relations (JDR) Court

e. The JDR court notifies the parties when the order has been registered.

B. Administrative Support Order (04/2023)

1. Either party may appeal any of the establishment provisions of the *Administrative Support Order* (*ASO*).

2. Both parties have 10 calendar days from the service date to request an administrative appeal.

   a. Upon receipt of the proof of service on the NCP, a copy of the served *ASO* is mailed the same day to the CP.

   b. The CP has 10 calendar days from the date of receipt of a copy of the served *ASO* by first class mail to request an appeal. Allow at least 5 calendar days for mail delivery. A request for administrative appeal received after this time should be considered if the CP can show that the request was made within 10 calendar days of receipt, regardless of mailing time.

3. Within 10 calendar days of receipt of the Hearing Officer’s decision, either party may appeal to the Juvenile and Domestic Relations (JDR) District Court in the locality he or she lives in except

   a. The appeal is where the CP resides if the NCP lives out of state

   b. The appeal is where the property of the NCP is located if both parties live out of state or

   c. If there is more than one appropriate choice under the above criteria, the NCP determines the appeal location.

(04/2017) (08/2017) (01/2020)

Table of Contents

C. Federal Tax Intercept - Offset Program Notices (07/2018)

1. Intrastate Cases

When Virginia is the certifying state with a Virginia order

a. The NCP has 30 calendar days from the date of the *Pre-Offset Notice* to appeal the action.

b. The NCP has 30 calendar days from the date of the *BFS Offset Notice* to appeal the action.

2. Intergovernmental Cases

When Virginia is the certifying state for another state's order or another state is the certifying state with a Virginia order

a. When Virginia is the certifying state and the NCP requests an administrative appeal hearing in Virginia, use the same procedures indicated in 1 above.

b. If the complaint cannot be resolved and the order was not entered in Virginia, the NCP may request an administrative review in the state that entered the order.

1) Within 10 calendar days, generate the *Child Support Enforcement Transmittal #2* and select block #17- Administrative review for contested debt certification in the federal collection and enforcement program. Attach the NCP's request for an administrative review.

2) If Virginia does not have an intergovernmental case with the state that entered the order, generate the *Child Support Transmittal #3- Request for Assistance or Discovery* and select block #5 Assistance with administrative review. Include

a) A copy of all orders relevant to the case,

b) A copy of the payment record. If there is no payment record, provide an affidavit signed by the CP attesting to the amount of arrearages owed,

c) The CP's address if there is not an FVI on the case and

d) A copy of the NCP's request for an administrative review.

c. The state that entered the order is responsible for

1) Notifying the NCP and, in NTANF cases, the CP of the date and time of the administrative review

2) Conducting the administrative review and

Table of Contents

3) Issuing a decision within 45 calendar days of receiving the administrative review request 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 OCSS within 10 working days of the change in the amount to be certified and

2) Includes the information required for submitting a case for offset.

e. OCSS notifies the submitting state of any modifications or deletions that result from the administrative appeal conducted by the state with the order.

f. When the administrative review takes place after the offset has already occurred, the state that issued the order 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.

h. When another state certifies the NCP with a Virginia order, tell the NCP to mail his or her administrative review request to the certifying state.

3. The NCP may appeal the Hearing Officer's decision to circuit court within 30 calendar days from the date of the Hearing Officer's decision.

(04/2013) (04/2017)

D. Passport Denial (08/2017)

1. Passport Denial appeals are based on mistake of fact.

2. The NCP has 30 days from the date of the *Pre-Offset Notice* to request an administrative appeal.

3. The NCP may appeal the Hearing Officer's decision to circuit court within 30 calendar days from the date of the Hearing Officer's decision.

(04/2017)

E. Order to Withhold (05/2018)

1. The NCP can appeal the *Order to Withhold* (the *OW* and includes *Order to Withhold-Insurance Assets*) based on mistake of fact or claim that the property is exempt. The joint

Table of Contents

account holder can appeal the *OW* based on whether the NCP has an interest in the joint account.

2. The NCP has 10 calendar days after service of the *OW* to request an administrative appeal. The joint account holder also has 10 calendar days after service of the *OW* to request an administrative appeal.
3. If the *OW* was issued as a limited services request from another state, refer to Central Registry Responsibilities.
4. The NCP may appeal the Hearing Officer's decision to the Juvenile and Domestic Relations District Court within 10 calendar days of the date of receipt of the decision.
5. If the Hearing Officer rules the NCP has an interest in the joint account, the Division files a petition to the appropriate court to determine how much of the account belongs to the NCP.

(08/2017)

F. State Income Tax and Lottery Winnings Intercept (05/2024)

1. State Income Tax Offset and Lottery Winnings Intercept appeals are based on mistake of fact.
2. The NCP has 30 calendar days from the date of the *State Income Tax/ Lottery Winnings/ Vendor Payment Intercept Notification* to request an administrative appeal.
3. The NCP may appeal the Hearing Officer's decision to Circuit Court within 30 calendar days of the date of receipt of the decision.

(04/2017)

G. Vendor Payment Intercept (05/2024)

1. The Division may intercept a payment due to a vendor of products or services to a state agency when the vendor is an NCP with child support arrearages.
2. Vendor payment intercept appeals are based on
   a. The amount of the debt claimed is incorrect
   b. No arrearages are owed or
   c. The payment is ineligible for intercept

Table of Contents

3. The NCP has 30 calendar days from the date of mailing the *State Income Tax/ Lottery Winnings/ Vendor Payment Intercept Notification* to request an administrative appeal.
4. The NCP may appeal the Hearing Officer's decision to the Circuit Court within 30 calendar days of receipt of the decision.
5. The appeal is filed in the locality where the NCP lives. If the NCP does not reside in Virginia, the appeal is filed in the locality of the appropriate District Office.

(08/2017)

H. Income Withholding for Support (08/2017)

1. *Income Withholding for Support* (IWO) 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 *IWO* on the employer.
3. The NCP may file appeal the Hearing Officer's decision to the Juvenile and Domestic Relations District Court within 10 calendar days of receipt of the decision.

(03/2016)

I. Consumer Reporting Agencies (07/2017)

1. Consumer reporting agency information appeals are based on mistake of fact.
2. The appeal must be filed within 10 calendar days from the date he or she receives notice of the result of the administrative review.
3. The NCP may file appeal the Hearing Officer's decision to the Juvenile and Domestic Relations District Court within 10 calendar days of receipt of the decision.

J. Responsibilities of the Hearing Officer (08/2017)

1. Document Case Events when an appeal request is received.
2. Determine if the appeal request is valid.
3. Generate the *Administrative Appeal Ruling* to the appellant when the request is not valid.
4. Schedule an administrative hearing if the appeal request is valid.

Table of Contents

5. Generate and send the *Notice of DCSE Appeal Hearing* to the NCP and CP within 10 calendar days from the date of the valid appeal request.

6. Grant or deny a request for a continuance of a hearing and notify the District Office, the NCP, the CP and Legal Counsel (if appropriate), of the continuance, if granted.

7. 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 District Office and to Legal Counsel, if applicable.

8. Update Case Events.

9. The automated system generates a worklist item to the Specialist and the Hearing Officer the day before the hearing as a reminder of the hearing date and time.

10. Conduct the administrative appeal hearing.

    a. Record the testimony given at the hearing.

    b. Identify all parties present at the hearing.

    c. Inform all parties of the hearing's purpose, the procedures to be used, and how the decision will be made.

    d. Inform the appellant and his or her representative, if any, and the Division staff of their right to

        1) Examine all documents and records presented

        2) Present the case

        3) Bring witnesses

        4) Establish relevant facts and present arguments

        5) Defend or contest testimony or evidence presented and

        6) Cross-examine opposing witnesses.

            a) Only Legal Counsel can cross-examine witnesses on behalf of the Division.

            b) Division staff can request that the Hearing Officer ask certain questions if the appellant is not represented by counsel. Division staff may question the appellant's attorney directly.

            c) The appellant or his or her counsel can cross-examine the Division's staff.

Table of Contents

11. Base the decision on whether the Division properly applied policy and procedures in effect at the time the action was taken.

12. Allow modifications based on new evidence presented at the hearing.

13. Inform Division staff of new evidence presented.

14. Sustain the Division's actions if correct policy and procedures were followed or modified as appropriate.

15. Reverse or amend the Division's actions only if correct policy and procedures were not followed or if new evidence is presented.

16. If the amount of support ordered under an *ASO* is modified based on new evidence presented at the hearing, the Hearing Officer asks the appellant to sign a *Waiver of Formal Service of Process* (*Waiver*)or serves the decision on the appellant, and

17. Make a decision within the required time frames unless otherwise waived by the appellant in writing.

18. Confirm the parties' current mailing and residence addresses.

19. Generate an *Administrative Hearing Decision* and send it to the parties. The decision is sent by

    a. Certified mail to both parties if the decision changes the amount of support entered in the *ASO*.

    b. Certified mail to the appellant only if the decision does not change the amount of the support entered in the *ASO.*

    c. Certified mail to the appellant only if an appealed enforcement action.

20. If the appellant does not claim the certified mail, a request for service by sheriff is initiated. If service by sheriff is unsuccessful, the documents are sent to the District Office for further service attempts.

    a. Attach a copy of documents directly related to the appealed action.

    b. Advise the parties to report any change of address to Division staff immediately.

21. In a face-to-face hearing, the appellant may be asked to sign a *Waiver of Formal Service* (*Waiver*). Signing the *Waiver* results in immediate service of the decision.

Table of Contents

22. If the Hearing Office is unable to render a decision at the time of the hearing, the Hearing Officer serves the decision on the appellant and sends a copy to the other party within 45 calendar days of the date the appeal was received, unless a continuance was granted.

23. Send a copy of the served *Administrative Hearing Decision* and proof of service of the decision to the District Office.

24. Document Case Events.

(04/2017)

K. Responsibilities of Division Staff (05/2024)

1. When the Division of Appeals and Fair Hearings and Civil Rights staff enter an appeal request, a worklist generates to the assigned worker.

2. When the worklist is received, District Office staff

   a. Review the case to determine if appropriate policy was followed.

   b. Provide the Hearing Officer with the completed *Summary of Facts for Appeal* (*Summary*), found on Fusion, within two days of receipt of the worklist. The Hearing Officer sends a copy of the Summary to the parties.

   c. Document case events indicating that the *Summary* was provided to the Hearing Officer.

   d. When the Division receives additional information after sending the Summary to the Hearing Officer or if the Hearing Officer requires more information, provide the information to the Hearing Officer at least 3 working days prior to the hearing.

   e. Place a hold on the case until completion of the appeal process.

      1) For actions other than the *Order to Withhold*, State or Federal Tax Offset, Lottery Winnings or Vendor Payment Intercept, once the administrative appeal has been resolved:

         a) Proceed to work the case and

         b) Distribute payments received whether a de novo appeal is made to court or not. Refer to Allocation and Distribution and Disbursements.

      2) *Orders to Withhold*

Table of Contents

a) Do not disburse any payment received until all appeal rights (administrative and court) have been exhausted.

b) Once the appeal process is complete, issue either the *Order to Deliver* or the *Notice of Full or Partial Release of Order to Withhold*.

3) State and Federal Tax Offsets, Lottery Winnings and Vendor Payment Notification

a) Do not disburse any payments received until all the NCP's appeal rights (administrative and court) have been exhausted.

b) Proceed as appropriate once the appeal process is completed.

3. If Division staff receive an appeal request directly, email the request to the Division of Appeals and Fair Hearings and Civil Rights mailbox at csappeals@dss.virginia.gov .

4. Division staff may withdraw an action prior to the hearing date if case review reveals that the action taken was incorrect.

a. Provide written notice to the NCP, copying other parties as necessary. For *ASOs*, this includes both parties.

b. Create a Case Event indicating the action was withdrawn and the reason.

c. Notify the Hearing Officer that the action was withdrawn by sending a worklist.

5. The Specialist receives a worklist providing the date and time of the hearing.

6. The Specialist or Field Supervisor attends the administrative hearing and explains the Division's actions.

7. Review Case Events for the Hearing Officer's decision.

8. Comply with the Hearing Officer's decision within 2 business days of receiving the APHD worklist to check the document repository for a copy of the decision.

9. If the Hearing Officer modifies the *ASO* based on evidence presented in the administrative hearing

a. Generate a revised *ASO* using the option titled Revised-Administrative Appeal Hearing Decision.

1) Only update information changed by the Hearing Officer (all other information remains the same as it was on the order that was appealed).

Table of Contents

2) The effective date of the revised *ASO* is the effective date of the *ASO* that was appealed.

3) The start date of the revised *ASO* is the start date of the *ASO* that was appealed.

4) Provide a copy of the revised *ASO* to each party (service is not required).

b. Document that the amount of the support order has been changed by the Hearing Officer.

c. Update the order information in the automated system.

d. Send a worklist to the fiscal unit requesting account adjustments if needed.

e. Attach a copy of the served *Administrative Hearing Decision* to the revised *ASO i*t amends upon receipt of the document from the Hearing Officer. Refer to the Perceptive Technical User Guide Section 2.3: Capturing Documentation to Perceptive Content Using Click and Drag or Section 3.5: Merging Documents in Perceptive.

10. Courts in the Commonwealth and other states recognize the actions taken in item 8 above and afford it the same authority as the *ASO* it amends.

11. Mail a copy of the served *Administrative Hearing Decision* to the CP when the appellant is the NCP.

12. Send a *Request for Registration of Foreign Support Order* and other court forms necessary to take enforcement action to the Juvenile and Domestic Relations (JDR) Court within 5 working days of receiving a written appeal request of the Hearing Officer's decision in an intergovernmental case. The JDR court notifies both parties when the order is registered.

(11/2014) (03/2016) (04/2017) (08/2017) (03/2020) (12/2020) (09/2022) (04/2023)

10.3 Judicial System Interactions

A. Overview (08/2017)

The Division has the authority to handle numerous case actions administratively, including paternity and support order establishment; support order modification and support order enforcement. The Division also works with Virginia courts to establish paternity and support orders, modify orders and enforce orders.

Division staff deal primarily with the Juvenile and Domestic Relations (JDR) District Courts and the Circuit Courts. The Division also has interaction with the General District Courts.

Table of Contents

B. Interaction with Courts (08/2017)

1. The Juvenile and Domestic Relations (JDR) District Courts 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. The Circuit Court may
   a. Establish paternity
   b. Establish, modify, and enforce support obligations
   c. Establish, modify, and enforce medical support obligations
   d. Hear appeals of state and federal tax intercepts
   e. Hear appeals of decisions of the juvenile court
   f. Hear appeals regarding amount of joint bank account available for withholding if the amount exceeds $10,000.00 and
   g. Grant divorces. The Division is not typically involved in these cases.
3. 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.

C. Practice of Law and Presentation of Legal Conclusions (08/2017)

1. 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. These actions are performed only by the Division's Legal Counsel.
2. Division staff are limited in their appearance in court to the presentation of facts. Staff may not draw legal conclusions, make legal arguments or examine witnesses. These activities constitute the practice of law by staff, and constitute a misdemeanor under §54.1-3904 Code of Virginia.

Table of Contents

D. District Office Responsibilities (03/2022)

1. Virginia law permits designated non-attorney Division staff to complete and file petitions and motions for establishment, modification or enforcement of support on Supreme Court of Virginia approved forms. Division staff must complete the requirements for and receive the Division's Designation Certificate to file petitions and motions.
2. Non-attorney designated Division staff filing a pleading (and any automatically generated accompanying documents or supporting documentation) other than those indicated in Court Forms , or non-attorney, non-designated Division staff filing any pleading constitutes a misdemeanor under §54.1-3904 Code of Virginia.
3. Designated non-attorney staff may
   a. Complete and electronically submit, as a representative of the Division, petitions, motions and notices in the name of the Commonwealth of Virginia. The information provided by the employee is limited to facts, figures or factual conclusions, and must not include legal arguments or legal conclusions;
   b. Set a case for trial;
   c. Appear in court on behalf of the Division when accompanied by Legal Counsel;
   d. Testify on any factual matters related to the support issue of which they have personal knowledge;
   e. Present statements of accounts.
4. Staff may not direct questions to others who appear as witnesses or other parties.

(04/2017)

E. Court Decorum (04/2017)

Division staff are representatives of the Commonwealth when they appear in court. Staff must

1. Project a professional image in behavior and dress when appearing in court.
2. Exhibit the courtesy due the court and all parties involved.
3. Be knowledgeable of the case.
4. Be knowledgeable of Division policy and procedures.

Table of Contents

F. Legal Counsel (08/2017)

1. The Office of the Attorney General (OAG) provides legal services to the Division. Legal Counsel represents the Commonwealth, not the CP, the NCP or the children.
2. The Division also contracts with private attorneys for special counsel.

G. Legal Fees (08/2017)

1. Assess a legal fee when the Division prevails in a court action to enforce a child or medical support obligation. The fee is charged only to cases represented by the Division's Legal Counsel in court.
2. The legal 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. The current fee is $120 per action.
3. Generate a *Contact Letter to Noncustodial Parent* when:
   a. A *Motion for Show Cause* petition is filed or
   b. An appeal of a Division enforcement action has been filed with the court.
4. Appropriate staff enter the legal fee subaccount on the automated system.

(04/2013)

H. Referring Cases to Legal Counsel (04/2021)

1. Refer the following cases to Legal Counsel for review 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
   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 (PUTF) when the mother and presumed father are divorced
   e. All paternity cases in which rape or incest is involved
   f. All paternity cases that involve a bigamous relationship

Table of Contents

g. Cases involving a prior legal determination of paternity

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 PUTF

j. Cases in which the presumed father contests paternity

k. Cases that require domestication of a foreign paternity order for full faith and credit by a Virginia court

l. Cases in which discovery, 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 *Income Withholding for Support* and *Order to Withhold*

r. Cases in which decreases may be due to voluntary under-employment or involve hidden income or assets

s. All cases involving incarcerated NCPs except for review and adjustment cases

t. Cases in which the Division becomes aware 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 servicemembers where the Servicemembers Civil Relief Act claim may apply. Refer to Court Establishment of Paternity, Child Support Establishment for Intrastate Cases and Servicemembers Civil Relief Act.

2. To refer a case to Legal Counsel, generate a *Legal Services Case Referral*.

(07/2014) (12/2014) (03/2016) (01/2017) (08/2017)

Table of Contents

I. Legal Documents and Correspondence (05/2024)

1. Division staff must use the *Legal Services Case Referral* when referring legal documents or correspondence received in the District Office to Legal Counsel.
2. Refer cases with the following to Legal Counsel for review
   a. *Pendente lite* orders
   b. Orders where the Division needs to file a motion or petition and the Circuit Court has retained jurisdiction.
   c. Consent orders where the parties had a Division case at the time of order entry and the Division's Legal Counsel did not sign the order and
   d. Support orders with unclear or vague terms, such as miscellaneous support or alternative payment agreements
   e. Support orders that do not separate expenses that were incurred prior to the birth of a child from pregnancy and delivery expenses.
3. Immediately refer to Legal Counsel newly heard Division cases with orders that have incorrect, incomplete or misrepresented information. Provide a full explanation of the error.

   Example: Support ordered for a child born out of wedlock, but paternity has not been adjudicated or CP provided total cost of subsidized day care and not just his/her portion.
4. Most support orders entered by other states, tribal nations or foreign countries do not need legal review. When a foreign order has unclear terms,
   a. Contact the issuing jurisdiction for clarification.
   b. If the Division is unable to obtain a clarification or the clarification conflicts with Division policy and/or Virginia law, refer the order to District Office management to determine if a legal referral is needed.
5. The Division receives several legal documents other than court orders, including, but not limited to
   a. *Subpoenas duces tecum*
   b. Interrogatories
   c. Lawsuits against the Division or with the Division as a party (torts)

Table of Contents

d. Depositions

e. Requests for documents

f. Summons or subpoena that require a specific Division staff person (such as the assigned Specialist) to appear in court

g. Pseudo-legal documents

1) Examples include items in which

a) The NCP declares himself or herself to be a "sovereign citizen"

b) The NCP declares himself or herself to be a citizen of a "nation" such as "the Republic of Texas" or the "Moorish Nation"

c) The NCP uses a copyright symbol © or refers to himself or herself in third person as a fictitious entity and

2) The NCP asserts that there is no support obligation and/or arrearages due and uses pseudo-legal phrases such as

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/or

i. Other requests for information from attorneys

6. Immediately refer any document referenced in item 5 to Legal Counsel for review. Attach supporting documentation as needed.

7. If bankruptcy paperwork is received, refer to Bankruptcy Cases and Enforcement and Special Circumstances Cases.

Table of Contents

8. All correspondence received from the Division's Legal Counsel, including emails to the Division Specialist, District Manager, etc. and information contained on Attorney Notes is confidential and subject to attorney/client privilege. This information is not to be released to either party on a case and/or their representatives, including counsel.

(07/2014) (04/2016) (01/2017)

J. Represented Parties (05/2018)

1. The Division's Legal Counsel provides legal representation to the Division at court hearings.
2. Division customers have the right to retain private counsel to assist them in child support matters.
3. The court may appoint an attorney to defend the NCP in a show cause trial.
4. The court may appoint a Guardian ad Litem to represent the NCP, CP or child during any type of child support hearing.
5. Either party has the right to have private counsel present for an administrative review or administrative appeal.
   a. If the Specialist has reasonable notice prior to the review or appeal that one or both parties will have private counsel present, the Specialist should notify the Division's Legal Counsel.
   b. Complete the *Legal Services Case Referral* form and include any relevant information, including the name of the attorney(s) if known.

(07/2014) (08/2017)

K. Communication with Represented Parties (05/2018)

1. Division staff who assist with Division cases in court have special restrictions.
   a. Court Specialists and other Division staff who assist with preparing cases may not interview or otherwise communicate with a represented person before obtaining his or her attorney's consent.
   b. This restriction applies in court or in the District Office and applies to the entire paternity or child support case, regardless of multiple pleadings heard in court at the same time or on multiple dates.

Table of Contents

Example: An NCP may have a *Motion to Amend or Review Order*, a *Show Cause*, and a *Petition for Support- Civil* before the court. If an attorney has been appointed or retained to represent the NCP on the *Show Cause*, the Division cannot interview the NCP on the *Motion to Amend or Review Order* or the *Petition for Support- Civil* without the NCP's attorney's consent, even if the other pleadings involve different CPs.

2. Division staff who do not assist with preparing cases in court may discuss general topics.

   a. If a represented party wants to know what payments the Division has received, to confirm the court date or other information about the case, staff should provide that information.

   b. Staff may discuss topics unrelated to an administrative or court hearing.

   Example: There is an appeal in court next week for which the NCP has retained counsel; in the meantime, the NCP has questions about an IWO that is not the reason for the appeal. Staff may discuss the IWO.

L. Bankruptcy Cases (03/2022)

1. The Bankruptcy Unit monitors bankruptcy cases on behalf of the Division and handles all matters pertaining to bankruptcy court. The Bankruptcy Unit

   a. Updates the automated system with bankruptcy case information on all bankruptcy cases in which the Division is listed as the creditor and where the NCP has an open IV-D case.

   b. Maintains and monitors electronic files for all Chapter 13 bankruptcy cases.

   c. Files all proofs of claim and other documents and pleadings with the appropriate Bankruptcy Courts

   d. Appears in Bankruptcy Court as needed

   e. Provides responses to documents which require a reply

   f. Provides assistance and additional information to caseworkers where appropriate

   g. Updates the automated system when a bankruptcy is dismissed or discharged

2. The email address for the Bankruptcy Unit is bankruptcy@dss.virginia.gov. The mailing address is Office of the Attorney General, Virginia Division of Child Support Enforcement, P.O. Box 71900, Henrico, VA 23255. The fax number is (804) 367-8418. Urgent matters can be addressed by contacting:

   a. Catherine Mullins by email at Catherine.Mullins@dss.virginia.gov.

Table of Contents

b. Charlotte McAdams at (804) 367-8488 or by email at charlotte.mcadams@dss.virginia.gov.

3. For detailed guidance regarding bankruptcy cases, refer to Enforcement and Special Circumstances Cases.

(04/2013) (07/2013) (07/2014) (04/2017) (09/2020)

10.4 Judicial Actions

A. Overview (09/2022)

Judicial action is the taking of court action in connection with a child support case. A judicial action is different from an administrative action, which is action the Division takes without the court involvement.

1. Juvenile and Domestic Relations (JDR) District Courts have primary jurisdiction for support orders.
2. Circuit Courts can retain jurisdiction of divorce decrees that order child support or transfer the support provisions to the appropriate JDR Court for further proceedings. Circuit court orders supersede JDR court orders.
3. Refer a case to Legal Counsel when a circuit court order has not previously been transferred to the JDR court.
   a. Generate a *Legal Services Case Referral* to Legal Counsel.
   b. Include case documents for attorney review, including all existing support orders for the parties.
4. Designated non-attorney Division staff file a petition or motion with the appropriate JDR District Court to initiate court action. Refer to District Office Responsibilities.
5. The Division's Legal Counsel initiates court action by completing a petition or motion and filing it with the appropriate JDR District Court or Circuit Court.
6. File the *Petition for Support- Civil* in the locality where the CP, child or NCP lives.
7. File the *Request for Witness Subpoena* with petitions or motions when someone other than the parties on a case needs to appear in court. Consult with Legal Counsel prior to filing.
8. Only Legal Counsel may present petitions, motions or pleadings in Circuit Courts.

Table of Contents

9. Verify appropriate options are selected when e-filing pleadings to ensure the correct language populates in the document. Submitting the pleading certifies that the petition is being filed in good faith and that the information on the face of the document is correct.

10. Complete the *Case Referral Checklist for Court Pleadings* or *Show Cause Assets Checklist* as applicable, for every case before referring to court. If an item on the checklist does not apply to the case, enter "N/A" in the appropriate box. Retain the form in the case record.

11. Notify the parties of pending scheduled court dates.

12. Send a *Child Support Enforcement Transmittal #2- Subsequent Actions* to notify another state of pending scheduled court dates when the case is an intergovernmental case.

13. The JDR court is denied jurisdiction of cases when a party has filed for divorce in the Circuit Court, the issue of child support is involved and a hearing has been scheduled within 21 calendar 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 JDR court, proceed with the hearing in that court.

    b. If no petition has been filed with the JDR court, refer the case to Legal Counsel for filing in the appropriate court.

14. Refer all cases regarding minor putative fathers (PUTF) to court. The court appoints a Guardian ad Litem to represent the interests of the minor PUTF during the paternity hearing.

15. Serve one or both of the CP's parents with notice of the court hearing when the CP is a minor.

16. The court may enter an order establishing paternity of a child based upon an admission of paternity by the PUTF 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.

17. 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 any other reason.

18. If there is a Family Violence Indicator (FVI) on a case and a court petition is generated, the at-risk party's address does not appear on the petition. It does appear on the *Non-Disclosure Addendum (DC-621)* that generates along with the court petition.

Table of Contents

a. The *Non-Disclosure Addendum* allows the court to have the at-risk party served for the hearing.

b. The *Non-Disclosure Addendum* notifies the process server that the at-risk party's information is to remain confidential.

c. For additional information regarding cases with a FVI, refer to Family Violence Indicator and Release of Information- Family Violence.

d. OCSS provides information about additional courtroom safeguards for pursuing child support when domestic violence is a concern.

19. If an Address Confidentiality Program (ACP) case requires court action:

a. Refer the appropriate documents to the court in the jurisdiction where the NCP lives.

1) If a support order exists in a jurisdiction other than where the NCP lives, an intrastate request should be sent to the office that handles the jurisdiction where the order was issued.

2) Request an exemption from the Office of the Attorney General for the purpose of obtaining the CP's actual home address to file the required petition in the appropriate jurisdiction if the NCP is out of state.

b. The *Address Confidentiality Notice* 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 for the CP is: Office of the Attorney General, 202 N Ninth St, Richmond, VA 23219.

c. Staff should send a notice to the CP through the Office of the Attorney General advising that the case has been referred to the appropriate court for docketing. The Specialist's direct phone number is to be provided along with a request to the CP to contact the Division to discuss his/her appearance in court and the possibility of testifying by telephone.

(09/2012) (07/2014) (12/2015) (03/2016) (01/2017) (08/2017)

B. Reasons for Judicial Action (08/2017)

Initiate judicial action when

Table of Contents

1. Administrative remedies have been unsuccessful in establishing paternity, a support obligation, a medical support order, or in enforcing an obligation,
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.

(07/2014)

C. Court Preparation Sheet (08/2017)

1. The *Court Preparation Sheet* is one document with most information needed for a court hearing.
2. The Summary Case Account Statement prints after the *Court Preparation Sheet* for each case. This statement provides arrearage information and it can be removed from the packet and given to the court.
3. Refer to Testifying in Court to Arrearages.

(03/2016)

D. Case Referral Checklist for Court Pleadings (09/2022)

1. Use the *Case Referral Checklist for Court Pleadings* (*Checklist*) as a guide to review specific information, confirm accuracy and completeness of record information and to prepare pleadings in all Division offices. Use the *Show Cause Assets Checklist* (*Checklist*) if the pleading is a *Motion for Show Cause Summons or Capias*.
2. Non-attorney staff must complete a *Checklist* for each pleading on a case and ensure that all necessary information has been accurately researched and confirmed.
3. Complete all areas of the *Checklist*. The *Checklist* is reviewed both prior to filing with the court and prior to the court hearing.
4. Provide additional information that may be used by Division attorneys by attaching additional sheets to the *Checklist*.
5. Before preparing the *Checklist*, check the automated system to determine if the NCP has multiple cases.

Table of Contents

a. If the NCP has multiple cases in one District Office, review all cases to determine which cases should be referred to court. Complete a separate *Checklist* for each case referred to court. Refer all of the NCP's cases requiring court action to court at the same time.

b. If the NCP has multiple cases that are located in different offices, notify the other office(s) to review all of the NCPs cases for possible court referral. All of the NCP's cases requiring court action must be referred to the court with jurisdiction of the order(s) within the same timeframe unless there is a clearly documented reason to not refer a specific case or specific cases.

6. Refer to Imaging for document retention information.

(04/2013) (01/2017) (08/2017)

E. Court Establishment of Paternity (09/2022)

Take court action to establish paternity when

1. The putative father (PUTF) will not voluntarily acknowledge paternity, will not consent to voluntary genetic testing and there is

   a. A sworn statement of paternity from the mother or

   b. A PUTF named on the automated referral from the LDSS.

2. The PUTF 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 PUTF named on the automated referral from the LDSS.

3. The PUTF is a minor (less than 18 years of age). Refer these cases to Legal Counsel. File these petitions with the PUTF'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 PUTF displays 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.

Table of Contents

5. There are both a presumed father and a PUTF. Refer to Presumed and Putative Father Situations.

6. The PUTF is incarcerated on a misdemeanor charge and will not voluntarily acknowledge paternity or consent to genetic testing or the PUTF is an incarcerated felon. When this situation occurs, file a *Petition for Support (Civil)* (*Petition*) in the JDR court in the locality where the children reside. Refer to Paternity Establishment for an Incarcerated Putative Father.

7. The *Parentage Supplement to Petition* (DC-641) automatically generates when e-filing the *Petition* in paternity cases. The *Parentage Supplement to Petition* provides the court with the information needed to complete the *Order Determining Parentage* (DC- 644).

8. If the PUTF (and/or presumed father in item 5 applies) is an active duty servicemember file the DC-418, *Affidavit- Default Judgment Servicemembers Civil Relief Act*. Refer to Servicemembers Civil Relief Act.

(03/2016) (08/2017) (07/2021)

F. Servicemembers Civil Relief Act (09/2022)

1. The Servicemembers Civil Relief Act, or SCRA, is a federal law that provides active-duty military service members with certain procedural protections. For example, it provides certain protections involving residential leases, automobile leases and interest rates.

2. The law provides protections for both civil court proceedings and administrative proceedings. The law requires both tribunals to grant a 90-day stay of proceedings on request by the servicemember in certain circumstances, and it provides protections against the entry of default judgments.

3. Any correspondence from or on behalf of a military servicemember seeking to invoke rights under the SCRA with respect to a court proceeding should be immediately referred to the Division's Legal Counsel.

4. *Petition for Support* (*Civil*) and *Motion to Amend or Review Support*

   a. When the Division (or the CP) files a petition seeking paternity and child support, it is critically important to determine whether the putative father or NCP is an active-duty military member.

   b. 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

Table of Contents

was on active duty, unless the court appointed an attorney to represent the service member's interests.

c. In any case in which it appears the court is likely to enter a paternity, initial support and/ or amended support order against a party without that party's appearance, the Division must determine if the party is an active-duty military servicemember. Use all available resources including talking to the CP and checking the NCP's military status using the DOD's website.

d. If it is determined that the NCP is on active duty, the Division files the *Affidavit- Default Judgment Servicemembers Civil Relief Act* (DC 418) (*Affidavit*) with the *Petition for Support (Civil)*. For the *Motion to Amend or Review Support* requirements, refer to Issuing the Motion to Approve Proposed Modified Support Order and Issuing the Motion to Amend.

e. When appropriate, the Division's Legal Counsel takes steps, including asking the court to appoint an attorney to represent the NCP's interests.

f. If it is determined that the NCP is not an active-duty military servicemember, the case can proceed according to normal procedures for default judgments.

5. Registration of Foreign Support Orders

a. Virginia courts typically, upon notice of successful service, confirm the registration of foreign support orders without appearances by the parties. This procedure could be considered a default judgment against the party who did not request the registration.

b. When the Division files a request to register a foreign support order in a Virginia court, and it appears that either party is an active-duty military servicemember, the Division files the *Affidavit*, which is required under the SCRA before a default judgment can be entered against a party.

6. Review and Modification Procedure

Refer to Issuing the Motion to Approve Proposed Modified Support Order and Issuing the Motion to Amend.

7. Administrative Proceedings

a. The SCRA is applicable to administrative proceedings, such as the establishment of paternity and child support. Division workers need to take the appropriate steps when working a case involving a PUTF or NCP who may be an active-duty military service member. In such situations

Table of Contents

1) Determine whether the NCP is an active-duty military servicemember by accessing the SCRA website.

2) Document the NCP's active-duty military status on the automated system.

3) If the NCP is on active duty, attempt to obtain from the NCP a completed *Waiver of Servicemembers Civil Relief Act* (*Waiver*) or a *Participation in Administrative Proceeding Acknowledgment* (*Acknowledgement*).

4) Retain the completed form in the parties' case record and maintain it in the same manner as a return of service for an *ASO*.

5) It is not necessary to obtain either form for administrative enforcement actions.

6) If an active duty servicemember completes either form, and then requests a continuance of the proceeding due to military duties, first make an effort to resolve the matter with the servicemember. If that effort fails, refer the matter to court.

7) Either the servicemember or his military command will provide a time when he or she 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 period.

   a) Once the court date has been docketed, provide the court date and time to the NCP and update the contact on Case Events.

   b) 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.

8) If the NCP does not return the *Waiver* or the *Acknowledgment* within 14 days from the date the form was mailed, determine whether the NCP has participated in the administrative proceeding. Participation in this instance means that the NCP has

   a) Submitted to genetic testing in connection with the proceeding

   b) Submitted a *Financial Statement* in connection with the proceeding

   c) Submitted a written response to the Division regarding the proceeding

   d) Appeared in person at the District Office in connection with the proceeding

   e) Submitted a written request to reschedule an appointment in connection with the proceeding and then failed to appear

Table of Contents

9) If there is doubt as to whether the NCP has participated in the proceeding, consult with Legal Counsel.

10) If the NCP has submitted either form or has participated in the proceeding, continue the proceeding to its completion.

11) If the NCP has not submitted the completed form and has not participated in the proceeding, refer the matter to court.

(12/2012) (07/2014) (12/2014) (11/2015) (01/2017)

G. General Procedures for Juvenile Court Actions (09/2022)

1. District Office staff have numerous responsibilities when the Division takes court actions.

2. To Request a Court Hearing

   a. Complete a *Case Referral Checklist for Court Pleadings*.

   b. Consult with Legal Counsel prior to filing the pleading(s) as necessary.

   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. File the petition and any other supporting information with the Juvenile and Domestic Relations (JDR) Court in the jurisdiction where the CP or children reside.

   e. For additional information, refer to the iAPECS User Guide Chapter 8, Documents and the applicable Electronic Filing System job aids.

3. Before the Court Hearing

   a. Update the automated system when the court date and time are received from the court.

   b. Provide notice of the hearing date and time to the parties using the *Court Date Notice*. For intergovernmental cases, use the *Child Support Enforcement Transmittal #2- Subsequent Actions* (*Transmittal #2*).

   c. When available, verify the method and date of service of the notice to appear to the NCP or PUTF and update the case record with this information.

   d. Review the case before the court hearing.

4. During the Court Hearing

Table of Contents

Attend the court hearing and present the facts of the case if called upon to do so.

5. After the Court Hearing

   a. Document the court disposition and update Case Events with the results of the court hearing. Refer to SELF Event Documentation Table.

   b. 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. Ensure that any additional actions taken are clearly documented.

   c. If a TANF CP fails to appear at the hearing and the CP's cooperation is necessary, notify LDSS of the CP's noncooperation. Refer to Cooperation Requirements for TANF Cases.

   d. For intergovernmental cases, send the *Transmittal #2* to notify the other state of the hearing results.

6. When a Support Order is Entered

   Enter the obligation information into the automated system within 2 business days after receipt of the order. Refer to Adding Orders to Automated System.

   (08/2017)

H. Paternity Establishment for Intrastate Cases (09/2022)

1. Intrastate cases are cases in which both the putative father (PUTF) and CP or children reside in the Commonwealth of Virginia.

2. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.

3. Generate a *Petition for Support* (*Civil*) selecting the Paternity option which will also generate the *Parentage Supplement to Petition*.

4. When Genetic Testing is Ordered

   a. When genetic testing is ordered, schedule the testing according to established procedures.

   b. Monitor the case for the receipt of genetic test results.

   c. When the genetic test results are received,

Table of Contents

1) Enter a Case Event stating that the genetic test results have been received and filed with the court.

2) Do not document specific information about the test results.

3) Do not update the paternity disposition in the automated system.

4) File the genetic test results with the court at least 15 days prior to the court hearing.

5) Arrange in advance for the court to continue the case if the genetic test results will not be available for filing at least 15 days before the hearing.

6) 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. If this situation 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.

7) The genetic test results are only evidence that the judge uses in making the paternity determination.

d. In general, 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. If circumstances dictate a need for disclosure, the Division only discloses the information with the approval of the Division's Legal Counsel. The Specialist provides the information in writing or via MCS.

e. If the NCP is ordered to reimburse the Commonwealth for genetic testing, designated staff enter the Genetic Test Fee subaccount on the case account.

f. If the PUTF is excluded, refer to When the Putative Father Is Excluded.

g. The court will forward the *Order Determining Parentage (ODP)* to the Office of Vital Records (OVR), when paternity is established. OVR requires this form to add the father's name to the birth certificate and to issue a new birth certificate with the father's name.

h. Update the genetic test probability percentage information and paternity disposition in the automated system after the court hearing.

(07/2014) (03/2016) (08/2016) (08/2017)

I. Paternity Establishment for an Incarcerated Putative Father (09/2022)

Table of Contents

1. When a putative father (PUTF) is incarcerated for a misdemeanor and refuses to voluntarily acknowledge paternity or voluntarily consent to genetic testing, send the case to court.
2. When the PUTF is incarcerated for a felony conviction, the case must go to court regardless of whether he is willing or not to acknowledge paternity or submit to genetic testing.
3. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.
4. Generate a *Petition for Support* (*Civil*) selecting the Paternity option. In the Special Requests section
   a. Request that a Guardian ad litem be appointed for the incarcerated PUTF.
   b. 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.
5. If the PUTF admits paternity of the child in court, the paternity issue is resolved once paternity is adjudicated.
6. If the PUTF does not admit paternity in court and genetic testing is ordered, refer to When Genetic Testing is Ordered.
7. If the PUTF is excluded, refer to When the Putative Father Is Excluded.

(07/2014) (11/2015) (03/2016) (08/2016) (08/2017)

J. Paternity Establishment for Long Arm Cases (09/2022)

1. Virginia courts can exercise jurisdiction over a person who lives in another state, but who committed certain acts while in Virginia. This legal provision is known as Long Arm jurisdiction.
2. To determine if Long Arm jurisdiction is appropriate, refer to Establishing Paternity in Intergovernmental Cases.
3. Document Case Events if Long Arm circumstances apply but Long Arm is not used, i.e. a UIFSA petition is filed. Refer to Paternity Establishment.
4. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.

Table of Contents

5. Obtain a photo of the NCP from the CP or elsewhere if possible. A photo assists in serving the NCP with notice.

6. Prepare a *Service of Process Cover Letter*.

7. Generate a *Petition for Support* (*Civil*) filing it with the Juvenile and Domestic Relations (JDR) District Court in the city or county where the CP or child lives. Include any other supporting evidence of paternity when requesting paternity adjudication. Include a statement that the child was conceived or fathered in Virginia.

8. Initiate service of process on the PUTF by following procedures already established by the local JDR court for service of documents in Long Arm situations. In the absence of court procedures

   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 private process server

   b. The other state's Central Registry will provide guidance as to whether to use the IV-D agency or the sheriff or private process server. Service may be accomplished more quickly by dealing directly with the sheriff instead of the IV-D agency.

   c. 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 JDR Court’s Clerk's office in Virginia

   d. Schedule the case in the local JDR Court far enough in advance so that proof of service can be returned to the court in a timely manner. Follow District Office procedures for docketing cases.

Table of Contents

e. 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 JDR Court so that the copy noting proof of service can be mailed back to the court.

f. Advise the court in writing that the Division forwarded copies of the pleadings to the other state for service.

9. Do not mail pleadings to the PUTF in a paternity matter. Acceptable service is accomplished when a copy is personally delivered to the PUTF. Substitute or posted service is not valid in a Long Arm paternity case.

(03/2016) (08/2016) (08/2017)

K. Intergovernmental Paternity Establishment When Virginia is the Responding State (09/2022)

1. The Division receives UIFSA petitions requesting paternity establishment when the putative father (PUTF) resides in Virginia. When administrative attempts to establish paternity are unsuccessful, the Division petitions the court to establish paternity.
2. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.
3. File the UIFSA petition with the appropriate Juvenile and Domestic Relations District Court.
4. Send the *Child Support Enforcement Transmittal #2- Subsequent Actions* (*Transmittal #2)* to the initiating state within 10 days of receipt of any new information on the case.
5. If the PUTF denies paternity, and the court orders genetic testing, refer to When Genetic Testing is Ordered. Coordinate with the initiating state to schedule paternity testing for the mother and the child.
6. The court cannot require the petitioner to appear in court; however, it must allow a party or witness who resides in another state to testify by deposition, telephone, videoconference or other similar means from a tribunal in that state. If testimony is required, send the *Transmittal #2* to notify the initiating state.

(08/2017)

L. Domestication of a Foreign Paternity Court Order (09/2022)

Table of Contents

1. Domestication of a foreign court paternity order is a non-standard pleading and cannot be filed by non-attorney Division staff. Non-attorney Division staff provide the following to Legal Counsel to domesticate a foreign paternity order

   a. A *Legal Service Case Referral* requesting domestication of a foreign paternity order

   b. A certified copy of the foreign paternity order, which may be a standalone order with a finding of paternity or a support order adjudicating paternity

   c. Any available documentation used by the foreign jurisdiction to adjudicate paternity including

      1) A copy of the genetic testing results

      2) A copy of the child's birth certificate

      3) A copy of the signed acknowledgment(s) of paternity

   d. Information required for the order of domestication, including

      1) Case type

      2) Full name of the child

      3) Child's date and place of birth and

      4) Father's date and place of birth

   e. Refer to the Domestication of Paternity job aid found on Fusion.

2. Once the Virginia court enters the order domesticating paternity, forward to the Paternity Consultant in Home Office

   a. The Virginia court order domesticating paternity,

   b. The certified copy of the foreign paternity order and

   c. Any available documentation used by the foreign jurisdiction to adjudicate paternity.

3. The Paternity Consultant

   a. Ensures all documents required by Office of Vital Records (OVR) have been provided

   b. Reviews the documents for information required by OVR

   c. Forwards the documents to OVR so that the child's birth certificate can be amended

(03/2016) (08/2016) (01/2017)

Table of Contents

M. Child Support Establishment for Intrastate Cases (09/2022)

1. Intrastate cases are cases in which both the NCP and CP or children reside in the Commonwealth of Virginia.
2. Division staff use judicial establishment only when administrative establishment methods have been exhausted or do not apply. Case events must be documented to indicate administrative support order establishment is unsuccessful or not applicable. Refer to Support Order Establishment Overview.
3. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.
4. Generate a *Petition for Support* (*Civil*). If paternity is an issue for at least one but not all children, select the Paternity option.

   (08/2017)

N. Child Support Establishment for Long Arm Cases (04/2023)

1. Virginia courts can exercise jurisdiction over a person who lives in another state, but who committed certain acts while in Virginia. This legal provision is known as Long Arm jurisdiction.
2. Document Case Events if Long Arm circumstances apply but Long Arm is not used i.e., a UIFSA petition is filed. Refer to Support Order Establishment.
3. Division staff use judicial establishment only when administrative establishment methods have been exhausted or do not apply. Case events must be documented to indicate administrative support order establishment is unsuccessful or not applicable. Refer to Support Order Establishment Overview.
4. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.
5. Obtain a photo of the NCP from the CP or elsewhere if possible. A photo assists in serving the NCP with notice.
6. Prepare a *Service of Process Cover Letter*.
7. Generate the *Petition for Support (Civil)*, filing it with the Juvenile and Domestic Relations (JDR) District Court in the city or county where the CP or child lives.

Table of Contents

8. Initiate service of process on the NCP by following procedures already established by the local JDR court for service of documents in Long Arm Cases. In the absence of court procedures

   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 private process server

   b. The other state's Central Registry will provide guidance as to whether to use the IV-D agency or the sheriff or private process server. Service may be accomplished more quickly by dealing directly with the sheriff instead of the IV-D agency.

   c. 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 JDR Court's Clerk's office in Virginia

   d. Follow District Office procedures for requesting that the local JDR Court schedule the case far enough in advance so that proof of service can be returned to the court in a timely manner.

   e. Send 2 copies of the pleadings, notice to appear and the *Service of Process Cover Letter* to the IV-D agency, sheriff or private process server along with the required fee and a stamped envelope pre-addressed to the local JDR Court so that the copy noting proof of service can be mailed back to the court.

   f. Advise the court in writing that the Division forwarded copies of the pleadings and notice to appear to the other state for service.

   (08/2017) (09/2022)

O. Intergovernmental Child Support Establishment When Virginia is the Responding State (04/2023)

Table of Contents

1. The Division receives UIFSA petitions requesting support order establishment when the NCP resides in Virginia. When administrative attempts to establish a child support order are unsuccessful, the Division petitions the court to establish an order.
2. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.
3. File the UIFSA petition with the appropriate Juvenile and Domestic Relations District Court. Do not file the *Child Support Agency Confidential Information Form* with the UIFSA petition.
4. Send the *Child Support Enforcement Transmittal #2- Subsequent Actions* to the initiating state within 10 days of receipt of any new information on the case.
5. If the NCP fails to appear for the hearing after being properly served with a notice to appear, the court may
   a. Enter an order based on information available or
   b. Continue the case to a later date and resummons the NCP
6. If the NCP cannot be served, the court may dismiss the petition or continue the case until the NCP can be served.

(08/2017) (06/2019)

P. Adding a Child to an Existing Child Support Order (09/2022)

1. To add a child to an existing order for the same parties
   a. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.
   b. File 2 pleadings
      1) A *Petition for Support (Civil)* (*Petition*) selecting the Add a child option for a new order that will include all of the children, including the new child or children. The *Parentage Supplement to Petition* automatically generates with the *Petition* for any child or children whose paternity is in question. In the Special Requests section, include a reference to the concurrently filed *Motion to Amend or Review Order (Motion to Amend)*, discussed below.

Table of Contents

2) A *Motion to Amend* selecting the Add a child option for a new order to supersede the existing order and set arrearages. Include a reference to the concurrently filed *Petition*, discussed above.

3) Refer to e-Filing Video 2: Petition for Support Tutorial.

2. This procedure does not apply to an uncapped child. For these Cases, follow the procedures outlined in the Adding an Uncapped Child to a TANF Case Procedure Guide.

(03/2016) (08/2017) (07/2020) (12/2020)

Q. Court Enforcement (05/2025)

1. The Division initiates judicial enforcement action when administrative enforcement remedies are unsuccessful in obtaining support order compliance. The Division files the *Motion for Show Cause Summons or Capias* (DC-635) to initiate civil contempt (show cause) proceedings when the NCP is not complying with the provisions of the support obligation. Refer to Civil Contempt Proceedings and Referral Process.

2. During show cause proceedings, the court, at its discretion, may

   a. Impose a jail sentence on the NCP

   b. Order commitment of the NCP to a correctional work facility or work release with the NCP's earnings to be used to pay child support

   c. Enter the NCP into the Intensive Case Monitoring Program (ICMP), the court ordered FES program, as an incarceration alternative.

3. The Division may also take judicial enforcement action when

   a. The NCP fails to comply with an order to take a genetic test

   b. A performance bond is being requested to enforce the collection of arrearages on a court order

   c. There is a court-issued *IWO* that needs to be modified.

(12/2012) (05/2013) (07/2014) (11/2014) (12/2014) (10/2015) (10/2016) (08/2017) (03/2018) (03/2022) (09/2022)

R. Enforcing the Administrative Support Order for Intrastate Cases (09/2022)

Table of Contents

1. Intrastate cases are cases in which both the NCP and CP or children reside in the Commonwealth of Virginia.
2. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.
3. Generate a *Motion for Show Cause Summons or Capias (Motion)* when administrative enforcement actions have been unsuccessful and completion of the *Show Cause Assets Checklist* indicates that filing the *Motion* is appropriate. Refer to Referral for Civil Contempt Proceedings and Judicial Enforcement.

   (11/2015) (08/2017) (03/2018) (03/2022)

S. Enforcing Virginia Court Orders for Intrastate Cases (09/2022)

1. Intrastate cases are cases in which both the NCP and the CP reside in Virginia.
2. Circuit Court Orders
   a. Refer cases to Legal Counsel when the Circuit Court has retained jurisdiction.
   b. Generate a *Legal Services Case Referral*.
   c. Request that Legal Counsel take action to request the Circuit Court transfer cases to the Juvenile and Domestic Relations (JDR) District Court where the CP lives if or when appropriate.
3. Legal Counsel initiates court action to have jurisdiction of a case changed.
4. Juvenile Court Orders
   a. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.
   b. Generate a *Motion to Amend or Review Order* for situations in which a previous NIVD case with a court-issued *IWO* (*Payroll Deduction Order or Income Withholding for Support)* is now a IV-D case, and the *IWO* needs to be modified because
      1) The *IWO* was issued for current support only and arrearages have now accrued that require the *IWO* be modified to collect for both current support and arrearages, or
      2) The *IWO* was issued for current support and arrearages and the arrearages are now satisfied and the order needs to be modified to collect current support only, or

Table of Contents

3) The *IWO* needs to be released because all current support and/or arrearages have been satisfied, and there is no longer any support due because of emancipation, termination of the order, etc.

c. Generate a *Motion for Show Cause Summons or Capias* (*Motion*) when administrative enforcement actions are unsuccessful and completion of the *Show Cause Assets Checklist* indicates that filing the *Motion* is appropriate. Refer to Referral for Civil Contempt Proceedings and Judicial Enforcement.

(12/2014) (11/2015) (08/2017) (03/2018) (03/2022)

T. Enforcing Virginia Court Orders for Long Arm Cases (08/2017)

It may not be practical to use long-arm jurisdiction to file a *Motion for Show Cause Summons or Capias* against an NCP who resides in another state. If it is not possible to seek enforcement by the other state through UIFSA, consult with Legal Counsel about the available courses of action, including extradition.

U. Intergovernmental Support Order Enforcement When Virginia is the Responding State (08/2017)

1. The Division receives UIFSA petitions from other state and countries requesting the enforcement of an obligation when the NCP lives in Virginia. When administrative attempts to enforce the order are unsuccessful or exhausted, the Division petitions the court to enforce the order.
2. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.
3. File the UIFSA petition with the appropriate Juvenile and Domestic Relations District Court.
4. Send the *Child Support Enforcement Transmittal #2- Subsequent Actions* to the initiating state within 10 days of receipt of any new information on the case.
5. 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 summoned.
   b. Issue a show cause for the NCP, or
   c. Issue a capias for the NCP.

Table of Contents

6. If the NCP cannot be served, the court may dismiss the petition or continue the case until the NCP can be served.

7. Do not create a new order record in the automated system if the only change to the order is to adjudicate the arrearages.

V. Testifying in Court to Arrearages (08/2017)

1. Review the case's current order information and accounting prior to court referral to ensure accuracy of the arrearages.

2. When testifying to the arrears balance in court, give as the balance

   a. The total of principal + interest = arrears balance. This information will be found on page 4, in the upper left hand corner of the *Court Preparation Sheet*.

   b. Court Specialists give the arrears balance as computed above when providing testimony in court.

   c. Provide the arrearage and interest figures separately to the court.

   d. 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.

3. Inform the court 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.

4. Suggested language to use in court when testifying to arrearages

   "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.

Table of Contents

5. It is permissible to distinguish Federal Tax Information (FTI) payments as voluntary or involuntary.

   a. No other FTI may be disclosed during judicial hearings.

   b. The agency is not permitted to use more than 2 designations to distinguish payment amounts.

(05/2014)

W. Other Court Enforcement Actions (08/2017)

Refer cases to Legal Counsel to initiate actions when administrative and court enforcement actions are unsuccessful. These actions include

1. Judgment

   If the NCP is in arrearages on any court order, the Juvenile and Domestic Relations (JDR) Court can enter a judgment for arrearages.

2. Bond

   A method of insuring that the NCP makes support payments by having the NCP posts 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

   An enforcement remedy that results in a forced 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 Foreclosure for foreclosure procedures.

X. Modifying Court Support Orders (09/2022)

1. Court orders remain in effect until changed or vacated by the court or terminated by operation of state law.

2. The Division does not have the legal authority to modify an order issued by a court.

3. Initiate modifications of court orders when

   a. Review and Adjustment results indicate an adjustment is needed. Refer to Reviewing Court Support Orders.

Table of Contents

b. An order for medical support needs to be entered and it cannot be handled administratively. Refer to Medical Support Establishment.

c. The court order has not been reviewed within the last 3 years. Refer to Reviewing Court Support Orders.

d. The CP or NCP requests a review of the court order, and a modification is indicated. Refer to Reviewing Court Support Orders.

e. The existing order needs to be changed to a per child order.

f. The CP, who waived the right to interest, is approved for TANF. Request that the court modify the order to include interest.

g. The court changes the amount of a mandatory payroll deduction.

h. 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. File a *Motion to Amend or Review Order* selecting the Terminate Withholding option. Once the court has released its withholding order, issue an *IWO* for the appropriate amount.

4. Court orders may also need to be modified when

a. 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. For additional information and language to use when filing the petition, refer to Establishing and Modifying Orders Due to Child's Disability.

b. The LDSS notifies the Division of a finding of Good Cause and a Virginia court order exists.

c. The Division determines that the NCP is receiving or has been approved for Social Security benefits. This includes Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI) or a combination of the 2.

(12/2012) (05/2013) (09/2013) (12/2014) (06/2015) (08/2017) (07/2020) (12/2020)

Y. Modifying Virginia Court Orders for Intrastate Cases (09/2022)

1. For order modification, intrastate cases are cases in which the NCP or the CP and child or children reside in the Commonwealth of Virginia.

2. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.

Table of Contents

3. Generate a *Motion to Amend or Review Order,* selecting the appropriate option. Refer to Shared Custody and Reviewing Court Support Orders.

4. Refer to Child Support Establishment for Intrastate Cases and Review and Adjustment Procedure for detailed information.

(08/2017)

Z. Modifying Virginia Court Orders for Long Arm Cases (09/2022)

1. 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.

2. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.

3. Generate a *Motion to Amend or Review Order*, selecting the appropriate pleading option. Refer to Shared Custody and Reviewing Court Support Orders.

4. For service procedures, refer to Child Support Establishment for Long Arm Cases.

(08/2017)

AA. Modifying Court Orders for Intergovernmental Cases with Virginia as the Initiating State (08/2017)

1. File a UIFSA petition when court action is needed 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 or have been unsuccessful.

2. Generate and follow the instructions for the *Uniform Support Petition* and *Child Support Enforcement Transmittal #l- Initial Request*.

   a. For non-TANF cases the CP signs the petition.

   b. For TANF, foster care ad DJJ cases, the Specialist signs the petition.

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/or NCP

   b. Sworn Acknowledgments of Paternity

Table of Contents

c. *Notice and Findings of Responsibility* and/or *ASOs*

BB. Modifying Virginia Court Orders for Intergovernmental Cases with Virginia as the Responding State (08/2017)

1. The Division receives UIFSA petitions from other states requesting the modification of an obligation when the NCP lives in Virginia.
2. When the existing order is a court order, petition the court to modify the obligation.
3. Refer to Intergovernmental Paternity Establishment When Virginia is the Responding State.

CC. Establishing and Modifying Orders Due to Child's Disability (09/2022)

1. When a CP requests support or a continuation of support for a child due to the child's disability, the Specialist should
   a. Advise the CP to provide to the Division evidence that the child is
      1) Severely and permanently mentally or physically disabled
      2) Unable to live independently and support himself or herself and
      3) Resides in the home of the CP
   b. This evidence may consist of
      1) An IEP (Individualized Education Program) from the child's school
      2) A finding of disability by the Social Security Administration or another agency
      3) Medical records
      4) Testimony from the parent that establishes the fact of the severe and permanent disability or
      5) Other credible evidence
   c. Consult with Legal Counsel when there are questions regarding the sufficiency of evidence submitted by the CP.
2. The disability must have existed prior to the child reaching 18.

Table of Contents

3. If the CP cannot produce evidence that meets these requirements, advise the CP that the Division will not be able to submit a pleading for extended support. Advise the CP that he or she may wish to consult an attorney to determine whether to file a pleading with the court.

4. If the Division determines that the evidence of the child's disability is sufficient, file the appropriate documents with the court.

   a. For District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.

   b. If there is currently a court order in place, an ASO in place or no support order in place, file the *Petition for Support (Civil)* selecting the Continued Support option for a child who is severely and permanently mentally or physically disabled.

   c. The Division may initiate this filing at any time.

(12/2012) (06/2015) (08/2017) (12/2020)

DD. Appeals De Novo (08/2017)

1. The Division's Legal Counsel handles court appeals of Hearing Officers' decisions. When an appeal is filed with the court,

   a. Provide the court with a copy of the *Administrative Hearing Decision* and any other relevant documents requested.

   b. Review the case record and ensure that the Division has

      1) A copy of all documents associated with the action appealed, including proof of service documentation and evidence of ongoing enforcement action, if any

      2) A copy of the Hearing Officer's decision

2. For additional District Office staff responsibilities, refer to General Procedures for Juvenile Court Actions.

Table of Contents

Chapter 11: Fiscal

11.1 District Office Payment Handling Responsibilities

A. Overview (10/2019)

1. Virginia law requires that all child support payments collected by income withholding be submitted to the Division's State Disbursement Unit (SDU).
2. The mail address for submitting payments is Division of Child Support Enforcement, PO Box 28990, Richmond VA 23228-8990. The payee is the Treasurer of Virginia.
3. The mail address for submitting fee payments is Division of Child Support Enforcement, PO Box 28389, Richmond VA 23228-0389. The payee is the Treasurer of Virginia.
4. The SDU staff handle all the Division's payment processing. Refer to State Disbursement Unit.
5. District Office staff ensure that
   a. Non-cash payments received in the District Office or by District Office staff are properly handled and routed to the SDU for payment processing.
   b. Cash payments received by Division staff are properly handled and processed for deposit.
   c. Cash and non-cash payments received in court and deposited in the bank prior to returning to the District Office are properly handled, recorded and deposited.

(08/2017)

B. Payments Received by Mail (08/2017)

1. When the District Office receives a payment in the mail, staff designated to open the mail
   a. Verify that the envelope addressee is the
      1) Division of Child Support Enforcement
      2) Treasurer of Virginia
      3) Department of Social Services
      4) Name and/or address of the District Office

Table of Contents

b. Ensure that the payment is opened by 2 designated staff persons.

c. Keep the envelopes and payments received in the mail together as the mail is opened.

d. Do not endorse checks and money orders; the State Disbursement Unit (SDU) endorses the payments when received.

e. Complete and send a *Payment Postcard* to the payment remitter on non-intergovernmental cases. The *Payment Postcard* provides the SDU address and instructions to send future payments to the SDU. If the payment was sent from a payroll service, such as ADP, send the *Payment Postcard* to the employer. The employer is responsible for notifying the payroll service.

f. Complete and send the *Child Support Enforcement Transmittal #2- Subsequent Actions* to the other state for intergovernmental cases. Notify the other state to update their FIPS code and payment remittance address to Virginia's SDU, 51PAY.

g. Log all non-cash payments received on the *Payments to SDU* log.

h. Both designated staff must enter their name and the date on the *Payments to SDU* log. Staff's signatures confirm the payments received that day are included in the log and that the payment total is correct.

i. Place the mail payments back in their envelopes. Secure the non-cash mail and court payments and a copy of the *Payments to SDU* log in a safe lock bag. Seal the bag and complete the From, To and Date information on the bag.

j. Place the sealed safe lock bag in a sealable manila envelope addressed to the SDU and seal the envelope.

k. Send the sealed envelope to the SDU via the Department's courier system.

l. Save an electronic copy of the *Payments to SDU* log in the District Office's designated location for this information. The Division's Compliance, Performance Management and Review Team reviews the logs.

2. District Office fiscal staff

a. Complete the *Payments Received in Office* log. The completed documents are kept in the District Office along with the *Daily Payment Reconciliation* form.

b. Maintain the *Payments to SDU* log. It does not have to be retained as part of the deposit documents.

Table of Contents

C. Payments Received in Person (05/2025)

1. In person payments brought to the District Office are to be paid in the TouchPay kiosk, except for money orders as the kiosk does not accept money orders.
2. Money order payments must be mailed to the SDU.
3. If the payer does not want to use the kiosk, provide other payment method options.
   a. MyChildSupport (MCS) portal at https://mychildsupport.dss.virginia.gov
   b. MCS voice response system at 1-877-670-2941
   c. Mail payments other than fee payments to the Division of Child Support Enforcement, P.O. Box 28990, Richmond VA 23228-8990
   d. Mail fee payments to the Division of Child Support Enforcement, PO Box 28389, Richmond VA 23228-0389
   e. MoneyGram at 1-800-926-9400, the website https://secure.moneygram.com/paybills or at MoneyGram locations including CVS, Wal-Mart and Advance America
   f. ExpertPay at https://www.expertpay.com
   g. Online banking for financial institutions that contract with CheckFree. Payers can go to http://www.ebillplace.com/cda/ebillplace/ to find out if their financial institution participates in CheckFree.
4. If the NCP brings in a driver's license suspension, passport denial, purge clause or other similar payment and does not want to use the TouchPay kiosk, the District Office can provide the NCP with an envelope to place the payment in and mail the payment to the SDU as a courtesy. This action does not constitute "acceptance of payment" and the District Office does not provide a receipt.
5. The District Office may accept a cash payment in the District Office under the District Manager's established written procedures and circumstances for the office. All other payment types are not accepted in the District Office.
   a. The District Manager maintains an official memorandum listing the staff members authorized to accept cash payments in the District Office.
   b. If those on the list are not available, the District Manager or a designee will take the payment.

Table of Contents

6. Authorized staff should be available to accept payments during normal business hours, including a fiscal staff person to fulfill the required transactions for cash payments.

7. All copies of official receipts marked “void” must be kept intact in the receipt book and initialed by the person preparing the receipt. 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.

8. Provide the payer with a receipt, unless the payment is suspected to be counterfeit. For suspected counterfeit payments refer to item 9 below.

   a. Cash payments can only be accepted for the exact amount. Do not make change for a cash payment.

   b. A second employee must witness cash transactions, verify the amount of cash received and initial the receipt.

   c. To complete the receipt process:

      1) Immediately verify cash payment using the counterfeit detector pen.

      2) Note the denominations of the bills on the official receipt; for example, 2- $20, 5- $1, 3- $0.25, etc.

      3) Do not write the case number or the name of the CP on the receipt.

      4) Do not write comments such as “paid in full” on the receipt.

      5) Do not write the NCP’s SSN on the receipt. Do not write the NCP’s MPI number on the white copy of the receipt unless the NCP is the payer.

      6) Write the name of the person making the payment on the receipt. Write the NCP’s MPI number on the yellow copy of the receipt when the NCP is not the payer.

      7) Give the white copy of the receipt to the person making the payment. Attach the yellow copy to the payment. The pink copy stays in the receipt book.

      8) Immediately place the cash payment in the safe.

9. Provide the payer with the *Counterfeit Currency Notification Letter* (*Notification*) for suspected counterfeit currency.

Table of Contents

a. The *Notification* advises the payer that the currency in question will be tested, and if the currency is counterfeit, the NCP will not receive credit for that portion of the child support payment.

b. If the currency is legitimate, the Division credits the child support case and mails the NCP a receipt.

(08/2017) (10/2019) (09/2020)

D. Payments Received in Court (05/2025)

1. The District Manager maintains an official memorandum listing the staff members authorized to accept payments in court.
2. Authorized Division staff accept payments made in court, including cash, except when a TouchPay kiosk is located at the court.
   a. When a TouchPay kiosk is located at the court, all payments, except money orders, are paid in the kiosk.
   b. The Court Specialist takes money order payments and provides the payer with a receipt.
   c. Under the District Manager's established policy, the Court Specialist will also take cash payments if the payment kiosk is not working or when the court requests the Division do so for convenience during a hearing.
3. Court Specialists are assigned their own receipt books to record payments received in court.
4. All copies of official receipts that are marked "void" must be kept intact in the receipt book and must be initialed by the person preparing the receipt. When an official receipt is 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. Court Specialist Payment Handling Responsibilities
   a. Take to court
      1) The *Ways to Pay* flyer
      2) Tamper-resistant plastic bags
      3) A counterfeit detector pen with UV light cap
      4) Blank copies of the *Counterfeit Currency Notification Letter* and

Table of Contents

5) Lockable night deposit bags

b. Provide NCPs that bring payments to court with the *Ways to Pay* flyer and advise them to submit future payments to the SDU or the District Office TouchPay kiosk prior to court hearings.

c. Provide the payer with a receipt, unless the payment is suspected to be counterfeit. For suspected counterfeit payments refer to item e below.

d. To complete the receipt process:

1) When a cash payment is received, a second person (Division employee, attorney, sheriff's deputy, or court employee, etc.) must sign the receipt as a witness to the cash transaction.

2) Immediately verify cash payments using the counterfeit detector pen.

3) Do not make change for a cash payment.

4) Note the denominations of the bills on the official receipt; for example, 2- $20, 5- $1, 3- $0.25, etc.

5) Do not write the case number or the name of the CP on the receipt.

6) Do not write comments such as "paid in full" on the receipt.

7) Do not write the NCP's SSN on the white copy of the receipt. Do not write the NCP's MPI number on the white copy of the receipt unless the NCP is the payer.

8) Write the name of the person making the payment on the receipt. Write the NCP's MPI on the yellow copy of the receipt if needed.

9) Give the white copy of the receipt to the person making the payment. Attach the yellow copy to the payment. The pink copy stays in the receipt book.

10) Place the receipt and the payment in a lockable night deposit bag.

e. Provide the payer with the *Counterfeit Currency Notification Letter* (*Notification*) for suspected counterfeit currency.

1) The *Notification* advises the payer that the currency in question will be tested, and if the currency is counterfeit, the NCP will not receive credit for that portion of the child support payment.

Table of Contents

2) If currency is legitimate, the Division credits the child support case and mails the NCP a receipt.

f. At the discretion of District Office management, and if a local bank can be secured with accommodating hours, the Court Specialist prepares a deposit and deposits all payments received in court prior to returning to the District Office.

g. When the Court Specialist makes a bank deposit of cash and non-cash payments, the Court Specialist endorses non-cash payments prior to deposit.

h. The Court Specialist follows the same payment deposit procedures for payment deposits prepared in the District Office. The Court Specialist will

1) Maintain a supply of deposit tickets

2) Prepare a deposit ticket for all receipts

3) After court, remove all payments received from the lockable night deposit bag

4) On the first deposit ticket

a) Add all currency. Enter the total amount on the deposit ticket line for 'currency.'

b) Add all coins and enter the total coin amount on the 'coin' line.

c) 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 and

d) Date the cash deposit ticket for the date of the court hearing.

5) On the second deposit ticket

a) Enter the amount of each check of money order separately under the 'checks' heading.

b) Add all check and money order entries and enter that total in the 'total' area at the bottom of the deposit ticket.

c) Date the non-cash deposit ticket for the date of the court hearing.

i. Place all cash, coins, checks, money orders and deposit tickets into a tamper resistant plastic bag. The tamper resistant bag must include the name of the Court Specialist, date and total amount of payments.

Table of Contents

j. Detach the tear strip from the tamper resistant bag and place the tamper resistant bag, tear strip and yellow copies of cash receipts in a lockable night deposit bag.

k. Lock the bag and take it to the bank. The bank teller validates the deposit and provides a dated proof of deposit.

l. Place returned items in a lockable bag and re-lock the bag.

m. Return the locked bag to the District Office no later than the next business day and give the bag to the appropriate fiscal unit staff member.

n. Fiscal unit staff

1) Remove the deposit ticket(s), tear strips and yellow receipts from the bag and return the lockable bag to the Court Specialist.

2) Verify the bank deposit on the business day the dated proof of deposit and all backup documentation is received in the District Office.

o. If the Court Specialist does not prepare the deposit before leaving court for the day, the Court Specialist will

1) Remove all payments from the lockable night deposit bag.

2) Place the cash, checks, money orders and the yellow copies of the receipts in a tamper resistant plastic bag.

3) Include his or her name, the date and the total amount of payments on the tamper resistant bag.

4) Place the sealed bag inside a lockable night deposit bag and lock the bag.

5) The Court Specialist or an attorney from the Office of the Attorney General returns the locked bag to the District Office the same day and gives the bag to the appropriate fiscal unit staff member.

6) Remove the tamper resistant plastic bags from the lockable night deposit bag.

7) Give the tamper resistant plastic bags to staff designated to accept payments and lock the bags in the District Office safe until the next business day if returned after business hours.

(08/2017)

E. Fiscal Staff Responsibilities When Receiving Payments (05/2025)

Table of Contents

On the same business day when payments are received in the District Office and within the next business day after payments are received in court

1. At the time of preparing the daily deposit, the safe should be opened and 2 authorized staff examine the sealed bags to ensure there is no evidence of tampering.
   a. Immediately bring any evidence of tampering to the attention of the fiscal unit manager or the District Manager.
   b. The 2 staff persons must witness the opening of the sealed bags to verify that the payments match the amounts written on the court receipts.
   c. Verify all payments, and if no discrepancy is found, both fiscal staff initial the back of the receipts.
2. If there is a discrepancy for cash or non-cash payments, immediately notify the fiscal unit manager or the District Manager.
3. The Court Specialist's receipt books are reviewed and initialed by the fiscal staff after completing review and verification of payer information. Fiscal staff immediately notify the Court Specialist if any discrepancies are found.
4. Record on the *Payments Received in Office* log
   a. Cash payments received in the District Office
   b. Cash payments received in court and not deposited by the Court Specialist and
   c. Cash and non-cash payments received in court and deposited by the Court Specialist.
5. For non-cash payments received in court and not deposited, refer to Payment Deposits.

(08/2017)

F. Payment Deposits (05/2025)

1. Payments received in the District Office or court should be deposited on the same day that they are received. A non-cash payment may be held for the following business day if the payment is received after the Payments to SDU log has been completed or after the courier has picked up that day's non-cash payment packet for SDU.
2. Assigned staff will log all payments received in the District Office or the court on the appropriate forms.

Table of Contents

a. Use the *Payments to SDU* log to record non-cash payments received in court and not deposited by the Court Specialist and fee payments received, including the reapplication fee.

b. Use the *Daily Payments Reconciliation* form to record the total deposit for all cash payments received, and non-cash payments the Court Specialist deposits.

c. Update the *Payments Received in Office* log. Refer to Fiscal Staff Responsibilities When Receiving Payments.

3. Prepare a deposit ticket for cash payments received in the District Office or received in court and not deposited. When preparing bank deposits, immediately bring any discrepancies to the attention of the District Manager or designee.

4. Upload the Wells Fargo report file into the District Payment Transfer (DIST) module.

5. Access the DIST module via the Support Money Impacts Lives Everyday (SMILE) system and select DIST from the SMILE main menu.

a. Enter the deposit details.

b. Upload the deposit ticket and bank receipt.

c. Enter information for each cash payment by 3 pm on the day of the deposit, or no later than the next business day for cash payments received after the established cutoff time.

6. Include the *Payments Received in Office* log in the daily record.

7. Cash and non-cash payments received in court and deposited by the court specialist after court are also included in the *Payments Received in Office* log.

8. Upload a copy of the validated deposit certificate ticket(s) for cash deposits.

9. Retain the yellow copy of the receipts along with the deposit documents as these are part of the audit trail.

10. Forward checks and money orders received in court, along with the *Payments to SDU* log to SDU for processing the deposit.

G. Security of Cash Payments (05/2025)

1. Each day after recording cash payments on the appropriate form, cash payments can be placed in the safe until time to prepare the daily deposit. Complete the safe log each time a

Table of Contents

payment is secured in the safe. Keep the safe locked when there is no designated staff in the office where the safe is located.

2. Remove payments from the safe and deposit in the bank daily. Cash received in the District Office must be deposited daily. Cash received in court should not be left in the District Office safe overnight unless it is necessary.

3. The Fiscal Technician Senior, fiscal unit manager or the District Manager verify the deposit amount before the deposit is made. This daily audit of the cash payments ensures that receipts are used in sequential order and are matched with the daily deposit, along with payments from receipts.

4. Upon return from the bank, the designated fiscal unit supervisor or designee reviews the deposit receipt for validation of the deposit to the reconciliation sheet. Document any discrepancies in writing.

5. Cash payments exceeding $1000 received after the daily deposit may warrant a second deposit to be made the same day.

6. Any time there is a discrepancy in balancing cash payments, immediately notify the District Manager, designated fiscal unit supervisor and Fiscal Technician Senior to verify the payments received and the cash on hand. Document any discrepancies in writing.

(08/2017)

H. Security of Non-Cash Payments (08/2017)

1. All incoming mail to the District Office should be opened by 2 designated staff. Refer to Payments Received by Mail.

2. After recording non-cash payments on the *Payments to SDU* log non-cash payments can be placed in the safe until time to forward them via courier to SDU if needed. 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 office where the safe is located.

I. Security of the Safe and Receipt Instruments (08/2017)

1. The designated fiscal unit supervisor maintains a list of personnel authorized to access the safe. The list is incorporated into an official memorandum which must be approved, signed, reviewed and the review documented yearly by the District Manager.

Table of Contents

2. Change the safe combination 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 or designated fiscal unit supervisor keeps a record of all safe combination changes.
3. The electronic safe is secure and automatically retains a list of appropriate codes, dates, and times the safe is accessed by approved staff. 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 the safe. Secure the safe at the close of business.
4. Receipt books must be ordered timely, used in sequence and kept under lock and key by the designated fiscal staff. Upon delivery of receipt book orders, designated fiscal staff are responsible for verifying that all receipts are in sequential order in each receipt book.
   a. Log any discrepancies found in the official receipt book log
   b. Document on the cover of the applicable receipt book and
   c. Immediately report to the designated fiscal unit supervisor
5. Designated fiscal staff maintain a log of receipt books which will include inclusive receipt numbers, date of issue and to whom the receipt book was issued.
6. Do not transfer receipt books between District Offices without authorization.
7. Deposit Tickets are ordered and kept under lock and key by the designated fiscal unit supervisor or the designated fiscal staff. These forms are issued to the Fiscal Technician, 1 package at a time.
8. The fiscal unit will maintain a log of the deposit tickets, in sequence, as they are used. Order deposit tickets from the depository bank.

J. Reporting of Possible Loss or Mishandling of Funds (08/2017)

1. Follow procedures outlined in the memorandum, *Reporting Loss of Funds and Assets*, dated April 11, 2016, from the Division's Deputy Commissioner when there is any evidence of loss or mishandling of funds.
2. Each District Office maintains a copy of this memorandum.
3. Immediately report any suspicion or evidence of loss or mishandled funds.

K. Compliance with Procedures (08/2017)

Table of Contents

1. The designated fiscal unit supervisor annually reviews the procedures outlined in District Office Payment Handling Responsibilities and Reconciliation to ensure that the procedures reflect current operating procedures within the District Office.
2. Any additions or changes to these procedures are referred to the Program Guidance Team (PGT).
3. Perform yearly reviews to ensure that the District Office staff are following these procedures.
4. Maintain an official memorandum in the District Office signed by the District Manager and the fiscal staff stating that they have reviewed the procedures in this chapter yearly.

(11/2015) (06/2016) (12/2016) (04/2017)

11.2 Allocation and Distribution

A. Overview (08/2017)

1. Federal law establishes the hierarchy for allocation and distribution for child support payments. Federal law also defines arrears types and the hierarchy in which they are paid.
2. Federal law established the hierarchy for payment distribution of federal income tax refund offset payments. The payment (and interest) is posted and distributed according to the Federal Tax Offset hierarchy.
3. Allocation refers to the process of deciding what portion of a payment is to be applied (allocated) to what part of an obligation.
4. Distribution refers to the actual application of the payment to where it is allocated.

B. Assignment of Support Rights (08/2017)

1. TANF applicants are required, as a condition of eligibility, to assign to the Commonwealth support rights that he or she may have from another person as well as any family member that he or she is applying for or receiving TANF.
   a. For support rights assignments entered prior to 10/01/98, all arrearages accrued prior to receipt of assistance and all arrearages accrued during assistance are Permanently-Assigned to the Commonwealth.
   b. For support rights assignments entered on or after 10/01/98 but prior to 10/01/09, all arrearages accrued prior to receipt of assistance are Temporarily-Assigned to the

Table of Contents

Commonwealth and all arrearages accrued during assistance are Permanently-Assigned to the Commonwealth.

c. For support rights assignments entered on or after 10/01/09, only arrearages accrued during assistance are Permanently-Assigned to the Commonwealth.

d. Refer to Arrears Types.

2. Unreimbursed Assistance

Unreimbursed Assistance (URPA) is the cumulative amount of unpaid TANF or IV-E foster care grants issued remaining from the assigned child support collected.

a. The automated system automatically adjusts the URPA balance when payments are distributed.

b. Manually adjust URPA balances only to correct URPA amounts that are incorrect, typically due to IV-A/IV-D interface information not reporting correctly.

c. To calculate the correct URPA balance, use [TOTAL OF TANF OR IV-E FOSTER GRANT AMOUNTS] minus [TOTAL OF ASSIGNED COLLECTIONS]

3. When the family no longer receives TANF

a. For cases with only Permanently-Assigned arrearages, if the sum of the Permanently-Assigned arrearages on all of the CP's cases equals or is less than the URPA balance, then all Permanently-Assigned arrearages remain Permanently-Assigned to the Commonwealth. Any Permanently-Assigned arrearages that exceed the URPA balance are assigned to Unassigned During-Assistance arrearages (UNDFA) in a prorated manner between all cases.

b. For cases with Permanently-Assigned arrearages, if the sum of the Permanently-Assigned arrearages on all of the CP's cases is less than the URPA balance then a portion or all of the Temporarily-Assigned arrearages become Conditionally-Assigned arrearages (CTNFA) to the state. The amount of Temporarily-Assigned arrearages to be reserved as Conditionally-Assigned arrearages is determined by adding the Permanently-Assigned and Temporarily-Assigned arrearages (on all cases) and comparing this balance to URPA. The amount to be retained as Conditionally-Assigned arrearages (prorated among all cases) is the available amount up to the amount that will make the sum of the Permanently-Assigned and Conditionally-Assigned arrearages equal URPA. Conditionally-Assigned arrearages are called a conditional assignment because all payments go to the family except federal tax refund offsets, which are retained by the state.

Table of Contents

c. Any Temporarily-Assigned arrearages that exceed URPA are assigned to Unassigned During-Assistance arrearages.

C. Arrears Types (08/2017)

1. Federal law defines the categories of arrears types as well as the hierarchy in which they are paid. The arrears types are listed below with the automated system subaccount header next to each type.

2. Permanently-Assigned Arrearages (AFDCA)

   Arrearages which do not exceed the cumulative amount of Unreimbursed Assistance (URPA) paid to the family as of the date the family no longer receives TANF.

3. Conditionally-Assigned Arrearages (CTNFA)

   Arrearages which do not exceed the cumulative amount of URPA as of the date the family no longer receives TANF and which are owed to the family unless they are collected through federal income tax refund offset

   a. These are arrearages which were Pre-Assistance Arrearages that were Temporarily-Assigned to the state and became Conditionally-Assigned to the state when the temporary assignment expired.

   b. If the payment collected and applied to Conditionally-Assigned Arrearages is a federal tax refund offset, the state retains the collection to reimburse the state and the federal government up to the cumulative amount of URPA.

   c. If the payment collected and applied to Conditionally-Assigned Arrearages is the result of any other enforcement method than the federal tax refund offset, the payment is paid to the CP, unless the CP has requested case closure. Refer to Case Closure and Conditionally-Assigned Arrearages. If the CP subsequently reopens the case, payments applied to Conditionally-Assigned Arrearages are applied as indicated in a and b above.

4. Never-Assigned Arrearages (NPAAA)

   Arrearages in Never Assistance cases or, in Former Assistance cases, arrearage that accrue after the family's most recent assistance period of ends

5. Temporarily-Assigned Arrearages (TTNFA)

Table of Contents

Arrearages which do not exceed the cumulative amount of URPA as of the date the family no longer receives TANF accrued prior to the family receiving assistance and were assigned to the state after September 30, 1998 but prior to October 2009.

a. These arrearages are not Permanently-Assigned and the temporary assignment expires when the family no longer receives TANF.

b. This arrears type is no longer applied but remains on cases that had this extension type as of October 2009 until the family leaves assistance. At that time, the arrearages will be unassigned based on the guidance provided in Assignment of Support Rights.

6. Unassigned During-Assistance Arrearages (UNDFA)

Arrearages previously assigned which exceed the cumulative amount of URPA when the family no longer receives TANF and which accrued during the period of assistance.

7. Unassigned Pre-Assistance Arrearages (UNTFA)

Arrearages previously assigned which exceed the cumulative amount of URPA when the family no longer receives TANF and accrued prior to the receipt of assistance. This arrears type is no longer applied but remains on cases that had this extension type as of October 2009 until the balance of those arrearages are paid or otherwise disposed.

D. Payment Allocation (08/2017)

1. The automated system applies received support payments to cases using an allocation formula. The same formula applies to both IV-D and non-IV-D (NIVD) cases.

Allocation Formula

2. Current Support Payments

a. Add all current child support order for all of the NCP's cases (including NIVD)

b. 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.

c. Multiply the payment by each percentage obtained in the above step. Each case is allocated this portion of the payment.

For example

Table of Contents

$150 + $200 = $350 (NCP's Total Support Obligations)

150/350= 0.4285714285714 200/350 = 0.5714285714286

$250 payment

$250 x 0.4285714285714= $107.14 $250 x 0.5714285714286=$142.86

d. After current child support is paid for the month, the next type of current support, such as spousal or medical, is paid. The same formula is applied for each type of current support.

3. Arrears Payments

a. Add the balance for all non CSUP extensions for all open cases for which the NCP owes arrearages.

b. 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.

c. Multiply the payment by each percentage obtained in the above step. Each case is allocated this portion of the payment.

For example

$100 + $200 = $300 (NCP's Total Arrearages)

100/300= .33333333333333 200/300=.66666666666667

$100 payment

100 x .33333333333333= $33.33 100 x .66666666666667=$66.67

d. Do not enter ordered arrears payment amounts under an arrears extension. This information is entered on the Update Support Order page in the appropriate field.

4. Allocation Exceptions

a. The automated system allocates payments received from federal tax refund intercepts among the cases certified. Refer to the Distribution Hierarchy table for the hierarchy of federal income tax refund offset.

b. Payments received for attorney, genetic testing and service of process fees are specifically coded and manually distributed directly to those subaccounts, bypassing the allocation hierarchy.

5. Accurate Data and Timely Updates

Table of Contents

a. Allocation is an automated system process. The portion of a payment applied to each account and subaccount is computed based on the case and financial data on the automated system.

b. District Office staff must enter and update all case information accurately and timely.

1) An incorrect support order amount or payment frequency 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) (06/2015)

E. Payment Distribution (06/2019)

1. Payment distribution occurs once the automated system has determined the payment allocation. The automated system moves payments from the case level to the payee level based on the distribution hierarchy and differs based on case type. Payments received from state tax intercept follow the same hierarchy as any other payment. A distribution exception exists for payments received from federal tax refund offsets. Refer to the Distribution Hierarchy table.

2. Distribution Hierarchy for Support Payments

   Payments distribute to all current support balances first, arrearages second, interest balances third, and lastly to fee balances. The support types for current, arrears, and interest subaccounts are listed below in order of priority. Fee subaccounts can be either a or b below.

   a. Child Support

   b. Miscellaneous Support

   c. Medical Support

   d. Medicaid Support

   e. Spousal Support

3. Distribution Hierarchy for Cases Types

   Below are case types with the case type code as it appears in the automated system

   a. Never Assistance Cases (NADC)

Table of Contents

1) These are cases in which the CP has never received TANF

2) All payments disburse to the family, except fees.

3) The support payments are applied based on the support types within each subaccount type.

b. Current Assistance Cases (TANF)

1) These are cases where the family is currently receiving TANF

2) Except the first $100 of current support payment for the month, the state retains the payment up to the cumulative amount of Unreimbursed Assistance (URPA).

3) The first $100 pass-through payment disburses to the family. The URPA reduces by the full amount of the payment received.

4) Support payments are applied based on the support types within each subaccount type.

5) The state retains the federal income tax refund offset (FTRO) payments up to the cumulative amount of URPA.

c. Former Assistance Cases (ARRP or ARRN- some ARRN cases include TANF debt)

1) These are cases in which the CP previously received TANF.

2) Arrearages that accrue after the family is no longer on TANF are paid to the family first.

3) The support payments are applied based on the support types within each subaccount type.

4) All support payments, except FTRO are applied to non-TANF arrearages before any other arrears types.

5) FTRO payments in former assistance cases apply first to Permanently-Assigned arrearages and then to Conditionally-Assigned arrearages and the state retains up to the amount of cumulative URPA.

(08/2017)

F. Undistributed Receipts (11/2017)

Table of Contents

1. Undistributed receipts payments are never disbursed payments or payments returned to the Division. Federal regulations require child support agencies to promptly review and take appropriate action to resolve undistributed receipts.

   a. These payments appear on the Undistributed Receipts Report (URR).

   b. The URR lists all undistributed receipts payments on the automated system that are at the participant or case level, or in the unidentified payer account (Account 70.)

2. Undistributed Receipts Payment Types

   a. Returned/Cancelled checks

   b. Income withholdings and other enforcement remedies

   c. NCP's check, money order or cash payments

   d. Federal tax intercepts - single and joint returns

   e. Unapproved adjustments

   f. Amounts of $1 or less

3. Fiscal Staff Responsibilities- URR

   Review and work the URR daily

   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.

   c. Take the necessary action to resolve the transaction.

4. Fiscal Staff Responsibilities- Returned and/or Cancelled Checks

   a. Review 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.

   c. If a current address for the payee is found

      1) Appropriate staff confirm the address prior to reissuance of check.

      2) Release the payment(s) to the payee once the payee's address has been verified and updated the automated system.

   d. If a current address for the payee is not found

Table of Contents

1) Worklist the Specialist working the case and notify him or her that the payee's location is needed.

2) Worklist HQFPTFT1 in the State Disbursement Unit (SDU) to request the transfer of undistributed payments to the unclaimed property (Account 91) 30 days after a *Closure Intent Notice* is initiated by the Specialist when case closure is appropriate. The request for transfer to unclaimed property must go through the SDU and include

   a) The original date of receipt of the payment(s).

   b) The adjustment or RCP number of transactions to be moved.

   c) The reason for moving the payment to unclaimed property.

   d) The person's name to whom the money belongs.

   e) The person's Participant ID number

   f) The person's SSN and

   g) The person's last known address

5. Specialist Responsibilities

When a Specialist receives a worklist from fiscal requesting locate information for a payee, the Specialist will

1) Make diligent locate efforts to find the payee's current address including attempts to reach the payee by telephone.

2) Generate a *Notification of Action Taken* to the last known address of the payee. If the *Notification of Action Taken* is returned due to a bad address, review the case to determine if it meets case closure criteria. Refer to Reasons for Case Closure.

3) Document all locate efforts on Participant Events.

4) If there is an *Income Withholding for Support* (IWO) in place and the CP's location is unknown, refer to Modifying and Releasing the IWO.

6. IWOs and Other Enforcement Remedies

a. Research the case to see if a hold has been placed at the participant account or account in the automated system.

Table of Contents

b. If there is a hold in place, determine the hold reason and take actions to have the hold released as appropriate.

c. 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 child's emancipation date to determine if the *IWO* needs to be modified or released. Refer the case to the Specialist if the *IWO* needs to be modified.

d. If an enforcement remedy created the undistributed receipt and the NCP has overpaid and is due a refund, fiscal staff initiate the refund 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 *IWO* payments or if a payment is posted on a case with no enforcement actions; these payments may be misposted.

2) Ensure the NCP's address has been verified prior to initiating a refund.

3) If the NCP cannot be located, determine if the check was remitted by an out-of-state child support agency before requesting payment transfer to unclaimed property. Payments remitted by an out-of-state child support agency can be returned as a refund.

e. Payments received on closed cases appear on the URR with a W. Research the reason for the payment on the closed case. If the NCP is due a refund, release the hold.

1) Document Case or Participant Events with the steps taken to research and resolve the issue.

2) The automated system automatically generates a refund when the hold is released.

f. If the payment needs to remain on hold pending further review, use the appropriate review reason code on the Event Transaction page to continue the hold beyond the 30-day period and change the release date or leave it blank. Once the issue is resolved, release the hold.

1) Document Case or Participant Events with the steps taken to research and resolve the issue.

2) The automated system automatically generates a refund when the hold is released.

7. NIVD Cases and the *IWO*

Table of Contents

Payments resulting from court issued *IWOs* should not be refunded to the NCP.

a. If an *IWO* needs to be released or modified on a NIVD 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 a NCP, the Division will disburse any additional payments submitted as a result of the *IWO* 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 if the payment resulted from the *IWO*. This step is critical in the event that an NCP has another case that is being enforced.

e. For open NIVD cases, once it is verified that the payment is from a court-issued *IWO*, establish a voluntary subaccount on the NIVD case so that the payment can disburse to the CP. The voluntary subaccount is established even if the NCP has another case being enforced.

f. Once a voluntary account is established, any undistributed receipts payment associated with the NCP on the NIVD case must be reviewed daily. Payments only appear on the URR for one day prior to distributing to a voluntary account.

g. If the NCP also has a Division enforced IV-D case, determine which payments are from the court's *IWO* and which payments, if any are the results of the Division's enforcement actions. Any payment that is not a result of the court's *IWO* should not disburse to the NIVD CP's voluntary subaccount.

h. No undistributed receipt payments will be refunded to the NCP on NIVD cases.

1) A letter is sent to NCPs when payments are received on a closed NIVD case advising them to contact the court to pursue action for modification or termination of the order.

2) The Division will process payments received to the CP until a modified order is received from the court terminating the *IWO*.

i. For closed NIVD 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. The case is processed as indicated in h1 and 2 above.

Table of Contents

j. If a payment is returned or is unable to disburse due to a bad address on a NIVD case, do not attempt locate for the CP. If the CP subsequently updates his or her address, release the payment to the new address. If not, hold the payment on the account for 6 months. At that time, the matter should be referred to Legal Counsel for resolution.

8. Federal Tax Intercepts

a. Single Returns

Research the case to see if a hold has been placed on the Participant or Case Account. If there is a hold placed

1) Determine the reason for the hold and

2) Take appropriate actions to see if the hold can be released.

a) Review the accounting to determine if the arrearages have been paid in full. If the arrearages are paid in full and an IWO is in place for current support and arrearages, refer the case to the Specialist to modify the IWO.

b) Research the case to see if there is any documented reason why money should not be disbursed to the CP. Review Case Events for entries such as bankruptcy, appeals or arrears disputes.

c) If additional arrearages exist, apply any remaining FTAX funds to those arrearages. Do not apply FTAX funds to fees owed unless the NCP gives permission to do so.

3) Verify CP and NCP current addresses on the automated system.

4) Refund any remaining overpayment to the NCP.

5) Release any funds that should be disbursed to the CP, when appropriate.

6) Document Case Events on all the NCP’s cases.

b. Joint Returns

1) Research and resolve joint returns the same way as single returns (steps 1-5 above). 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.

Table of Contents

4) Document Case Events, for example, UNDIST$: FTAX/Joint Return. Add notes

9. Unapproved adjustments require approval by a supervisor to be processed.

10. Amounts of $1 or less

a. Worklist HQFPTFT1 to have an undistributed amount transferred from a closed case if a case is closed and has an undistributed amount of $1 or less.

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.

(08/2017)

11.3 Holds

A. Overview (08/2017)

1. Holds are allowed in the automated system on a specific financial transaction, a participant account or a case account. District Office staff, State Disbursement Unit (SDU) staff and the automated system can all place holds.

2. Division staff are required to enter a hold reason when placing a hold because there are numerous circumstances that require payments to be placed on hold. Refer to Hold Types.

3. District Office and SDU staff place holds by accessing

a. For a transaction hold, the Transaction List page

b. For a participant account hold, the Account Detail hyperlink on the Participant Account Statement

c. For a case account hold, the Account Detail hyperlink on the Case Account Statement

4. The automated system places a hold when certain actions occur on the automated system. Refer to Hold Types.

5. When Division staff place a hold

a. On the participant account, the automated system creates the Participant Event type HLDP with an event descriptor HOLD ACCOUNT AT PARTICIPANT LEVEL.

Table of Contents

b. On the case account, the automated system creates the Case Event type HLDC with an event descriptor HOLD ACCOUNT AT CASE LEVEL.

c. The Hold Date field is populated when the hold date is added or changed, or the hold is released.

6. The automated system

a. Does not require a release date to place a hold

b. Holds payments until the specified release date and automatically distributes the payment on the release date

c. Holds payments indefinitely that do not have a specified release date

7. Does not allocate payments to a case when the case has no current support or arrearages due

a. Places a 30-day hold on payment(s) on a closed case. Division staff can initiate a refund by removing the hold. If the hold is not removed, the automated system refunds the payment after 30 days.

8. Holds payments that exceed the NCP's support order as future payments in the NCP's participant account

B. Hold Types (10/2019)

Cases with holds appear on the Undistributed Receipts report. Each hold reason is listed with the letter that appears on the Undistributed Receipts report next to it.

1. ACCOUNTING REVIEW (A)

a. District Office and SDU staff place accounting review holds on a transaction or a case.

b. This hold reason is used when

1) The Division receives a large payment and funds need to be confirmed and received

2) Time is needed for address or emancipation confirmation or

3) The Division is reconciling payments with an out-of-state payment record

c. When a hold is placed for an accounting review

1) Specify a release date of no more than 5 business days from the time the hold is placed

Table of Contents

2) Enter Notes under the Hold Event to explain the hold in detail

3) Take all appropriate actions needed to resolve the issue that created a need for the hold prior to the hold release date

4) When the Division receives information that requires an accounting review, the assigned worker

a) Sends a worklist to the fiscal unit. The worklist should detail the reason the accounting review is requested.

b) Provides the fiscal unit with sufficient information to conduct the review and

c) Creates a Case Event detailing the reason for the review.

2. APPEAL HEARING (H)

a. District Office staff place a hold on the

1) NCP's participant level if the appeal affects all of the NCP's cases or

2) CP's participant level if the appeal is case-specific.

b. This hold reason is used when a Division action has been appealed to the Department's Appeals & Fair Hearings & Civil Rights Division and payment disbursement during the pending appeal period and/or appeal ruling could create an overpayment.

c. Do not specify a hold release date.

d. Do not release the hold until the administrative appeal is resolved.

e. If the Division is notified that the administrative ruling was appealed to court and this hold is still in place, the hold type does not have to be replaced as long as the assigned worker updates Case and/or Participant Events as applicable to indicate that the matter has been appealed to court. Also refer to Court Judicial Appeal below.

3. CASEWORKER REVIEW (C)

a. District Office staff place caseworker review holds on the NCP's participant account.

b. The caseworker review hold is placed is for a variety of reasons. The Specialist should thoroughly document Case and/ Participant Events in detail to explain the reason for the hold.

c. The Specialist must

Table of Contents

1) Specify a release date of no more than 5 business days from the time the hold is placed

2) Enter Notes under the Hold Event to explain the hold in detail

3) Take all appropriate actions needed to resolve the issue that created a need for the hold prior to the hold release date

4) Send a worklist to the fiscal unit if the review indicates that the accounting needs to be reviewed or adjusted.

a) The worklist should detail the reason for the review or adjustment.

b) The Specialist must provide the fiscal unit with sufficient information to conduct the review and/or make the adjustment.

5) Create a Case Event detailing the reason for the case review

4. COURT JUDICIAL APPEAL (L)

a. District Office staff place a hold on the

1) NCP's participant level if the appeal affects all of the NCP's cases or

2) CP's participant level if the appeal is case-specific.

b. This hold reason is used when the Division is notified that a Hearing Officer's ruling has been appealed to court, and payment disbursement during the pending appeal period and/or appeal ruling could create an overpayment.

c. Do not specify a hold release date.

d. Do not release the hold until the appeal is resolved unless the Division's program guidance or Legal Counsel indicates that the hold can be released.

5. DECEASED (D)

a. Division staff and the automated system place deceased holds on the transaction or participant account.

b. This hold reason is used when the Division is notified of the death of a participant.

1) Division staff place the hold at the participant's account pending review.

2) The automated system places the hold when a Death Match is received from the Social Security Administration or the Office of Vital Records.

Table of Contents

6. EFT UNIT HOLD TO VERIFY FUNDS (E)

   a. SDU Electronic Funds Transfer (EFT) staff place this hold type on the participant account,

   b. This hold is placed when the Division needs to verify that the payer has sufficient funds to cover the payment before the payment is disbursed.

7. FOREIGN CURRENCY (F)

   This hold reason is obsolete.

8. INVALID ADDRESS (I)

   a. District Office and SDU staff place this hold type on the participant account.

   b. This hold is placed when the Division receives a returned correspondence for a bad address.

   c. When a check is returned for a bad address, the Division must initiate efforts to locate the CP within 24 hours. If the Division is unable to locate the CP, the case may qualify for closure. Refer to Reasons for Case Closure.

9. JOINT RETURN (J)

   a. The automated system places a transaction hold.

   b. The joint return hold is placed on a joint federal tax refund intercept to allow time for the spouse (joint filer) to file an amended return to claim his or her portion of the refund.

   c. The hold is automatically released after 180 days. The hold is released prior to this time if the IRS notifies the Division that joint filer

      1) Filed an amended return and

      2) Received a refund

   d. This hold reason does not create a Case or Participant Event.

10. MISCELLANEOUS (M)

   a. District Office and SDU staff and the automated system all place miscellaneous holds on transactions, participant accounts and case accounts.

   b. District Office and SDU staff place miscellaneous holds for a reason other than those provided in this section. Case and/or Participant Events should be thoroughly documented to explain the transaction or account hold.

Table of Contents

c. The automated system places a transaction hold when the SDU staff cancels checks returned to the Division as damaged, mutilated or any other reason the bank declines to cash the check. Refer to Adjustments.

11. NON SUFFICIENT FUNDS (NSF) PAYMENT (N)

a. SDU staff place a NSF hold on the participant account.

b. This hold is placed when the bank returns a payment to the Division because the payer did not have sufficient funds for the check.

12. OFFSET BOND (B)

This hold reason is obsolete

13. PAYMENT RECEIVED ON CLOSED CASE (W)

a. The automated system places a 30-day hold on payment(s) received on a closed case.

b. Division staff review the hold, and when appropriate, release the hold prior to the end of the 30-day hold period.

14. POSSIBLY FRAUDULENT IRS PAYMENT (T)

a. The automated system places the T hold on the NCP's participant level.

b. This hold is placed when the Division receives an IRS tax refund offset payment and

1) The case has a UINC unworkable code (the NCP is incarcerated)

2) The Division has received a date of death or reported date of death match for the NCP or

3) There are different states listed for the NCP's MAIL address and IRS address.

c. The automated system creates the Participant Event PFOH with Event descriptor POSSIBLE FRAUDULENT OFFSET HOLD.

d. The IRS Intercept posts to 1 of the NCP's cases. If the payment is pulled back by the IRS, the Division is refunded the fee at the end of the quarter and reverses it from the case within 6 months.

e. District Office staff

1) Will research these payments on the daily Undistributed Receipts Report

Table of Contents

2) Based on review results and within 6 months of the offset posting

a) Release the payment or

b) Send an encrypted email to the Division's SDU at EFTpayments@dss.virginia.gov to have the payment submitted to OCSS for referral to the IRS.

3) When OCSS responds, SDU emails the District Office with OCSS's response.

4) If the payment is valid, document the NCP's Participant Events with OCSS's decision and release the payment hold.

5) If the payment is fraudulent, document the NCP's Participant Events with OCSS's decision and leave the payment hold for the IRS to reverse the payment.

15. STATE TAX PAYMENT (S)

This hold reason is obsolete

16. STATE/LOCAL FOSTER CARE PAYMENT HOLD (Z)

a. District Office and SDU staff and the automated system all place state/local foster care payment holds on participant and case accounts.

b. This hold is placed to ensure appropriate payment processing for non-IV-E foster care cases.

17. UNCLAIMED PROPERTY (U)

a. District Office staff place the unclaimed property hold on the case or participant account.

b. This hold is used when the Division has been unable to locate a payee after research.

c. These payments will be transferred to Unclaimed Property.

(08/2017)

11.4 Disbursements

A. Overview (08/2017)

1. The Division only disburses support payments to

a. The resident parent

b. Legal guardian

Table of Contents

c. Caretaker relative

d. Judicially-appointed conservator or

e. Alternate caretaker named by the CP. Refer to Provisions for Child Support Services.

2. The automated system disbursement function moves payments from the payee level to account 20.

3. Disbursements normally occur immediately after the allocation and distribution process is complete.

4. Disbursements are automated or manual.

5. Disbursements can be made to the CP, NCP, the Commonwealth and federal accounts.

B. Non-TANF Disbursements (08/2017)

1. The automated system issues non-TANF disbursements automatically unless there is an account or transaction hold, or the MAIL address is missing.

2. Support payments are disbursed to CPs within 2 business days after the State Disbursement Unit (SDU) receives the payment.

3. Refer to Electronic Funds Transfer Unit.

(03/2016) 04/2017)

C. TANF Disbursements (08/2017)

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. VaCMS 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

Table of Contents

b. Pass-through payments information is found on the TANF/FC Supplemental Page and the URPA Account Statement.

2. Payments in Excess of Current Month's Public Assistance Paid

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.

c. Information for these payments is found on the URPA Account Statement.

D. Disbursed Refunds (08/2017)

1. Fiscal staff in the District Offices and the State Disbursement Unit (SDU) process refunds.

2. Refund Disbursement Types

a. Overpayment Refunds created by

1) *Income Withholding for Support*

2) Federal and state offset programs

3) Virginia Employment Commission

4) Private collection agency

5) Other methods

b. Invalid payments

c. IRS refunds

3. If the CP is disbursed an overpayment, the Division notifies the CP that an overpayment has been disbursed and request repayment. However, if the overpayment is the result of a modification that retroactively decreases current support, the Division does not contact the CP.

E. Automated Refunds (08/2017)

Table of Contents

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. If a payment needs to be refunded to an NCP on an open case, refer to Manual Refunds.

F. Dual Disbursements (03/2020)

1. A dual disbursement is created when a payment has been sent to a CP or a refund issued to an NCP and it is later discovered that the transaction was in error. Mis-posted payments or inappropriate enforcement actions may require a dual disbursement.
2. Generally, the Division only initiates dual disbursements because of a Division error.
3. Refund Requests from the Social Security Administration

   Do not honor refund requests from the Social Security Administration for payments received after the NCP's death unless

   a. The payment has not been disbursed

   b. The CP returns the payment or

   c. The Division can recoup the payment from the CP

4. Disbursed Payments Posted to the Wrong NCP

   a. If the payment had correct posting information and the Division mis-posted the payment, transfer the payment. Refer to Recovery and Recoupment.

   b. If the payment had incorrect posting information provided by the employer or other submitting entity, contact the employer or other submitting entity and

      1) Request the payment be reissued with a note that includes the case number, NCP name and the reason for the reissued check

      2) Request the reissued payment be submitted to

   EPU Recovery Unit

   P.O. Box 28209

   Richmond VA 23228-0209

      3) Follow up the phone call with a letter requesting repayment and providing the same repayment instructions as the phone call.

Table of Contents

c. Document Case Events with the appropriate notes. Refer to Case and Participant Events and the SELF Event Documentation Table.

d. If the employer or other submitting entity reissues the payment, the payment is posted according to the information provided. SDU will notify District Office staff if a fiscal adjustment is needed.

e. If the employer or other submitting entity does not reissue the payment, contact the CP and ask him or her to return the erroneous payment. If the CP does not return the payment, refer to Recovery and Recoupment.

(08/2017)

G. Manual Refunds (04/2016)

1. Division staff issue an overpayment refund when

   a. The NCP overpays his or her total arrearages, including fees. In most circumstances, do not issue a refund for disbursed funds, unless Division error created the overpayment.

   b. The payment was collected using an inappropriate involuntary collection action.

2. If collection by an *Income Withholding for Support* (*IWO*) creates an over collection, fiscal staff request the Specialist review the case for *IWO* modification or release.

3. When Division error creates an overpayment and funds have been disbursed to the CP, District Office staff complete a refund request using the *Request for Payment Transfer/Refund* (*Request*).

   a. Forward the approved *Request* and supporting documentation to the appropriate Director of Operations' office for approval.

   b. The Director of Operations' office forward the *Request* to the Exceptions Processing Unit (EPU) for processing the refund if and/or when approved.

4. Procedures for Issuing the NCP an Overpayment Refund

   District Office Responsibilities

   a. Review the NCP's Participant Address List to ensure the Division has a mailing address for the NCP, prior to making an adjustment to process a refund.

   b. If the Division has had no contact with an in-state NCP in the last year, fiscal staff attempt to phone the NCP to confirm his or her current address or review the Participant Events

Table of Contents

for updated information such as IRS or new hire address information prior to issuing the refund.

c. If the Division has had no contact with an in-state NCP in the last year and fiscal staff cannot confirm the NCP's current address, notify the Specialist that the NCP's current address needs to be confirmed so that a refund can be issued.

d. If the refund will be sent through another IV-D agency, ensure that the payee code '3' and the other agency's FIPS information is correct on the NCP's Participant Address List. This action ensures address validity and reduces the number of returned checks.

e. In general, do not issue a refund to the NCP when

1) The total refund is $20.00 or less on an open case. Exceptions include case closure or at the NCP's request.

2) The overpayment is the result of a court issued *IWO.*

3) The overpayment is the result of a modification that retroactively decreased current support.

f. Review the NCP's Participant Account to ensure that payments were posted properly. Review check copies to verify inconsistent amounts.

g. Monitor the modification or release of *IWOs* 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.

EPU Responsibilities

h. The EPU updates the NCP or CP's Participant Address List to OLD based on information received from the USPS. If the USPS returns a check for an invalid address, Division staff initiate locate efforts to find an alternative address. Refer to Locate.

i. When the *Request* is received

1) Document Case or Participant Events with the date the request is received.

2) Process the *Request* and retain the *Request* and attachments.

5. IRS Refunds Disbursement

a. FTAX offsets from Joint Federal Tax Returns are not disbursed to the CP until 6 months have passed since the payment was intercepted.

Table of Contents

b. If all arrearages have been paid, refund the IRS tax intercept excess money to the NCP immediately (and the joint tax return filer).

c. FTAX offsets may not be applied to fees without the specific, documented permission of the NCP.

d. District Office fiscal staff process refunds of joint tax payments when

1) The payment to be refunded is identified as a joint federal tax payment.

2) The amount has not been disbursed.

3) Both names appear on the Participant Address List page.

e. District Office fiscal staff

1) Access the Intercept Data page and verify that the payment was received from a joint federal tax return.

2) Check the NCP's address on the Participant Address List page for the IRS address for the year of the intercept; verify that the IRS address has 2 names.

3) Verify that the payment has not disbursed.

4) When all 3 items above are true,

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, worklist the Exception Processing Unit at <HQFOTFT1> to pull and cancel the check and request the Exceptions Processing Unit to process the refund.

Table of Contents

5) If all 3 conditions in items 1-3 above are not true, forward the refund request to the EPU.

f. EPU Staff

1) Process refunds that do not meet the 3 conditions necessary for District Office staff to process the refunds

2) Process refunds for which both names do not appear on the warrant register

g. Invalid Payments

SDU staff generate invalid payment refunds within 10 workdays of identification, if the payer address is available, using a Revenue Refund Voucher.

(04/2014) (03/2015)

H. IRS-issued Refunds (08/2017)

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 NTANF CP, a recoupment account is established.

I. Stop Payments and Reissue Checks (08/2017)

1. Stop payment requests can be initiated when

a. Checks are reported lost, misplaced, mutilated, destroyed, stolen, or never received by payees.

b. Checks are issued in error.

1) Notify the payee in writing or by phone of the stop payment.

2) Document Case Events.

2. Procedures for Stop Payments and Reissue Check Requests

Table of Contents

a. Home Office and District Office Staff obtain the information needed to

1) Decide if a stop payment should be placed on the check when an inquiry is received from the payee

2) Identify the payee on the check by verifying the name, address, SSN, case information, etc.

3) Research the automated system to find out if the request is valid. For a valid request, the following conditions exist

a) A check was issued

b) 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 with details of the extenuating circumstances.

b. If neither a.1 nor a.2 above exists, the request is invalid. For an invalid request

1) Notify the payee of the reason for not initiating a stop payment, and

2) Document the Case Events

c. If both a.1 and a.2 above exist,

1) Review the Case Events

2) Research the payee account to see if the check has been canceled

3) If the check has been canceled, find the reason for the cancellation and release the hold on the check if appropriate

4) If the check has not been canceled

a) Research the Account Reconcilement system of the appropriate bank, to determine if the check has been cashed. If the 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.

b) If check has been cashed and fraud/forgery is alleged, have the payee complete the Affidavit of Check Fraud by Payee. Refer to EPU Forgery Claims.

Table of Contents

c) Initiate a request for stop payment after the *Stop Payment Request Affidavit* has been completed and signed by the payee.

d) Initiate the request by worklisting the designated SDU worker. Document the automated system. Provide the following information in the worklist notes to SDU: warrant (check) number, warrant date, check amount, posting date, payee name, event ID number, reason for request and statement verifying *Stop Payment Request Affidavit* on file.

d. Exceptions Processing Unit (EPU) Staff

Refer to Exceptions Processing Unit.

3. Stale Dated Check Procedures

a. A check payment sent to the CP by the Division is considered stale dated if it has not been cashed within 12 months from issuance.

b. A due diligence letter is sent to the CP if a check has not been cashed 9 months after it was issued.

c. To initiate replacement check requests,

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

d. The Department of Treasury sends the replacement check to the payee.

J. Statute of Limitations (08/2017)

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 Staff

a. Contact the payee to appear in person to review the check copies and to sign necessary notarized documents.

Table of Contents

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. 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 the notarized copies of the *Affidavit of Check Fraud by Payee* to EPU. Accounting staff should keep a copy of the signed and notarized document in the District Office.

3. 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 limitations.

c. Document Case Events.

d. File a copy of the *Affidavit of Check Fraud by Payee* and related documents.

4. 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

1) Worklist the appropriate Division staff to notify the payee; attach notes explaining the bank's response.

2) Forward a copy of the bank's response to the appropriate Division staff.

Table of Contents

3) Document Case Events.

K. Cancelled Checks (08/2017)

1. Initial Procedures for Cancelled Checks

a. Identify checks that the USPS 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 log.

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.

4) Research to determine

a) If a stop payment has been placed on the check. If it has, update the log and refer to Stop Payments and Reissue Checks.

b) If the check has been returned because it is stale dated or mutilated. If it has, update the log and refer to Stop Payments and Reissue Checks.

c) If the check can be remailed. If it can, mail the check, update the log and document Case Events with relevant notes.

Table of Contents

5) Cancel the remaining miscellaneous checks using the on-line check cancel function.

6) Update the log.

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.

3) Research to determine if a stop payment has been placed on the check. If it has Forward the check to the Department of the Treasury and update the log.

4) 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.

a) Notify the District Office that the check was returned.

b) Update the log.

h. Complete a Deposit Certificate for the payments to be deposited and forward to appropriate staff in SDU.

11.5 Receivables

A. Overview (08/2017)

Division staff

1. Establish receivable subaccounts for arrearages owed to the CP or the Commonwealth.
2. Establish receivable subaccounts using the support order or adjustment module.

B. Types of Support Receivables (08/2017)

Each type of Support Receivables can have an extension for current support, arrearages and interest.

1. Child Support- A receivable that records obligations and payments for child support.
2. Medicaid Support- A receivable for medical support, established by court order for a specific dollar amount, and payments received. Payments are disbursed to the Medicaid agency.

Table of Contents

3. Medical Support- A receivable for medical support, established by court order for a specific dollar amount, and payments received. Payments are disbursed to the CP.
4. Spousal Support- A receivable that records obligations and payments for spousal support.
5. Miscellaneous Support-A receivable that records payments received by the Division for a type of support other than the 4 types of support mentioned above.

C. Categories of Receivables (08/2017)

Each category has a receivable for current support and a receivable for arrearages, if owed.

1. TANF Instate and Out-of-State (OSTA)
2. Aid to Families with Dependent Children in Foster Care (IV-E FC) Instate and Out-of-State (OSTA)
3. Medicaid-only
4. State and Local Foster Care (SLFC)
5. NTANF

D. Fees

Refer to Fees.

E. Recovery and Recoupment Receivables (08/2017)

Recovery and Recoupment receivables for overpayments, IRS intercept adjustments, and interest are referenced in Allocation and Distribution, Disbursements, Adjustments and Interest.

F. Fiscal Responsibilities- New Orders (08/2017)

When notified by the Specialist that a new *ASO* or court order has been added to the automated system, District Office fiscal staff 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 using the adjustment module.

1. 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.

Table of Contents

2. The calculations may require the determination of a partial month's obligation owed from the effective date through the end of that month, plus any full month's obligation due prior to the automated system automatically charging on the first.

3. 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.

4. To arrive at the daily rate to calculate the prorated amount, multiply

   a. A monthly order by 12

   b. A semi-monthly order by 24

   c. A bi-weekly order by 26

   d. A weekly order by 52

   e. Take the appropriate amount from a-d above and divide that number by 365

G. Fiscal Responsibilities- Modified Orders (07/2018)

1. When notified by the Specialist that a modified *ASO* or court order has been added to the automated system, District Office fiscal staff use the adjustment module in the automated system to adjust the arrearages (pursuant to the modified order) through the end of the current month.

   a. 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.

   b. 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 arrearages

      1) Arrearages established in the order

      2) The partial month owed under the old order from the arrears effective date through the effective date of the new order.

      3) The debt owed based upon the "prior current child support" amount which may include a partial month.

Table of Contents

4) The “current child support beginning 7/1/2014”

c. Reset the charge date field on the Reset Order Charge Date page. 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.

2. Adjust arrears subaccount balances on cases in which the only change the court makes to an order is to establish/adjudicate arrearages. Make this adjustment when you receive a worklist from the Specialist.

3. The automated system will not allow the addition of an arrears frequency or amount when adding arrears extensions. The automated system will distribute payments according to the established distribution hierarchy.

4. Use the manual adjustment module to establish the following subaccounts

a. Attorney fee

b. Service process fee (verify)

c. IRS fee (verify)

d. Voluntary payment

e. The Specialist may add the Genetic Test Fee at the time of support order entry. If the Genetic Test Fee needs to be added before or after an order has been entered on the automated system, the fiscal worker adds the fee by creating an adjustment.

f. Do not adjust current support.

(08/2017)

H. Support Order Charging (08/2017)

1. Current month support order charging 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. Virginia 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 (the Division’s original legacy systems.)

Table of Contents

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 Specialist 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 (05/2025)

1. The receivables balance on a case is an automated function based on support order charging and payment application.

2. The receivables balance may require an adjustment for a variety of reasons. An adjustment to the receivables balance cannot be based only on a request by either party to change or forgive an arrearage.

3. Newly opened or reopened cases with a support order

Ensure there is a complete and legible *Statement of Payments* (*SOP*) for any period that the case was obligated and not open to IV-D services. Do not add arrearages for the period until the applicant provides a completed *SOP*. Refer to Statement of Payments Procedures. If there are no arrears issues or the arrears issue is resolved,

Table of Contents

a. Calculate and add arrearages, and interest, if appropriate.

b. Add arrearages and interest that were adjusted off at closure for a case that is reopening.

1) Calculate the arrearages for the closed period by adding all the obligations due prior to the case opening or reopening and subtracting any payments made during that same period.

2) Calculate the interest for the closed period.

3) The monthly interest rate on Virginia orders is .005 beginning July 2004.

4) Compute interest monthly, based on unpaid arrearages totaled at the end of the charge cycle.

5) Interest for other state orders is computed the same way, using the other state's interest rate.

c. If a court order addresses the prior period arrearages, use the court ordered amount to calculate the current arrearages and interest.

4. Foreign Currency Orders

a. When the case is established on the automated system, notify the NCP that he or she is responsible for paying the amount ordered in foreign currency each month, even if the payment is made in U.S. dollars.

b. Explain in the notification that yearly reconciliation will occur with the foreign country and based on the currency fluctuation, an arrearage could be owed.

c. Perform a yearly reconciliation of the payment record by determining what was charged and what should have been charged based on the variable exchange rate of the foreign order compared to the funds actually paid.

d. Create a self-generated worklist for cases with a foreign currency order as a reminder to reconcile the accounting every 12 months from the date the order was entered on the system.

e. Request an updated accounting record from the foreign country every year to ensure the correct arrearages balance with the foreign country.

f. Send the NCP, CP and the foreign country a *Child Support Enforcement Transmittal #2 – Subsequent Actions* and a certified payment record confirming the arrearage balance, if any, after the yearly reconciliation is complete.

Table of Contents

g. Set the arrearage as stated to the foreign country if no response (acceptance or revision of the yearly recalculated balance) is received from the foreign country within 60 days from mailing.

h. Reconcile the accounting on the case 3 to 4 months prior to a child's emancipation. Take this action to reduce the effects of a large arrearage or credit balance occurring at the date of emancipation.

5. Proof of Payment

a. Copy of an endorsed check or money order

b. Receipt or statement signed by the CP

c. Leave and Earning Statement (LES) or other statements verifying voluntary allotment payments

d. Other documents at the discretion of the District Manager or their designee

6. Direct Payments Prior to Order Establishment

a. Do not give credit for direct payments before the establishment of an order if the CP is not receiving TANF. These payments are not considered support payments.

b. If the NCP is being obligated for retroactive support and presents proof of payment for any period addressed in the retroactive support order and the CP is receiving TANF

1) Give the NCP credit for the payments and

2) Report direct payments made to the CP to the LDSS for possible fraud. Refer to Alleged Fraud.

7. Direct Payments after Order Establishment

a. Prior to the NCP being ordered by a court or administrative order to make payments to the Division 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* or proof of payment.

b. After the NCP is ordered by a court or an administrative order to make payments to the Division or is served with a *Change in Payee Notice* directing payments through the Division, do not give the NCP credit for payments paid to anyone other than the Division, or a court, or IV-D agency in another state.

Table of Contents

8. Adjust the receivable balance to the amount ordered by the court if court orders a reduction in arrearages based on payments made to someone other than the Division. Refer to Adjustments.

9. The automated system will adjust current support for the month the system is updated when a child support obligation decreases due to the emancipation of a child on a case. If time has lapsed between the month of emancipation and the month the order is updated, an adjustment will need to be completed.

10. 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 NIVD 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 OCSS 157 and the quarterly Accounts Receivable Report as voluntary payments.

11. Spousal Support Receivables

    a. Spousal only cases are NIVD 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 NIVD.

    d. Refer to Spousal Support.

12. Assignment of Support Rights 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 assistance paid to the family. Therefore, there will be no new Temporarily-Assigned arrearages. Arrearages 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.

Table of Contents

a. On a new case, within 2 business days of receiving a *Statement of Payments*, 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 NTANF case the automated system automatically redirects the current support receivable to TANF when the CP is approved for TANF. Arrearages 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 NTANF that reside with a single caretaker, the District Office staff will

1) Prorate any arrearages that accumulated since assistance began between the children.

2) Transfer the portion for the child or children receiving TANF to a TANF arrears receivable. Establish or adjust a NTANF receivable for the arrearages that accumulated prior to the child or children receiving TANF, plus any portion that accumulated since assistance began for a child or children not receiving TANF. Arrearages that accumulate prior to receipt of TANF 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 arrearages adjudicated.

13. Discharge of Arrearages

a. The Commissioner has the authority to discharge

1) 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)

2) Uncollectible fees owed to the Commonwealth. The uncollectible fees may exist on any case type in the automated system.

b. District Office staff take the following actions to initiate the discharge of uncollectible TANF or IV-E FC arrearages, or any uncollectible fees owed.

1) Verify that the case meets a case closure criterion.

2) Verify that there are no conditionally assigned (CTNFA) arrearages.

3) Verify that there has not been a payment posted on the case in the past 12 months.

Table of Contents

4) 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.

c. If the above conditions are met, release all liens or other enforcement actions pending on the case.

d. Close the case as indicated in Case Closure Procedures. Do not zero out the subaccount balances.

e. 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.

(01/2017)

11.6 Adjustments

A. Overview (08/2017)

1. The adjustment process changes the balance in participant and case subaccounts, or case and system accounts. The automated system generates automated adjustments. Division staff create semi-automated and manual adjustments.

2. Automated Adjustments

a. The automated system performs the following for automated adjustments using system data

1) Establishes subaccounts when extensions are added to an order.

2) Adds obligations for the current month.

3) Moves balances in the current month receivable to an existing prior receivable subaccount or establishes a prior receivable and moves the balance.

4) Moves remaining UNDFA arrearages to NTANF arrearages when unreimbursed assistance (URPA) reaches zero.

5) Establishes IRS fee subaccounts. This function was not used for the 1993 and 1994 federal tax years.

6) Accrues and maintains unreimbursed assistance.

Table of Contents

b. Financial information transferred to the automated system from SUPE and ACSES generated conversion adjustments.

3. Manual Adjustments

a. Home Office and District Office staff enter manual adjustments.

b. Home Office and District Office staff enter information and adjust accounts and subaccounts.

4. Posting Function

a. Moves cash to NCP accounts.

b. Redistributes payments from the Unidentified Payor Account 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.

5. The “Distribution” function moves payments from the NCP Participant Account to the Case Account, to the payee Participant Account.

6. The “Disbursement” function moves payments from the payee Participant Account to account 20.

7. Accounts and Subaccounts

a. Adjust subaccounts at any of the following levels

1) NCP

2) Payee

3) Case

b. Adjust accounts at any of the following levels

1) Case

2) System

3) State

Table of Contents

c. Adjust accounts and subaccounts from account to account and subaccount to subaccount.

1) Adjust payments posted to the incorrect NCP back to the receipt account.

2) Adjust payments posted to the correct NCP and allocated to the incorrect case back to the NCP level.

B. Manual Adjustments (08/2017)

1. Overview

a. The local Department of Social Services (LDSS) 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 LDSS. 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 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 NTANF CP.

a) NTANF arrearages owed (same NCP and CP)

b) Add a note to the transaction explaining the action.

3) NTANF payment posted as a payment in excess payment.

a) The payment disbursed to the CP (same NCP and CP)

b) Add a note to the transaction explaining the situation.

b. When research reveals that current support was not posted for the month, request an adjustment.

c. Determine the reason for redistribution.

1) Adjustment entered twice

Table of Contents

2) Incorrect account or subaccount adjusted

3) Case record information is 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 record information is updated with the information that created the need for the adjustment.

e. Document Case Events

1) Adjustment reason

2) Corrective action

3) Event Notes include

a) Payments to redistribute, or a receivable to adjust

b) Name of the staff to approve the request

f. SDU staff create a worklist for payment processing errors that created the redistribution need when the incorrect

1) SSN was entered and matched another SSN

2) Participant ID entered was incorrect and matched another Participant ID

3) Payment amount was entered

4) Payment date was entered and the payment allocated incorrectly. For example, the payment date entered as 2016, instead of 2017.

g. If the payment must be disbursed as a result of the actions taken in f above, send a mail message to the District Office or the SDU if they are responsible for the erroneous post.

1) District Office staff send the message to the staff person designated to approve the request.

2) The SDU Exceptions Unit Supervisor reviews and approves.

Table of Contents

C. Manual Adjustments- Cash (08/2017)

1. Manual adjustments are made to cash for

   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 IV-E foster care 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 foster care 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 program.

      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 for week ending (Complete week ending date).

Table of Contents

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 Processing 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 because

1) The automated system information was not accurate or complete,

2) Payment data entered incorrectly.

b. Court ordered NTANF arrears payment posted to TANF arrearages.

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.

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.

D. Redistribution Request Approval (01/2018)

Table of Contents

1. Approval of a redistribution request certifies that
   a. The requested action is valid,
   b. Case Events, Participant Events and/or transaction notes documentation support the requested action,
   c. The incorrect or incomplete information that caused the redistribution request has been corrected and
   d. The redistribution is a valid expenditure of funds.
2. The Fiscal Manager, Account Senior, Fiscal Tech Senior, or designated Fiscal Tech(s) authorized by District Office management
   a. Reviews the case documentation,
   b. Approves the request if the payment has not been disbursed and
   c. Documents Case Events as follows for any request that requires a *Request for Payment Transfer/Refund*
      1) Whether the transaction was approved,
      2) Initials and last name, and
      3) The date request approved.
3. If the payment has been disbursed, approval of the request must be submitted to the District Administrator or District Manager prior to submission to the Director of Operations.
4. The Director of Operations or designee approves the request if the payment has been disbursed.
5. The Payment Processing Unit (PPU) 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

Table of Contents

1) Reviews and approve the request, and

2) Emails the request to the SDU Exceptions Processing Unit (EPU)

c. The EPU 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 PPU Manager.

d. Refer to Dual Disbursements.

(03/2015)

E. Redistribution Request Processing Responsibilities (01/2018)

1. District Office fiscal staff must

a. Locate payment(s) to be redistributed.

b. Decide to what accounts or subaccounts the payment(s) have been distributed.

c. Complete a *Request for Payment Transfer/Refund* document, if necessary, and forward it to the SDU.

2. In general, redistributions that do not involve dual disbursements may be keyed in the District Office.

a. Attach a completed Virginia W-9 to the *Request for Payment Transfer/Refund* if the request is a refund for overpayment, monies sent to the Division in error or monies intercepted by the Division in error.

b. The Virginia W-9 should be completed by the employer and/or individual seeking the refund.

c. *Request for Payment Transfer/Refund* documents received in the SDU without a completed Virginia W-9 will not be processed.

d. The refund could take 30-45 days.

e. The Virginia W-9 can be obtained at Forms - Virginia Department of Accounts.

3. Refer to Request for Payment Transfer/ Refund.

(03/2015)

Table of Contents

F. Adjustments for TANF Debt Compromise (04/2021)

1. District Office fiscal staff complete adjustments for TANF Debt Compromise Program (the Program) cases.
2. The NCP submits consistent payments and lump sums to earn debt reduction.
3. Lump sum payments may include payments received from federal tax intercepts.
4. Do not give a reduction for state tax intercepts, purge payments and payments from the Order to Withhold process.
5. Intergovernmental cases can be included in the Program when the debt accrued based on a Virginia court or administrative support order.
6. The District Office receives a monthly report that provides a list of participants to review for reductions. The report includes
   a. Participants with consecutive months of required payments,
   b. The case with the lowest TANF debt balance,
   c. The date of the most recent TANF Debt Compromise adjustment,
   d. The total TANF debt the NCP owed at the time of eligibility and
   e. When applicable, the date of the most recent reversal.
7. The Specialist receives the monthly report and worklists fiscal to complete adjustments.
8. Fiscal staff review the worklist and complete adjustments within 7 business days.
9. Refer to TANF Debt Compromise Procedures, TANF Debt Compromise Adjustment Procedures and TANF Debt Compromise Reduction Reversal Procedures.

(04/2018)

G. Cash Adjustment Approval (08/2017)

1. A supervisor's approval is required on manual payment adjustments.
2. The automated system does not process adjustments until they are approved.
3. Record approval on the automated system the same day the message is received.
4. Adjustment approval certifies that

Table of Contents

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.

5. 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 (04/2021)

1. The automated system establishes the Internal Revenue Service (IRS) intercept fee subaccount. Refer to Fees.

2. SDU staff establishes the subaccounts for a recoupment.

3. Interest

   Refer to Interest.

4. 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.

5. When the adjustment brings the receivable balance to zero, verify that all enforcement actions have been released.

6. Process adjustment using the adjustment module or the order module.

7. Use the Reason Codes for Receivables, Refunds, Cancelled Checks, Distribution, Disbursements, Recoupment, Transfers, Debt Discharge and Miscellaneous.

8. Adjust receivables using the support order module when

   a. New obligations are established and may or may not include retroactive arrearages

   b. Modification occurs for an increase or decrease

   c. Credits are ordered by the court

Table of Contents

d. Fees are assessed

(05/2014)

I. Receivables and Cash Adjustments to Issue Manual Refunds (03/2015)

1. Overview

a. In most cases, refunds should only be issued when the payment in question has not been disbursed.

b. Refunds should only be issued if the NCP owes no arrearages or fees on any case, or the Division's enforcement actions over collected (such as when the Consumer Credit Protection Act (CCPA) applies to an enforcement action and the Division's action exceeded the amount allowable under the CCPA).

1) IRS intercept payments have specific regulations.

2) If an NCP owes additional arrearages, transfer the overpayment to any case with arrearages or fees owed to bring that case current. Refund only the overage after all arrearages and fees are 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.

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 arrearages, fees, and interest subaccounts must

Table of Contents

be zero after the refund is processed. The current support subaccount should not be adjusted.

J. Unidentified Payments (08/2017)

1. SDU Exception Processing Unit (EPU) 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. EPU 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 MyChildSupport 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) Review each payment copy or payment listing copy and locate identifying information.
      2) Access the automated system or VaCMS 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 SNN 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.

Table of Contents

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 payor, 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

Table of Contents

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

c) Access the Hold/Release transaction screen in the automated system and enter one of the following codes in the review status field.

d) <R> if the transaction is being researched

e) <V> if research revealed that the payment is a voluntary payment

f) <O> if the payment was referred to another office for research or

g) Enter a <U> in the hold reason field to designate the payment as unclaimed property.

3) 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 SSN, addresses or name obtained in identifying the payment.

1) <New SSN 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 Participant ID or

1) Refund a payment when the payment is sent to the Division 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

Table of Contents

2) If a payment is received with insufficient information, it is referred to Unclaimed Property.

K. 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.

(03/2015)

11.7 Reconciliation

A. Overview (08/2017)

District Office fiscal staff conduct daily reconciliation of financial adjustments. As part of the reconciliation, staff are required to

1. Reconcile daily receipts using the source document detail and the Division's internal accounting system.
2. Ensure that the reconciliation establishes an audit trail between source documents and accounting reports.
3. Maintain reconciliation records with supporting documentation. These records must be available for inspection by internal and external auditors and the Auditor of Public Accounts.

B. Daily Receipts Reconciliation (05/2025)

1. Fiscal staff prepare the *Daily Payments Reconciliation* form. The Fiscal Technician Senior or designee verifies and retains this form. The fiscal unit manager reviews this information for completeness and accuracy when auditing District Office receipt records.
2. The Fiscal Technician Senior or designee conducts a daily verification and audit of payment logs and receipt books compared to the *Payments Received in Office* log, which includes all cash payments received in the District Office and court, non-cash payments, if deposited in the bank by the court specialist, and the daily deposit ticket.
3. The *Daily Payments Reconciliation* form and receipt books must be retained until
   a. A period of 5 years has passed since the date of the document and

Table of Contents

b. The District Office has been audited by the Auditor of Public Accounts or the Division's Compliance, Performance Management and Review Team auditors.

(01/2018)

C. Petty Cash Reconciliation (08/2017)

1. Each District Office maintains a petty cash bank account.
2. The District Office must have an official memorandum, signed by the District Manager and kept on file, designating individuals authorized to sign petty cash checks and to reconcile monthly the petty cash bank statement. The monthly reconciliation of the petty cash bank statement must be performed by someone who does not sign petty cash checks or approve petty cash payments.
3. Petty cash funds are used for authorized purposes only.
4. The petty cash checkbook must be kept locked up.
5. Petty cash checks must
   a. Bear a stamp stating VOID AFTER 60 DAYS
   b. Be accounted for in the check record. The check record must show
      1) The date the check was issued
      2) The check number
      3) The name of the payee and
      4) The check amount
   c. Be marked VOID and the signature line obliterated or mutilated when the check is spoiled
6. Contact the payee on the check immediately if a petty cash check has not been cashed in 60 days after issued to resolve the outstanding check. If the check is lost, a new check may need to be issued.
7. Mark the check record to indicate which checks have been paid by the bank when the monthly bank statement is received.
8. Reconcile the petty cash check book must be reconciled with the petty cash bank statement monthly. When the reconciliation is complete, the bank statement is signed and dated and given to the District Manager for review, approval and signature.

Table of Contents

9. A monthly *Reimbursement Voucher* is submitted to the State Disbursement Unit (SDU) unless there are no items to be reimbursed.

   a. Do not include checks that have not cleared the bank.

   b. Do include receipts for all disbursements.

10. Email the Monthly Petty Cash Reconciliation Report to the SDU monthly.

(12/2016)

11.8 Interest

A. Overview (06/2018)

1. The Division is required by law to charge interest on support arrearages accrued from July 1, 1995, forward, unless

   a. The NCP is less than 18 years old. The automated system automatically changes the Charge Interest Indicator to NO if the NCP is under the age of 18

   b. The NCP is under an ASO but is a CP on an active TANF case. Division staff update the Charge Interest Indicator to NO. If the NCP is under a court order as a CP on an active TANF case, interest continues to charge but the Division does not enforce the case.

   c. The NTANF CP waives his or her right to interest, in writing, at the time the court order is entered and language in the order addresses that interest is not charged.

   d. The order was issued by a state that does not charge interest.

2. Virginia's current interest rate for support arrearages is 6% annually or 0.5% monthly.

3. Interest is considered support. Use the same administrative and judicial actions to collect arrears and interest.

4. The Division charges interest on support arrearages accrued on out-of-state orders if the other state that issued the controlling order charges interest on support arrearages. The automated system automatically determines if another state charges interest and the amount based upon the Interest Indicator and Rate Table page in the automated system. When the other state charges a variable interest rate, the worker enters the correct Interest Rate in the automated system.

5. Refer to the iAPECS User Guide Chapter 5, Order Management for more information.

Table of Contents

(01/2018)

B. Interest Charging and the Automated System (06/2018)

1. The automated system 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.
2. The automated system adds interest to the receivable interest subaccount associated with the arrears subaccount.
3. Interest is not charged on a current obligation until the second charge cycle after the obligation becomes an arrears balance.
4. The automated system
   a. Disburses interest earned on NTANF arrears to the CP.
   b. Distributes interest earned on TANF and IV-E FC arrears to the Commonwealth (state debt).
   c. Certifies interest on child support arrearages to the IRS and the Department of Taxation.
   d. Includes interest in the arrears referred to consumer reporting agencies.
   e. Rolls interest over from NTANF to TANF.
   f. The automated system may charge interest on cases in which the employer is withholding support weekly or bi-weekly based upon pay frequency, however the amounts do not always equal the monthly obligation. This may result in arrears on a case for short periods, which are not true delinquencies since the arrearage is not due to nonpayment by the NCP but is due to the weekly and bi-weekly payments from an *Income Withholding for Support* (IWO). When interest has erroneously charged on the case, the worker acts to
      1) No longer charge interest on the case. Update the Charge Interest Indicator to N (No) in the automated system.
      2) Remove any accrued interest due to the weekly or bi-weekly payments from an IWO.
      3) Do not take the steps above if a case has arrearage that accrued due to nonpayment by the NCP.
      4) If the IWO stops or arrearage accrues due to reasons other than a weekly or bi-weekly IWO, interest should be charged. Update the Charge Interest Indicator to Y (Yes) in the automated system.

Table of Contents

5) Each District Manager or District Administrator is responsible for establishing an interoffice procedure for monitoring these cases periodically to determine if the Charge Interest Indicator needs to be updated to charge interest.

(01/2018)

C. Interest Owed to CPs on Held Payments (01/2018)

1. District Office fiscal staff calculate interest and add it to the payment due to a NTANF CP when all the following conditions exist

   a. Payments are held more than 30 calendar days after the end of the month in which they are received.

   b. The information to establish a case is received before the interest due date.

   c. The NCP's name and SSN or the case number is on the payment.

   d. The amount of the interest due the CP is more than $5.00.

   e. The Division has the CP's current address.

   f. Future payments 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 Responsibilities

   a. The Specialist(s) reviews the automated case file to find out the date the case was established on the automated system and to ensure the interest was calculated based on the effective date of the order.

      1) If the automated system case file was established after the interest due date, review the case information 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, fiscal staff can retrieve a copy of the payment from the Wells Fargo CEO Check Imaging System or request a copy of the payment from SDU.

   b. Review the payment copy to see if the NCP's name and SSN 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.

Table of Contents

d. If the Specialist(s) has doubts that interest was calculated based on the effective date of the order, refer the case to fiscal to review and determine if an adjustment is needed to correct the interest balances.

D. Interest Owed to the NCP (01/2018)

1. District Office fiscal staff calculate interest on state tax refunds intercepted in error, and not refunded in less than 60 calendar days of receipt.
2. Use the manual fiscal record to calculate interest
3. Calculate interest to NCPs on state tax refunds at the rate established by the Internal Revenue Code.

E. Manual Calculation of Interest (01/2018)

1. Manually calculate interest as follows:
   a. Annual Interest Rate Multiplier = 6/100 = .06
   b. Monthly Interest Rate Multiplier = .06/12 = .005
   c. Interest Charge for the Month = .005 x Arrears Subaccount Balance
2. District Office fiscal staff calculate interest using the manual fiscal record when
   a. The Division owes interest to the NCP or CP
   b. The arrears balance increases or decreases. Calculate the new amount of interest due for each prior month when adjusting an arrears subaccount balance.
3. When adjusting arrears subaccount balances
   a. Identify the subaccount balance for each month that interest should be calculated.
   b. Calculate interest on the cumulative balance for each subaccount.
   c. Compare the new calculated interest balance to the interest balance on the account.
   d. Adjust the account balance to increase or decrease interest accordingly.
4. Adjust the difference to the subaccount's interest subaccount when calculating interest because of an arrears adjustment. Refer to Receivables.

Table of Contents

Redistribute funds from Account 11, the interest payments account, to the payee subaccount for interest payments to Non-TANF CPs or NCPs. Refer to Adjustments.

5. Do not manually calculate interest for a case when the case is established on the automated system in the month in which it is received.

F. Interest Earned by the Division (01/2018)

1. The State Disbursement Unit computes interest earned on support collections deposited in the bank.

G. Returned Interest Payments

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
   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 update the Charge Interest Indicator on the Subaccount Detail page by removing the check from the checkbox.

(08/2017)

11.9 Recovery and Recoupment

A. Overview (01/2018)

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. Recovery and recoupment can apply to the CP or NCP.
4. A recovery and/or recoupment is appropriate when

Table of Contents

a. A non-TANF CP is overpaid. Do not submit a recoupment referral when the CP's overpayment is the result of a support modification that retroactively decreased current support.

b. A TANF CP retains assigned support payments or is overpaid by the Division.

c. A payment to the Division is returned unpaid by the bank.

d. An NCP is sent a refund check in error.

5. Only designated State Disbursement Unit (SDU) staff are authorized to create recoupment subaccounts on the automated system.

6. District Office staff are authorized to create a recoupment (fee) account on the CP level when a CP is ordered to pay the genetic test fee by the court. Refer to Chapter 11.10 Fees.

(08/2017)

11.10 Fees

A. Overview (01/2020)

1. State and federal law allow the Division to assess fees against the NCP or CP for certain actions taken or services provided.

2. The Division pays fees for certain services. District Offices pay from the petty cash fund for

a. Copies of out-of-state birth certificates

b. Certified copies of out-of-state orders

c. Other costs associated with processing a case

3. The Division does not assess fees to the CP if the CP is the LDSS.

4. The Division assesses the $35 annual fee on SLFC and DJJ cases.

5. If a payment is not mailed to the fee payment address and is not identified as a fee payment prior to posting, it posts and distributes as a regular support payment according to the normal payment hierarchy.

6. For a cash fee payment received in court or a non-cash fee payment received in court or by mail to the District Office, refer to District Office Payment Handling Responsibilities.

Table of Contents

7. The *Notice of Fee Payment Due* (*Notice*) notifies the NCP and/or CP that they owe the Division an attorney fee, genetic test fee, or private service of process fee.

   a. The automated system generates the *Notice* when a subaccount for one of these fees is added to the system.

   b. The automated system automatically generates the *Notice* annually for any open case with one of these fee balances. The *Notice* is sent 12 months after the last generation.

8. Fees are not TANF debt.

(12/2018) (07/2019)

B. Fees Assessed to the NCP (05/2025)

1. Attorney fee

2. Genetic testing fee

3. IRS Intercept fee

   a. The federal tax refund offset fee for the federal fiscal year 2024 is $19.48 effective 10/01/2023.

   b. The federal tax refund offset fee was $21.44 from 10/01/2022 through 09/30/2023.

   c. The federal tax refund offset fee for the federal fiscal year 2022 was $21.61 from 11/1/2021 to 09/30/2022. The Department of Treasury's Bureau of Fiscal Service delayed the effective date.

   d. The federal tax refund offset fee for federal fiscal year 2021 was $20.37 from 10/1/2020 through 10/31/2021.

   e. The federal tax refund offset fee was $19.64 from 10/1/2019 through 09/30/2020.

   f. The federal tax refund offset fee was $19.30 from 10/1/2018 through 09/30/2019.

   g. The federal tax refund offset fee was $14.65 from 10/1/2011 through 09/30/2017.

4. Administrative Offset fee

   a. The federal administrative offset fee for federal fiscal year 2024 is $21.61 effective 10/01/2023.

   b. The federal administrative offset fee was $18.08 from 10/01/2022 through 09/30/2023.

Table of Contents

c. The federal administrative offset fee was $14.83 from 10/01/2020 through 09/30/2022.

d. The federal administrative offset fee was $12.50 from 10/1/2019 through 09/30/2020.

e. The federal administrative offset fee was $13.12 from 10/1/2018 through 09/30/2019.

f. The federal administrative offset fee was $13.12 from 10/1/2017 through 10/1/2018.

5. Private Service of Process fee
6. Fees charged by other states when the Division is the Responding State
7. Fees for copies of documents
8. Credit card fee
9. Insufficient Funds fee
10. Reapplication fee if the NCP applies for Division services and closes and re-opens the case within a 6- month timeframe.

(01/2018) (09/2018) (01/2020) (09/2020) (03/2022) (04/2023)

C. Fees Assessed to the CP (09/2022)

CPs are assessed fees

1. For additional genetic testing if the CP challenges the result of a genetic test, or for a TANF CP, genetic testing for any additional putative fathers after 5 putative fathers have been excluded as the father of a child. The CP must pay the fee in advance. Refer to Recovery and Recoupment.
2. For genetic testing fees ordered by the court. Refer to Recovery and Recoupment.
3. For copies of documents; a fee is not charged in all instances. Refer to Release of Information to Customers and Case Closure Procedures.
4. By other states enforcing a case. The other state deducts fees from payments before they submit the payment to the Division.
5. 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 $550 in child support during each federal fiscal year.

a. The fee is $35 annually.

Table of Contents

b. The CP does not submit this fee.

c. When the NCP submits a child support payment, the $35 fee is deducted from the payment and the CP receives $35 less than what was received (if the payment amount does not cover the full fee, then the remaining fee amount will be deducted from future payments).

d. Do not assess the fee if the CP has received assistance under any former State AFDC or TANF program or, under a Tribal TANF program.

6. When the CP applicant reapplies for IV-D services within 6 months or less of requesting case closure.

a. The reapplication fee is applicable to cases closed on or after 10/01/07.

b. The reapplication fee is $25.

1) Charge the reapplication fee only when the case was previously closed in the automated system with the closure reason CDIS.

2) Do not assess the reapplication fee if the case type was changed to ARRP when the CP requested case closure due to an assignment of arrearages owed to the Commonwealth.

c. When the reapplication fee is paid by mail, the District Office records the payment in the *Payments to SDU* log and forwards the payment to the State Disbursement Unit to process. Refer to District Office Payment Handling Responsibilities.

d. The fee must be paid prior to reopening the case.

(12/2012) (08/2017) (01/2018) (12/2018) (07/2019)

11.11 State Disbursement Unit

A. Overview (08/2017)

1. Federal law requires that IV-D agencies operate a State Disbursement Unit (SDU) to collect and disburse collected support payments for all IV-D cases, and for all non-IV-D cases with an order entered on or after January 1, 1994, and the NCP's income is subject to an income withholding.

2. Federal law establishes the timeframes for payment disbursement once the payment is received.

Table of Contents

3. The Division's SDU is composed of 3 primary units

   a. The Payment Processing Unit

   b. The Electronic Funds Transfer (EFT) Unit

   c. The Exceptions Processing Unit

B. Payment Processing Unit (09/2020)

1. The SDU provides all of the Division's payment processing.

2. The Payment Processing Unit

   a. Receives mail daily by courier. The mail carrier signs a log, indicating the delivery time and the amount of mail.

   b. Scans mail for non-Division receipts and the Receipts section supervisor or designee conducts the daily tray count.

   c. Verify the mail is addressed to

   Division of Child Support Enforcement
   Treasurer of Virginia
   Department of Social Services
   Name and/or address of a District Office or
   P.O. Box 28990, Richmond, VA 23228-8990

3. Special Receipts
   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. Each special receipt has its own *FIR*.

   a. When a cash payment is received, staff immediately notify the Receipts Supervisor. The Receipts Supervisor and one other staff verify the amount of cash received. The cash amount is recorded in a receipt book to process with work. The cash is given to the Deposit area Supervisor for deposit.

   b. When foreign currency is received, it is given to the Deposit area Supervisor or designee, who takes 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 the Receipts Supervisor or designee to process.

Table of Contents

c. Electronic Data Interchange (EDI), Electronic Funds Transfers (EFT), fees and Interagency Transfers (IAT) are processed with the appropriate *FIR*.

4. Daily, via an electronic spreadsheet from each District Office, receive cash payments from and processed by the District Offices. The spreadsheet contains the information needed to post through the automated system and SMILE (Support Money Impacts Lives Every day).

5. Daily, via courier, receive non-cash payments processed by the District Office for payment processing.

6. 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. These items 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

7. Payment Methods, Sources, and Acronyms, refer to Chapter 14 Resources.

8. Payment Entry Process

Table of Contents

a. The Payment Entry Module (PENT) of SMILE is used to enter payments into the system.

b. The Payment Entry Module compares each payment in the 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 include

1) Verify information through the SMILE search screen, the automated system or CLEAR

2) Participant Index Number if provided

3) Child's Name

4) NCP or CP Name and Address

5) NCP or CP SSN

6) Court Docket #

7) Employer Name

8) Out-of-State Agencies

9) Previous payments with additional information

9. Suspense Process-After all resources have been exhausted to locate proper information, key in 100-00-000 for the SSN as a suspense item.

10. The Exceptions module is used to resolve problems. Returned checks are received in the mail for an inappropriate address or sender. The checks are imaged but cannot be processed for a variety of 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

Table of Contents

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”

11. Deposit and Encoding process includes retrieving Financial Instruments that are batched in groups of (50) or less and processed in a designated Deposit Area.

12. 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 the bank.

b. The designated person at the bank determines the exchange rate, prepares a miscellaneous credit slip and prepares the deposit ticket.

13. Replacement Checks are issued to replace a lost check. The employer returns the checks for redeposit for a stop payment or duplicate check posting. The check is sent to

Department of Social Services
Division of Child Support Enforcement
PO Box 28209
Richmond, Va. 23228-0209
ATTN: Deposit Unit

14. Non-Sufficient Fund Checks are received from the Exception Processing Unit.

15. Non-Division 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.

16. Research inquiries are performed on payments received in the 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

Table of Contents

f. Employer

g. Co-workers

17. *Request for Payment Transfer/Refund*

The *Request for Payment Transfer/Refund* are received from District Offices and others.

a. Payment Processing staff review the request to verify

1) The "Reason for the Transfer/Refund Request" section of the *Request for Payment Transfer/Refund* is completed correctly and completely, using the redistribution request section.

2) The account statement detail supports the requests and subaccounts support the requested redistribution.

3) The documentation supports the request.

b. Payment Processing staff forward the request to the Exception Processing Unit when the verification is successfully completed.

c. SDU staff will contact the District Manager or supervisor that requested the redistribution based on the following

1) The request reason is not included on the *Request for Payment Transfer/Refund*.

2) The *Request for Payment Transfer/Refund* is not completed when

a) The account statement detail does not support the request.

b) The documentation does not support the request.

d. Payment Processing staff document Case Events and include

1) Contact date

2) Reason for contact

3) Name of staff contacted and

4) Result of contact

e. Payment Processing staff forwards the request to the Exception Processing Unit (EPU) when the verification is successfully completed.

Table of Contents

f. The EPU will enter the adjustment. A note is included with each manual adjustment that documents

1) The reason for the adjustment, and

2) Approval obtained.

g. A mail message is created for the supervisor to approve the adjustment.

18. The Exception Processing staff prepare the refund payments from information received, which includes

a. Refund Amount

b. Issue Check Payable (name and address)

c. FEIN if refunding to employer or agencies

d. State Agencies require an Inter-Agency Transfer (IAT) form and number. The Division's FEIN and the other agency's FEIN are also required.

e. The appropriate back-up documentation to the request, to include the Virginia W-9.

19. Dishonored Payments Returned by the Bank

20. When the bank returns a check to the Division, State Disbursement Unit (SDU) staff

a. Generate the *Returned Check Letter* to the NCP or the CP, as applicable, when a dishonored payment is written by the NCP or the CP, or by another individual on behalf of the NCP or the CP. The automated system creates

1) A Case Event <RETURNED CHECK LETTER> when the *Returned Check Letter* is generated.

2) The FRCL Participant Event with the RETURNED CHECK LETTER Event Description

3) The FRCL 15-day worklist <RETURNED CHECK LETTER> to verify if the payment has been recovered.

b. SDU-EPU staff generate a *Returned Check Letter* if the payment was written by the NCP's employer or another agency.

c. Check the subaccount when the worklist is received to determine if the dishonored payment has been replaced.

Table of Contents

d. 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 retains 100% of subsequent payments until the recoupment subaccount is paid in full.

e. Notify the appropriate District Office if the dishonored check is not replaced.

f. Notify the District Office if the returned check is from a contempt hearing, driver's license reinstatement or lump sum check. District Office staff take appropriate enforcement actions against the payer or refer the case to Legal Counsel if SDU staff notify them that the dishonored check was not replaced.

g. Prepare a *Revenue Refund Voucher* and buy the dishonored payment back from the bank.

h. Non-Division Deposits are received from other units in an envelope with the date, amount of deposit, and deposit ticket number. The Finance Accounting and Analysis System (FAAS) is used to process the prior day's work on the current processing day.

i. Research inquiries are performed on payments received in the Payment Processing Unit that were posted in error, or not posted at all. Requests for research on payments may be received from

1) Customer Service

2) District Offices

3) NCPs

4) Payers

5) Courts

6) Employer

7) Co-Workers

(01/2018)

C. Electronic Funds Transfer Unit (05/2024)

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.

Table of Contents

a. Automated Clearing House (ACH) Credits-Contact may be initiated by the employer to the Electronic Funds Transfers (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 these reports

Table of Contents

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 MyChildSupport Payment allows NCPs and employers to make child support payments via a secure online payment application at https://mychildsupport.dss.virginia.gov.

a. Employers may enroll online with the MyChildSupport Payment for payment application. The employer must provide

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. NCPs may enroll online with the MyChildSupport Payment for payment application. The NCP must provide

Table of Contents

1) Username and password.

2) NCP contact information including the NCP's case/participant number and the last 4 numbers of their social security number.

3) NCP financial institution information

d. Once successfully enrolled, the NCP can make payments. Pending verification of funds, first time payments of $400 or more are held for 5 business days.

e. The employer or the NCP can submit payment any time using the MyChildSupport Payment Interactive Voice Response application by calling 1-877-670-2941.

3. At 4:30 p.m., IT Operations (IT Ops) transmits that day's scheduled payments to the Commonwealth's bank for processing. A file is also sent to the Department of Social Services.

4. The automated system generates a MyChildSupport Payment report that provides detailed information of payments made by employers, NCPs, OBOs (On Behalf of Others: payments made by another person) and guests.

5. The report is reviewed for

a. Duplicate payments,

b. First time payments that are over $400. Holds are placed on these payments for 5 business days,

c. Payments submitted using a bank account that is different than the account used for previous payments (and the account has never been used before), a hold is placed for 3 business days,

d. Payment greater than 5 times the average MCS NCP payment for that participant over the last six months, and

e. Potential fraudulent payments. The length of the hold is based upon the case situation.

6. The following day, the Commonwealth's bank transmits a file to IT Ops with processed and failed transactions. The payment status varies in MCP. The status could be longer or shorter than 5 business days.

7. The EFT Unit accesses the ACH Final Debits Report in the Commonwealth bank's Connections website.

Table of Contents

8. 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.

9. 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

10. 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; however, new requestors are directed to MyChildSupport to submit payments.

11. Federal Tax Intercept Procedures

    a. Access the OCSS 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.

12. Virginia Department of Taxation Intercept Procedures

    a. State Tax Refund, Lottery Winnings and Vendor Payment 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.

Table of Contents

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, consult with the Division of Appeals and Fair Hearings and Civil Rights 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.

13. EFT Outgoing Payments

a. EFT outgoing payments allow the CP to have his or her child support payments deposited into a financial institution or on a state-issued debit card.

b. There are 2 ways a CP can receive his or 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 or her child support funds through an ATM or from a participating retailer. CPs with a valid SSN and date of birth on the system can request a debit card.

c. Direct Deposit

1) To enroll in direct deposit, the CP sends the EFT Unit the *Direct Deposit Authorization* via fax, upload to the MyChildSupport (MCS) portal or through the mail, selecting the direct deposit option.

2) The agreement must have 1 of 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

Table of Contents

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 *Direct Deposit Authorization* form.

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 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 Participant Event that a direct deposit has been set up

c) Enters PRENOTIFICATION MAILED TO CLIENT FOR VERIFICATION in the EFT Indicator on the automated system

d) Changes the PRENOTIFICATION MAILED TO CLIENT FOR VERIFICATION to CLIENT/AGENCY IS PARTICIPATING IN DIRECT DEPOSIT after 15 days, unless EFT Unit staff manually change the information.

e) Creates a 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

Table of Contents

a) Rejected agreements are filed alphabetically.

b) 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 *Direct Deposit Authorization* form.

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 Participant Account in the automated system daily.

13) If a CP closes a case and opens a new one in the future, the direct deposit information submitted previously will be used for the new case unless a new *Direct Deposit Authorization* form is submitted or the CP selects a different disbursement option.

d. Way2Go Card

1) This option allows the CP to receive his or her child support payments electronically through a state-issued debit card. The CP can contact the CSC, the District Office or visit the Division's public website to request the form. The CP submits the request to the EFT Unit.

2) To receive a debit card, the CP sends the EFT Unit the *Debit Card Authorization* via fax or through the mail, selecting the debit card option.

3) When a CP does not request a debit card, the automated system generates a monthly file of CPs eligible for the Way2Go Card. The criteria for eligibility include

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.

Table of Contents

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.

4) The Division sends a letter to these CPs giving each a choice between direct deposit or the Way2Go Card. The letter includes the *Direct Deposit Authorization* and the *Debit Card Authorization.*

5) The EFT Unit manually enters the CP information online. A batch process sends the information to the debit card vendor for a bank card.

6) 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.

7) Ten days later, the automated system activates all of the new debit card accounts and disburses the payments to the CPs' Way2Go Cards.

8) 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.

9) 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 or her debit card account has been cancelled in the automated system.

10) It is the CP's responsibility to notify the Commonwealth's vendor to cancel his or her debit card.

e. 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.

Table of Contents

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 researches 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 a *Debit Card Authorization* form cancelling the debit card and a *Direct Deposit Authorization* form requesting direct deposit to the EFT Unit.

Table of Contents

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.

f. 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 intergovernmental, TANF or foster care case.

4) Document Participant Events when a reversal request is sent, the funds are returned and the funds are manually disbursed.

g. 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.

h. 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.

Table of Contents

(01/2015) (03/2015) (06/2016) (04/2017) (08/2017) (01/2018) (04/2019) (12/2020)

D. Exceptions Processing Unit (09/2020)

1. Stop Payments Procedures and Due Diligence for Returned Checks

a. District Offices staff should check the Wells Fargo CEO Check Imaging System or the Bank of America CashPro system to determine if a check has been cashed. At least two fiscal staff in each District Office has access to both Wells Fargo CEO Check Imaging system and Bank of America CashPro system. Fiscal staff must check the two systems before submitting a forgery claim.

b. If the check has been cashed, print a copy of the cashed check in case it is found to be a forgery. Wells Fargo and Bank of America charges a fee for duplicate review of the same check(s).

c. District Office staff submit stop payment requests using a worklist to the appropriate Exceptions Processing Unit (EPU) staff person(s) if no record of the check being cashed is found. Provide the following information in the worklist to EPU:

1) Check number

2) Date of check

3) Amount of check

4) Payee name

5) Case number

6) Participant number

7) Reason for the request

8) District Office contact person

d. EPU Staff

1) Review the worklist notes and Case Events upon receipt from the District Office

2) Each worklist is printed as back up for the stop payment request file and reconciliation.

3) Determine if the requested check is still in issue status, has been cashed or has been stopped by using the Wells Fargo CEO Check Imaging system or the Bank of America CashPro system.

Table of Contents

4) If the check has been cashed

a) Return the worklist back to the District Office and document Case Events

b) Fiscal staff must check the two systems before submitting a forgery claim. The District Office notifies the payee and proceeds with alleged fraud/forgery claim.

5) If the check is still outstanding, research the check to see if it

a) Was returned as undeliverable and subsequently re-mailed or canceled, or

b) Has not been returned to the Division.

e. If the check was re-mailed, 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.

1) If the check has been canceled, worklist the requester with a note explaining the action take and the cancellation reason. Document Case Events.

2) If the check has not been cashed

a) Use the Wells Fargo CEO system or the Bank of America CashPro system to place an on-line stop payment on the check.

b) Document Case Events.

3) On the next business day, verify through the Wells Fargo CEO system or the Bank of America CashPro system that the stops were placed correctly. Print and review the complete file adjusting the payments back to the payee account.

4) Cancel adjustment back to the automated system. Cancel adjustment must be approved by the designated supervisor.

5) Release hold for reissue if appropriate; the automated system will release the payment.

f. Process all stop payment requests received by 1 p.m. daily

g. When all stops have been completed for the day, print the report of “stops”.

h. All stop payments are reconciled and copies are sent weekly to the Department of the Treasury.

Table of Contents

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. When SDU receives an incomplete packet, complete an *Affidavit Correction Letter* (*Forgery Affidavit Correction Letter*) and return entire packet to preparer at the District Office. The Affidavit of Correction Letter is a SDU form and is only used by SDU staff.

1) Only 1 original is required.

2) For Wells Fargo, form must be the "*Affidavit of Check Fraud by Payee*" located in Fusion. This is a 1-sided form.

3) For Bank of America, the forms must be "Fraud Statement of Claimant" and the Bank of America "Fraud Statement of Claimant Notary" form located in Fusion. This is a 1-sided, 2-page form.

4) If the wrong form is submitted, complete an *Affidavit Correction Letter (Forgery Affidavit Correction Letter*) and return entire packet to appropriate person in District Office.

5) The District Office must attach the copy of cashed check that client actually viewed when the affidavit was signed, claiming the signature is not the client's endorsement.

6) The Payee Name, the check amount, and the check number must be identical to name, amount, and check number that is on check copy. The check number must be no more than 3 years old. Child Support checks begin with the # 1 and TANF checks begin with the # 4.

e. Do not process TANF forgery claims. If you received a forgery claim for a TANF check, please refer the client to their local DSS. The local DSS will submit the TANF forgery claim to the Division of Finance, Fiscal Processing Unit.

1) 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.

Table of Contents

2) 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."

3) 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.

4) 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. Send the completed *Forgery* packet and return all pertinent data, including originals, to the Bank. The automated system is updated and the 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 the Division 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 28209

   Richmond VA 23228-0209

   a. Mail sent to this P.O. Box is divided into

      1) Recoupment payments

Table of Contents

2) Replacement payments

3) Checks from the Treasurer of Virginia

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 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 clause or a driver's license suspension. 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. Dual Disbursements

The exception Processing Unit supervisor distributes requests to staff and approves requests that require a dual disbursement. The approval certifies that:

a. A dual disbursement is necessary because of an error made by a staff member, and

b. A request has been approved by a Director of Operations or their designee or the Payment Processing Manager.

8. Unidentified Receipts

a. Print daily the Undistributed Receipts report for the prior business day.

b. For each check or money order 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 Accurint. 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 the Division. Print and fax all images of court documents to Central Registry. Email Central Registry to notify them of undistributed receipt(s) pending Division 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, contact the payer for additional information or court documents.

g. Undistributed receipts should be refunded when a payment is sent to the Division 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.

9. Updating Procedures for 3 Modules in the SMILE system

a. Due Diligence Letters (Batch #8000) are used to track un-cashed child support checks. These checks are returned by the payee to SDU. Due diligence letters are also received by fax. The letters are imaged in the SMILE system, 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 CPs because a child support check has been issued but not cashed in a 9-month period. Once the letter is received (signed by the CP 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.

Table of Contents

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 SMILE 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 re-mail.

2) Includes "miscellaneous" returned checks, for reasons other than incorrect address. This includes deceased, out of state, no case number, closed, not payable to the Division 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) NTANF

b) TANF

c) NIVD

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: NTANF, TANF, NIVD, Disregards, EFT, and Revenue Refunds.

Table of Contents

c) The FAAS Distribution Sheet and FAAS batch header is prepared for the previous day's deposit and submitted to the Payment Processing Unit (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. The Original check is re-mailed 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 the Commonwealth's bank online, to determine if all checks 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 is found 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 re-mailed to the payee.

e) Reconcile the checks to be re-mailed.

4) SMILE's system is used to track and verify re-mailed checks. Update the automated system in notes section of re-mail status, new mail address and check number.

(01/2018) (07/2020)

E. Recoupment from a TANF CP (1/2018)

1. The Division does not establish recoupment subaccounts for TANF CPs.

2. District Office staff notify the LDSS whenever

Table of Contents

a. The TANF CP is retaining or has retrained assigned support payments and/or

b. The Division issues the TANF CP a payment in error.

3. District Office staff notify the SDU Reconciliation Unit of the overpayment amount and request it be deducted from the federal share of TANF or IV-E foster care funds transferred by the Division of Finance.

F. Recoupment from a Non-TANF CP (01/2018)

1. The CP must provide written notice to the Division authorizing the recoupment of payments from the CP or the CP must be given 3 notices before recouping.

2. The Division's SDU staff are responsible for recoupment processing.

3. Recoupment Procedures

a. The recoupment process starts by determining if the Recoupment box is checked on the CP's Participant Detail page. If the Recoupment box is checked, the staff person

1) Generates and mails the *Notice of Recoupment*. The *Notice of Recoupment*

a) Includes the *Repayment Option* form and gives the CP 15 days to respond.

b) Creates the NREC Case Event.

c) Generates a 20-day NREC worklist.

2) Once the *Notice of Recoupment* is mailed, the staff person will update the NREC Case Event with a disposition based on the CP's response. Dispositioning the Case Event deletes the NREC worklist and generates the RCUP worklist to remind the staff person to create the CP's recoupment subaccount and complete processing based on the CP's response.

3) If a payment in full is received within 20 days, use the RRPF disposition code. Post and distribute the payment through the account.

4) If the CP returns the *Repayment Options* form and checks Option 2 on the form, use the ROII disposition code. Set up the subaccount to recoup 10% of current support and 100% of arrears payments.

5) If no response is received from the CP in 20 days, use the NRBR disposition code. Set up the subaccount to recoup 10% of current support and 100% of arrears payments.

Table of Contents

b. If the Recoupment box is not checked

1) Generate and mail the *Notice of Payment in Error*. The *Notice of Payment in Error*

a) Includes the *Repayment Options* form and gives 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 arrears payments collected until the recoupment is complete.

b) Creates the NOPE Case Event.

c) Generates a 20 day NOPE worklist.

2) Once the *Notice of Payment in Error* is mailed, the staff person will update the NOPE Case Event with a disposition based on the CP's response. Dispositioning the Case Event deletes the NOPE worklist and generates the RCUP worklist to remind the staff person to create the CP's recoupment subaccount and process it based on the CP's response.

3) If the CP does not return the payment in full or *Repayment Options* form with the appropriate option checked, the staff person does not enter the disposition on the NOPE Case Event.

4) The automated system generates the second *Notice of Payment in Error*. The second *Notice of Payment in Error*

a) Dispositions the first *Notice of Payment in Error* NOPE Case Event with SNOR.

b) Includes the *Repayment Options* form and gives 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 arrears payments collected until the recoupment is complete.

c) Creates the SPEL Case Event.

d) Generates the 15-day SPEL worklist.

5) Once the second *Notice of Payment in Error* is mailed, the staff person will update the SPEL Case Event with a disposition based on the CP's response. Dispositioning the Case Event deletes the SPEL worklist and generates the RCUP worklist to remind the staff person to create the CP's recoupment subaccount and process it based on the CP's response.

a) If a payment in full is received within 10 days, use the RRPF disposition code. Post and distribute the payment through the account.

Table of Contents

b) If the CP returns the *Repayment Options* form and checks Option 2 on the form, use the RROF disposition code. Set up the subaccount to recoup 10% of current support and 100% of arrears payments.

c) If the CP does not return the payment in full or the *Repayment Options* form with the appropriate option checked, the staff person does not enter a disposition on the SPEL Case Event.

6) The automated system generates the *Final Notice of Payment in Error*. The *Final Notice of Payment in Error*

a) Dispositions the second *Notice of Payment in Error* SPEL Case Event with FNOR.

b) Includes the *Repayment Options* form and give 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 arrears payments collected until the recoupment is complete.

c) Creates the FNPE Case Event.

d) Generates a 15-day FNPE worklist.

7) Once the *Final Notice of Payment in Error* is mailed, the staff person will update the FNPE Case Event with a disposition based on the CP's response. Dispositioning the Case Events deletes the FNPE worklist and generates the RCUP worklist to remind the staff person to create the CP's recoupment subaccount and process it based on the CP's response.

a) If a payment is received within 10 days, use the RRPF disposition code. Post and distribute the payment through the account.

b) If the CP returns the Repayment Options form and checks Option 2 on the form, use the RRON disposition code. Set up the account to recoup 10% of current support and 100% of arrears payments.

c) If no response is received from the CP in 15 days, use the NRBR disposition code. Set up the subaccount to recoup 10% of current support and 100% of arrears payments.

G. Recoupment from an NCP (01/2018)

Table of Contents

1. When the SDU is notified that an NCP refund was issued in error and/or receives a request to recoup a refund, SDU staff verify if the payment was issued in error. If the payment was issued in error, SDU staff

   a. Send the NCP the *Notice of Recoupment* and request that the NCP return the payment within 15 days.

   b. Create a recoupment subaccount (Account 52) in the amount of the erroneous payment if the NCP does not respond in 15 days.

   c. Place a hold at the NCP's Participant Account. Refer to Holds.

   d. Monitor the account daily for NCP payment. When a payment posts

      1) Manually move the amount for current support to the current support subaccount(s) for the case(s) linked to the NCP.

      2) Move any remaining amounts (paid towards arrearages) to the recoupment account 52.

   e. When the recoupment account has been paid in full, remove the HOLD placed at the NCP's level.

(03/2016) (08/2017)

11.12 Fiscal Procedures

A. TANF Debt Compromise Adjustment Procedures (04/2018)

1. Review the NCP Participant Event TDCE or subsequent events to determine:

   a. The Tier the NCP is participating in and

   b. The amount of debt reduction based on the total TANF arrears owed by the NCP at the time of the *TANF Debt Compromise Payment Agreement* (*Agreement*).

2. Review the NCP's participant and case level payments. Determine if the NCP made the total payments required to receive a reduction in TANF debt.

3. Apply reductions to principal and then interest on the case with the lowest TANF balance in the following order:

   a. AFDCA

Table of Contents

b. FCARA

c. TTNFA

d. CTNFA (Only if payable to Account 30 or 40)

e. AFDCAI

f. FCARAI

g. TTNFAI

h. CTNFAI (Only if payable to Account 30 or 40)

4. Adjustments cannot exceed the total amount of TANF debt owed by the NCP. Do not apply a credit balance to any case.

5. Enter the TDC reduction in the automated system using one of the following adjustment reason codes:

   a. TDC5 TANF DEBT COMPROMISE 5% REDUCTION for the 5% reduction.

   b. TDC2 TANF DEBT COMPROMISE $1 FOR $1 REDUCTION for the $1 for $1 reduction.

6. The automated system creates a Case Event when the adjustment is completed that identifies the type of adjustment. Add notes behind the Adjustment Event and Case Event to document how the adjustment was calculated.

7. Send the NCP written notification of the adjustment and the amount of reduction received.

B. TANF Debt Compromise Reduction Reversal Procedures (04/2018)

Fiscal staff initiate reduction reversals when a payment is dishonored by the bank or a correction needs to be made due to an error in the calculation of a reduction. These adjustments add reductions the NCP previously received in error back to the case.

1. When entering an adjustment to increase receivables in the automated system, use of the following adjustment reason codes:

   a. TDR5 TANF DEBT COMPROMISE REVERSAL 5% REDUCTION for the 5% reduction reversal.

   b. TDR2 TANF DEBT COMPROMISE REVERSAL $1 FOR $1 REDUCTION for the $1 for $1 reduction reversal.

Table of Contents

2. The automated creates a Case Event when the adjustment is completed that identifies the type of adjustment. Add notes behind the Adjustment Event and Case Event to document explain the reason for the adjustment.

3. Send the NCP written notification with the change in the account balance, if appropriate.

C. Approval of Undistributed Receipts Refunds (07/2018)

1. Fiscal Staff Responsibilities

   a. Research the payment to determine the payment type (e.g. wage, check, money order or cash) and verification source (DVAN, URES, MyChildSupport Report, etc.).

   b. Review the case to determine if Specialist action is necessary. Payments that differ from IWO, URES or other consistent payments require the Specialist to call the NCP, other agency or employer to verify the payment. This type of payment could be

      1) A large payment with no current support or arrears due

      2) An odd payment amount that is different from consistent payments being received or

      3) A large or odd payment received and there is no case documentation of enforcement actions, such as an *Order to Withhold* or purge payment, to explain the payment.

   c. Contact the Specialist via email and include payment research documentation, such as the payment type and verification source, and request a review for the appropriate action.

   d. Document Case Events to indicate an email was sent. Documentation must include the name of the email recipient, the amount of the undistributed receipt (UR), the name of the payment remitter and the verification source. Refer to the SELF Event Documentation Table,

      Example: UDR FROM FISCAL - PER REVIEW OF DVAN REPORT $303.00 RECEIVED FROM VIRGINIA POULTRY GROWERS, EMAIL SES JONES TO REVIEW IWO FOR MODIFICATION TO CSUP ONLY AS ARREARS ARE PAID.

      Example: UDR FROM FISCAL - PER REVIEW OF MYCHILDSUPPORT REPORT $435.00 RECEIVED FROM VALLEY OUTSIDE SERVICE, EMAIL SES JONES TO REVIEW THE CASE FOR IWO RELEASE AS CSUP AND ARRS ARE PAID.

      Example: UDR FROM FISCAL - PER REVIEW OF DVAN REPORT $285.00 RECEIVED FROM WV CHILD SUPPORT, EMAIL SES SMITH TO REVIEW TO SEND PAYMENT TO OSA AS ARREARAGES ARE PAID.

Table of Contents

e. After reviewing the payment, fiscal staff compare the NCP's pay cycle to the NCP's obligation and determine the amount to refund to the NCP and/or retain for the next charge cycle.

1) For an initial refund, process the refund if appropriate. If another overpayment occurs within 30 days of the initial refund (IWO/NCP) (60 days for OSA) and the Specialist has not taken appropriate action(s), send a second email to the Specialist.

2) For a second refund within a 60-day period:

a) Process the refund if appropriate

b) Notify the Fiscal Staff Supervisor and

c) Email the Specialist for additional case review. If the second refund is the result of the Specialist not taking action, email the Specialist and copy the Specialist's Supervisor.

3) For consecutive refunds within a 90-day period, email the Supervisor and District Manager for further directions before processing another refund.

2. Fiscal Staff Supervisor Responsibilities

a. Review and document findings of refunds occurring consecutively within a 60-day period.

b. Determine if retention of the entire or partial payment is appropriate based on the case situation.

c. Review payments remitted by the NCP that differ from IWO, URES or other consistent payments such as a large payment with no CSUP or ARRS or other odd payments, and no documented enforcement actions, such as an OW or purge payment with fiscal staff and provide guidance for the next fiscal action.

Example: ORDER ENTERED- FISCAL STAFF WILL MARK PAYMENT AS A VALID PAYMENT TO BE RETAINED PENDING ORDER ENTRY ON IAPECS AND/OR ADJUSTMENT COMPLETED RELEVANT TO THE ORDER.

Example: NCP REMITTED FUTURE PAYMENT. REVIEW WITH FISCAL SUPERVISOR TO DETERMINE IF 1 FULL MONTH OBLIGATION, BI-WEEKLY, WEEKLY AMOUNT, ETC. WILL BE RETAINED FOR THE NEXT OBLIGATION CHARGE.

3. Specialist Responsibilities

a. Within 7 days of receiving the email from fiscal staff to review the case, the Specialist must

Table of Contents

a. For an Initial Refund

1) Make required phone calls

2) Take needed follow up actions to resolve the issue

3) Document the case review and

4) Email fiscal staff results of any calls or actions.

c. Second Refund Within 60 Days, the Specialist must

1) Make required phone calls

2) Take needed follow up actions to resolve the issue

3) Document the case review

4) Email fiscal staff the results of any calls or actions and

5) Copy the Specialist's Supervisor on any calls or actions.

4. Additional Procedures

a. Cancelled Checks

When updating the CP or NCP address, the worker should check the participant account level to see if money is on hold because of a bad address. If money is on hold for the participant because of a bad address, email fiscal staff to release the payment.

b. Account 70 payment referrals to SDU require clear documentation, like UDR research documentation, as some payments may need to be refunded. Documentation should include

1) Control number

2) Date of payment receipt

3) Remitter of payment and

4) Type of payment

c. When a payment for one District Office's case is on another District Office's UDC report, fiscal staff email the Specialist in the other District Office. If no response is received, within 7 days, a second email is sent to the Fiscal Supervisor/District Manager in the other District Office to request assistance.

Table of Contents

Table of Contents

Chapter 12: Case Transitions and Closure

12.1 Case Transitions

A. Overview (8/2017)

Over the life of a child support case, circumstances change. Changes that may require the Division to change the case type or modify services include

1. Changes in physical custody
2. Applicants moving to another locality

B. Change of Physical Custody (08/2017)

1. When an application for the Division's services or a referral from LDSS is received from an individual with physical custody of a child, but who is not named as the obligee in an existing support order for the child, the Division can provide services to the individual.
2. If the original CP named in the order is the mother or father of the child and the new applicant is not the other parent, ensure that a case is set up for both the mother and the father as the noncustodial parent when applicable.
3. Document Case Events thoroughly on all new cases as well as all previous cases affected by the change in physical custody. Notify the assigned caseworker for any open cases involving the same child or children of the change of physical custody.

   (11/2015)

C. Change of Physical Custody when a Current Support Order Exists (08/2017)

Take the following steps when the Division receives a referral from the LDSS or a *Child Support Enforcement Services Application* from an individual with physical custody of a child, but who is not named as the obligee in an existing support order for the child,

1. If the support order is a Virginia court order, refer to Change of Physical Custody of a Child When Support is Ordered by a Virginia Court.
2. If the support order is an *ASO*, mail the *Change of Physical Custody* notice within 10 days of receiving information that physical custody of the child or children may have changed to

Table of Contents

both parties to the *ASO*. The *Change of Physical Custody* notifies the parties that the Division has received an application from a different caretaker and gives the parties an opportunity to dispute the new applicant's physical custody claim.

a. If 1 party or both parties challenge the applicant's physical custody claim

1) For a foster care 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.

2) For a non-assistance case, contact all parties for clarification about the child or children's custody situation for the foreseeable future. If the obligee on the *ASO* and the new applicant both claim physical custody of the child or children, refer the matter to court.

a) File a *Petition for Support (Civil)* with the proper Juvenile and Domestic Relations (JDR) court to obtain a new current support order payable to the appropriate CP.

b) Continue to send payments to the obligee as shown on the *ASO* until the matter is resolved by the court.

b. 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 arrearages, if any. Close the current support under the existing *ASO*. If arrearages exist, change the case type to ARRN or ARRP. Refer to Termination of the ASO.

3. If the applicant's custody is uncontested after 10 days following the date the *Change of Physical Custody* is mailed, review the case situation to determine what is needed to establish support obligations for one or both parents as applicable.

a. Terminate the original *ASO(s)*, setting the arrearages as appropriate. Refer to Termination of the ASO. If arrearages are owed, change the existing case type to

1) ARRN for collection of arrearages owed to the obligee, or to the obligee and the Commonwealth, or

2) ARRP for collection of arrearages owed to the Commonwealth only.

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 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.

4. 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.

5. 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) (06/2016)

D. Change of Physical Custody of a Child When Support Is Ordered by A Virginia Court (12/2020)

1. When the Division receives a referral from the LDSS or a *Child Support Enforcement Services Application* from an individual with physical custody of a child, but who is not the obligee or obligor on the existing court order, mail the *Change of Physical Custody* notice within 10 days of receiving information that physical custody of the child or children may have changed to both parties to the order.

2. If 1 of the parties or both parties challenge the applicant's physical custody claim

Table of Contents

a. For a foster care or TANF case, refer the matter to the LDSS, and continue case handling with the current obligee as payee.

b. For a non-assistance case, contact all parties for clarification about the child or children's custody situation for the foreseeable future. If the obligee on the court order and the new applicant both claim physical custody of the child or children

1) Refer to General Procedures for Juvenile Court Actions

2) File with the court that established the order a *Petition for Support (Civil)* using the pleading option Change in Physical Custody to obtain a new current support order payable to the new CP and a *Motion to Amend or Review Order* using the pleading option Change in Physical Custody to terminate the existing support order and to set the arrearages under that order, if any.

3) Continue to send payments to the existing obligee as directed by the current court order until the matter is resolved by the court.

3. If custody allegedly has changed for all children listed in the order and no challenge to the statements on the *Change of Physical Custody* is received within 10 days after the *Change of Physical Custody* was mailed, take judicial action. Refer to General Procedures for Juvenile Court Actions. The Specialist will also

a. File a *Petition for Support (Civil)* (or petitions if both parents should be obligated) using the pleading option Change in Physical Custody to pay the new custodian.

b. File a *Motion to Amend or Review Order* using the pleading option Change in Physical Custody to terminate the existing order and set arrearages on that order.

c. Redirect current support payments to the new CP.

4. If any of the children remain on the original case, do not redirect payments to the new CP. Take judicial action. Refer to General Procedures for Juvenile Court Actions. The Specialist will also

a. File a *Petition for Support (Civil)* (or petitions, if both parents should be obligated) to pay the new custodian using the pleading option Change in Physical Custody.

b. File a *Motion to Amend or Review Order* using the pleading option Standard Motion to Amend to have the order modified based on the new number of children and to set the arrearages, if any, under the existing order.

5. For cases in which the NCP becomes the CP for all children in the order

Table of Contents

a. Mail the *Change of Physical Custody* notice to the existing obligee of the court order within 10 days of the Division's receipt of a referral from the LDSS or the *Child Support Enforcement Services Application* from the original NCP, now claiming physical custody.

b. If the physical custody claim is challenged

1) Refer the matter to the LDSS and continue handling the case with the current obligee as payee in a foster care or TANF case. Once the LDSS has resolved the factual dispute, take further action as appropriate.

2) For non-TANF cases, contact the parties and attempt to determine the actual custody situation.

3) Take judicial action. Refer to General Procedures for Juvenile Court Actions. The Specialist will also

a) File a *Petition for Support (Civil)* using the pleading option Change in Physical Custody to obtain a new current support order payable to the new CP.

b) File a *Motion to Amend or Review Order* using the pleading option Change in Physical Custody to terminate the existing support order and to set the arrearages under that order, if any, when both the existing obligee and original NCP claim custody of the child or children.

4) Continue to send payments to the existing obligee as directed by the court order until the matter is resolved by the court.

c. If no challenge is received after 10 days of mailing the *Change of Physical Custody*, take judicial action. Refer to General Procedures for Juvenile Court Actions. The Specialist will also

1) File a *Petition for Support (Civil)* using the pleading option Change in Physical Custody to obtain a new current support order payable to the new CP.

2) File a *Motion to Amend or Review Order* using the pleading option Change in Physical Custody to terminate the existing support order and to set the arrearages under that order, if any.

3) Close current support and release enforcement actions as applicable.

6. 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.

Table of Contents

a. Refer to General Procedures for Juvenile Court Actions.

b. File a *Petition for Support (Civil)* using the pleading option Change in Physical Custody to obtain a new current support order payable to the new CP.

c. File a *Motion to Amend or Review Order* using the pleading option Standard Motion to Amend to have the existing order modified based on the number of children and set the arrearages under that order, if any.

7. If the Division receives allegations that the new CP illegally obtained custody, continue with the above actions. If the circumstances warrant, advise the person making the allegation to contact law enforcement authorities.

8. 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

a. Close current support

b. Release all enforcement actions, unless there are arrearages on the case and

c. File a *Motion to Amend or Review Order* using the pleading option Adjudicate Arrears and/or set Arrears Payment to terminate the existing support order and to set the arrearages under that order, if any.

(08/2017)

E. Redirecting Support Payments (04/2023)

1. Redirect support to the Division when the Division receives a *Child Support Enforcement Services Application* or an assignment of rights because a TANF case has opened, and the existing order for support is not currently payable to the Division. Change the payee from the CP to the Division. When the case closes, change the payee from the Division to the obligee, if applicable. Refer to Reasons for Case Closure and Case Closure Procedures .

2. Generate the *Change in Payee Notice* (*Notice*). The *Notice* must be served. Refer to Service Methods. Serve the *Notice* using

a. MCS portal

b. Sheriff or process server

c. Certified mail, return receipt requested

Table of Contents

3. For Virginia court orders, upon receipt of proof of service of the *Notice*, send a copy of the *Notice*, proof of service and the *Notice to Court of Change in Payee* cover letter to the court with jurisdiction over enforcement of the order and to the payee. Follow this procedure whenever a case opens and closes when support is redirected.

4. If efforts to serve the NCP with the *Change in Payee Notice* when the case opens are unsuccessful, the case is still workable when

   a. Continued efforts to serve the *Notice* are documented. Periodically, repeat efforts to locate the NCP and his or her income and/or resources. Attempt service of the *Notice* if the NCP is located. Refer to Locate.

   b. Take appropriate enforcement actions when the NCP's assets or income is located and attempt to serve the *Notice*. If service attempts are still unsuccessful, obtain another *Statement of Payments* from the CP covering the period back to the date the last *Statement of Payments* was signed.

   c. Continue efforts to get the notice served. If the NCP disputes the amount of arrearage claimed by the CP, the NCP should provide proof of payments. Refer to Statement of Payments Procedures.

5. After the NCP is served with the *Notice* directing the NCP to submit 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.

(07/2013) (08/2017)

F. Case Transfer (04/2023)

1. District Office and Home Office staff transfer a case from one office to another 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. A *Child Support Enforcement Services Application* is received by a District Office that does not serve the locality of the applicant or

Table of Contents

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

2. Case Transfer Procedures

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

a. Review the case record for completeness.

1) Update all case record information as appropriate.

2) Generate any needed documents such as *Notification of Action Taken*, *Child Support Enforcement Transmittal #2- Subsequent Actions*, *Contact Letter to Noncustodial Parent*, etc.

3) Enter the new locality code and confirm the referral in the automated system.

b. Document Case Events with the date of transfer and the reason for transfer.

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

d. For intergovernmental 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. If the initiating District Office has not imaged its' records yet, the initiating office must image the case record before transferring the case.

f. The automated system automatically

1) Recommends assignment of the case to the appropriate staff in the receiving office.

2) Generates a worklist to the new staff.

3) Records a cross-locality transfer in Case Events when a case is transferred to another District Office or Home Office.

g. The receiving worker

1) Documents Case Events to acknowledge receipt of the case and that the case record is in the document repository (Perceptive).

2) Sends the *Welcome Letter* to both the CP and NCP on all cases transferred from NIVD to IV-D and all intergovernmental cases referred from Home Office.

3. Exceptions to Case Transfer

Table of Contents

Do not transfer a case record to another District Office when

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

b. The CP is incarcerated, unless a third party has custody of the child or children.

c. The NCP is incarcerated on an intergovernmental case where Virginia is the responding state.

d. The case is a DJJ case even if the child's commitment location changes.

e. The case type is SLFC or FC.

f. The Review and Adjustment Process that includes establishing paternity in addition to adding a child to an existing child support order is ongoing and has not been completed.

g. The case has an administrative action pending such as an *ASO*, *Order to Withhold*, etc. This includes administrative actions that have not been completed and the appeal period has not expired.

h. The case has a conflict-of-interest indicator unless a District Manager approves the case transfer.

(04/2016) (08/2017) (05/2020) (12/2020)

G. Intrastate Assistance Requests (05/2018)

1. To provide the most appropriate services for a case, a District Office may request assistance from another District Office.

a. Initiating an *Intrastate Assistance Request*

The requesting District Office

1) Updates case and financial information as necessary prior to requesting assistance

2) Documents Case Events with the type of assistance requested and the date of the request

3) Generates an *Intrastate Request for Assistance* located on Fusion under DCSEP forms

4) Forwards the *Intrastate Request for Assistance* to the responding District Office

b. Assistance Request Responsibilities

Table of Contents

1) The District Offices involved in the assistance requests must provide periodic status updates

2) The responding District Office

a) Responds to status inquiries from the NCP or CP.

b) Updates the automated system and Case Events as appropriate.

c) Images any court documents received, including documents received after the required action is completed.

d) Returns the updated case record to the initiating District Office within 5 business days after the required action on the case is completed.

3) The requesting District Office must review the returned case and retain necessary documents.

2. For intrastate assistance requests involving Family Engagement Services recipients, refer to Cooperation between Localities.

(08/2017)

12.2 Case Closure

A. Overview (05/2018)

1. Federal regulations establish the basic criteria for case closure. A case does not have to be closed because it meets closure criteria.

2. Some case closure reasons require that the Division send the applicant or recipient of IV-D services a written notice of intent to close the case at least 60 calendar days prior to closure.

a. For intrastate cases, use the *Closure Intent Notice*. When the *Closure Intent Notice* is sent, the automated system

1) Creates a Case Event and a worklist

2) Keeps the case open for at least 65 days to ensure compliance with federal timeframe requirements

3) Adjusts the appropriate financial subaccounts upon expiration of the 65 days and updates the case to a closed status unless the closure process is stopped.

Table of Contents

b. For intergovernmental cases, notify the other state within 10 workdays of closing the case using the Child Support Enforcement Transmittal *#2- Subsequent Actions*.

3. Case Events must be thoroughly documented when a case is closed. Case documentation must specify the circumstances that exist that qualify the case for closure under the reason used.

(08/2017)

B. Reasons for Case Closure (04/2023)

Case closure reasons based on federal closure criteria are listed below. The description next to each reason is the descriptor that accompanies the closure reason in the automated system.

1. CNOA- NO CURRENT SUPPORT ORDERED/NO ARREARS DUE

a. A case may be closed using the closure code CNOA without District Manager approval when one of the following applies

1) There is no longer a current support order and arrearages are less than $500 with all applicable enforcement actions, including certification for IRS and State Tax Intercept programs and consumer agency reporting, resulting in no collection over the most recent consecutive 12-month period. If the case is arrears only, it may be closed without waiting the 12 months if the arrearages are under the minimum of $25 for submission for state tax/lottery/vendor intercept and all other applicable enforcement actions have been unsuccessful.

2) There is no longer a current support order, and the arrearages are unenforceable under Virginia law. Arrearages are deemed unenforceable under Virginia law when Legal Counsel has provided an opinion that they are unenforceable.

b. When the criteria for item a do not apply, a District Manager may nevertheless approve closure using the closure code CNOA when all the following apply:

1) There is no longer a current support order.

2) All arrearages in the case are assigned to the State. Arrearages may be any amount.

3) All applicable enforcement actions, including certification for IRS and State Tax Intercept programs and consumer agency reporting, have resulted in no collection

Table of Contents

over the most recent consecutive 12-month period. Certification and reporting must have been in place for at least 12 months prior to closure.

c. The CNOA closure reason may not be used if a current support order never existed; however, cases with an order for "arrearages only" qualify for closure using CNOA.

d. If an NCP is paying for multiple cases but a case is not receiving payments due to the payment hierarchy, the case does not qualify for closure under CNOA.

e. If an NCP with multiple cases has a case where the only balance on the case is the federal tax intercept fee and no payment is being applied to this specific fee only case, the federal tax fee should be transferred to 1 of the NCP's other cases with arrearages. The former federal tax only fee case can then be closed.

f. A *Closure Intent Notice* is required.

2. CDIE- NCP DECEASED

a. A case may be closed using the CDIE closure code when the Division has verified that the NCP or putative father (PUTF) is deceased and the Division can take no further action, including a levy against the estate.

b. For NCPs, verify whether an estate exists by contacting the probate division of the circuit court in the county or city where the NCP resided prior to death. If the NCP had become a patient in a nursing home or similar institution due to advanced age or impaired health, residence is presumed to be the same as before the NCP became a patient. The worker may contact the circuit court of the NCP's last known residence if it is unclear where the NCP resided at death.

c. When paternity cannot be established because the PUTF is deceased, update the paternity disposition code to PNDE.

d. A *Closure Intent Notice* is required.

3. CPAT- CANNOT ESTABLISH PATERNITY/ PARENTAL RIGHTS TERMINATED

a. A case may be closed using the CPAT closure code when

1) The child(ren) are at least 18 years old and there is not court action pending to establish paternity.

2) Genetic testing excluded the PUTF as the father of the child. If the exclusion occurred on a TANF case and there are no other open cases for another PUTF for the child,

Table of Contents

notify the CP to provide another name to the Local Department of Social Services (LDSS) so that another PUTF can be named. Refer to When the Putative Father is Excluded.

3) A court determined that the PUTF is not the father of the child

4) A determination was 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 rape

5) Legal proceedings for adoption are pending

6) The identity of the biological father is unknown and cannot be determined after diligent efforts, including at least one Division interview with the applicant/recipient

b. A *Closure Intent Notice* is required.

4. CULO- UNABLE TO LOCATE NCP

a. A case may be closed using the CULO closure code when the location of the NCP or PUTF is unknown, and the Division has made diligent efforts, using multiple sources, which have been unsuccessful in locating the NCP or PUTF:

1) Over a 6-month period when there is insufficient information to initiate automated locate efforts

2) Over a 1-year period when there is sufficient information to initiate an automated locate effort, but locate interfaces are unable to verify the NCP's or PUTF's Social Security Number (SSN)

3) Over a 2-year period when there is sufficient information to initiate automated locate efforts

b. Sufficient information to initiate automated locate efforts is

1) A name and SSN for the NCP or PUTF or

2) The first and last name and a date of birth for the NCP or PUTF

c. To determine the verification status of the NCP's or PUTF's SSN

1) Review the NCP's or PUTF's Federal Case Registry (FCR) Status on the Participant Management > Locate > FCR/Locate Match > FCR Information & Requests page in the automated system. The SSN is verified if the FCR Status is "Accepted" or "Matched."

Table of Contents

2) Review the NCP or PUTF's Verify Type in the FCR Query application on the Child Support Portal. The SSN is unverified if the Verify Type is "U."

d. Documentation must support the completion of required locate activities. Refer to Locate for location resources and use restrictions.

e. A *Closure Intent Notice* is required.

5. CINS- NCP INSTITUTIONALIZED/INCARCERATED/TOT&PERM DISBLT

a. A case may be closed using the CINS closure code when the NCP cannot pay support and shows no evidence of potential to pay support throughout the duration of the child's minority or after the child has reached the age of majority.

b. This closure reason applies when the Division has verified that the NCP has no assets or income above the federal poverty guidelines that can be levied to pay support and the NCP

1) The NCP is institutionalized in a psychiatric facility.

2) The NCP has a medically verified total and permanent disability.

3) The NCP is incarcerated for the duration of the children's minority.

4) The NCP is incarcerated, all the children on the case have emancipated, and both items below apply.

a) There have been no payments on any of the NCP's cases within the last 12 consecutive months, including federal and state tax intercepts. If a case review reveals that the federal tax payment is fraudulent, the closure process can continue.

b) The NCP will remain incarcerated for a minimum of 12 additional months following the date the Division learns of the NCP's incarceration.

c. This closure reason applies when the Division has verified that the NCP's sole income is Supplemental Security Income (SSI), concurrent SSI and Social Security Disability Insurance (SSDI), or concurrent SSI and Social Security Retirement (SSR) benefits, if the NCP has made no payments on any case within the last 12 consecutive months, including federal and state tax intercepts.

1) Use the State Verification Exchange System (SVES) to verify Social Security benefit status.

Table of Contents

2) If a current child support obligation exists, review for order modification prior to case closure. Refer to NCP is Receiving Social Security Benefits.

d. If paternity is an issue for any child on the case, the Division must attempt to establish paternity prior to closing the case.

e. A *Closure Intent Notice* is required.

f. After closure, if closure was due to the NCP's incarceration and the NCP is eligible for release in the future, notify the CP that closure has occurred and that the CP may reapply for services upon release of the NCP.

6. CLTC- NCP ENTERING LONG-TERM CARE

a. A case may be closed using the CLTC closure code when all the following apply:

1) There is no longer a current support order.

2) The children have reached the age of majority.

3) The NCP is entering or has entered long-term care arrangements.

4) The NCP has no income or assets available above the federal poverty guidelines that can be levied or attached for support.

b. The federal Administration for Community Living defines long-term care as "services and supports necessary to meet health or personal care needs over an extended period of time." Such services include assistance with "dressing, bathing, and using the bathroom."

1) An NCP can prove a long-term care arrangement by demonstrating that he or she has been admitted into an assisted living community, a continuing care retirement community or a long-term care facility. The NCP must provide proof that the level of care reaches that noted in item b, such as by submitting a provider plan or a letter from the admitting facility.

2) District managers may approve other arrangements on a case-by-case basis. An NCP can offer proof of long-term care arrangements by showing an executed contract with a service provider who assists the NCP with services such as bathing, dressing, using the toilet, eating, getting out of bed, or coping with incontinence. Such services may be provided at home as part of home health services.

c. Document the reason for case closure and detail how the case meets items a.1 through a.4 above.

Table of Contents

d. A *Closure Intent Notice* is required.

7. CNRE- NCP RESIDES IN NON-RECIPROCAL COUNTRY

a. A case may be closed using the CNRE closure code when the NCP is a citizen of and resides in another country, and

1) The NCP does not work for the United State government or a company with headquarters or offices in the United States

2) The NCP does not have any reachable income or assets in the United States for the Division to attach and

3) There is no federal or Virginia treaty or reciprocity with the country where the NCP lives.

b. The Division may forward a UIFSA petition to a country with no reciprocal agreement. If the Division forwards a UIFSA petition to a country in which there is no federal reciprocal agreement and the country will not accept or declines to act on the Division's petition, the case can be closed.

c. Document the reason for case closure and detail how the case meets the criteria for item a above.

d. Refer to the OCSS website for information about reciprocating foreign countries.

e. A *Closure Intent Notice* is required.

8. CUNC- CONTACT LOST WITH NON-TANF CP

a. A case may be closed using the CUNC closure code when the Division has been unable to contact the non-TANF applicant/recipient despite a good faith attempt to reach the individual. To close a case for loss of contact requires that at least 30 days have passed since the correspondence or notice in item b below was returned to the Division prior to the Division sending the *Closure Intent Notice*.

1) If the Division has lost contact with the individual but a debt is owed to the Commonwealth, the case cannot be closed but the Division discontinues providing services to the individual.

2) Notify the individual using the *Notification of Action Taken*. Detail the Division's actions, including an explanation of termination of enforcement or collection attempts on the applicant's behalf for current support and/or his or her arrearages. Direct the

Table of Contents

individual to contact the NCP or the court to pursue action regarding current support and/ or his or her arrearages.

b. Loss of contact is determined in 1 of 2 ways.

1) Any correspondence or notice sent to the individual's last known address that is returned by the U. S. Postal Service, sheriff's department, etc. indicating that the correspondence or notice cannot be delivered because the individual has moved.

a) If the returned correspondence is a check, the Division's State Disbursement Unit procedures require that locate efforts to find the CP must be initiated within 24 hours.

b) If unable to locate the CP, continue with case closure processing.

c) For income withholding processing procedures when the CP and/or child's whereabouts are unknown, refer to Modifying and Releasing the IWO.

d) When the CP or child's whereabouts are unknown and the case has an assignment of arrearages owed to the Commonwealth (i.e., AFDCA, AFDCAI, CTNFA or CTNFAI arrears extensions with balances), do not close the case. Refer to Case Closure and Conditionally-Assigned Arrearages.

2) Any correspondence sent the individual requesting contact to which the individual fails to respond.

c. If payments are being disbursed on the case and not being returned, review the case to determine if closure is appropriate.

d. Prior to initiating closure for loss of contact, Division staff should document attempts to reach the CP using a minimum of two different contact methods. Returned correspondence counts as a first attempt.

1) One attempt must be made by mail. The other attempt may be made by any other approved method, such as by phone, email, text messaging services or fax.

2) If there is no valid contact information for the CP in the automated system, check VaCMS and the case record for contact information. If no valid information can be located, it is possible to proceed with closure by sending the *Closure Intent Notice* to the custodial parent's last known address. Document efforts to locate the information.

Table of Contents

e. A *Closure Intent Notice* is required. Case documentation must substantiate that at least 30 days passed between documenting 1 of the 2 reasons listed in item b above and the issuance of the *Closure Intent Notice*.

9. CNON- NON-TANF APPLICANT NOT COOPERATIVE

a. A case may be closed using the CNON closure code when the Division documents the non-TANF applicant or recipient's failure to cooperate with the Division and the individual's cooperation is essential for the Division to take the next step in providing services.

b. When the non-TANF applicant or recipient of IV-D services has a case that has an assignment of arrearages owed to the Commonwealth (i.e., AFDCA, AFDCAI, CTNFA or CTNFAI arrears extensions with balances), do not close the case. However, the applicant's interests are removed from the case. Refer to Case Closure and Conditionally-Assigned Arrearages.

c. A *Closure Intent Notice* is required.

10. CINT- INITIATING STATE NOT COOPERATIVE INTERSTATE CASE

a. A case may be closed using the CINT closure code when the Division documents that, in an intergovernmental case, the initiating agency failed to take a necessary action essential for the Division to take the next step in providing services.

b. Refer to Closure of Intergovernmental Cases.

c. A written *Closure Intent Notice* is required. Send the *Child Support Enforcement Transmittal #2- Subsequent Actions* (*Transmittal #2*) advising the initiating agency that the Division will close the case in 60 days if the requested action is not taken.

1) After 60 full days have passed, if the initiating agency has still failed to take the necessary action, the case may be closed.

2) Send the *Transmittal #2* within 10 workdays of closing the case to notify the initiating agency that the Division has closed the case.

d. Cases identified as Hague Convention cases will be processed with respect to international case processing timeframes and procedures. Refer to the Practical Handbook for Caseworkers under the 2007 Child Support Convention.

11. CGCA- GOOD CAUSE CLAIMED/ APPROVED BY IV-A

Table of Contents

a. A case may be closed using the CGCA closure code when the LDSS makes a Good Cause finding in a TANF, Medicaid, SNAP or in a IV-E or Non-IV-E foster care case and notifies the Division of the Good Cause finding.

b. The LDSS may assert Good Cause when

1) The CP and/or the child or children are at risk for emotional and/or physical harm if the CP cooperates with the Division.

2) The child or children were conceived because of rape or incest and pursuit of support is not in the child or children's best interest.

3) The CP is working with a public or private agency to determine whether to place the child for adoption.

4) The child has pending adoption proceedings in court.

5) In a foster care case, the foster care plan is to return the child to one or both parents. If the child is being returned to just 1 parent, the Good Cause finding would only apply to that parent.

c. If Good Cause is determined at the time of application for TANF or IV-E foster care the LDSS reviews that case to see if the CP previously received TANF or has an active Division case.

1) If the CP previously received TANF or has an active Division case, the LDSS sends the Division notice using the *Good Cause Communication* (Benefit Programs) or *Good Cause Determination Form* (Foster Care). Alternatively, the LDSS social worker or caseworker may also send the Division notice by email.

2) Document receipt of written notification in Case Events and image a copy of the notification for the case record.

3) Upon receiving any written notification, review the automated system for any case involving the CP with the NCP against whom Good Cause is claimed. If a case is found, change the case type if necessary and close the case.

d. If the LDSS notifies the Division that a Good Cause claim is pending, suspend all locate, establishment and/ or enforcement activities on the case while the claim is pending.

1) Once Good Cause is claimed in a TANF or IV-E foster care case, the LDSS has 45 days to determine if Good Cause exists. While the Good Cause claim is pending, offer the *Affidavit of Nondisclosure*. Refer to Domestic Violence.

Table of Contents

2) If the LDSS notifies the Division that Good Cause is not substantiated, resume case activities.

3) If the LDSS notifies the Division that Good Cause is substantiated, close the case.

e. When the LDSS reviews TANF and foster care for continued eligibility, the Good Cause determination is also reviewed to see if Good Cause circumstances still exist.

1) If there is a change in Good Cause circumstances

a) For TANF and IV-E foster care cases, changes in Good Cause determination are sent to the Division via the IV-A/IV-D interface. The Good Cause status changes on the automated system and the case worker receives a worklist notification of the status change.

b) For non-IV-E foster care cases, the LDSS uses the *Good Cause Determination Form* to notify the Division.

c) Review the case and take actions as appropriate based on the status change.

f. Prior to closing a case for Good Cause, if a support obligation exists, take action to terminate the support obligation. For ASOs, refer to Termination of the ASO. For court orders, file a *Motion to Amend or Review Order*.

g. No *Closure Intent Notice* is sent.

12. CDIS- NON-TANF APPLICANT REQST CLOSURE/NO ARREARS TO COV

a. A case may be closed using the CDIS closure code when the non-TANF applicant 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 arrearages accrued under a support order.

1) This closure reason may be used in intergovernmental cases when the initiating agency notifies the Division that they have closed their case, or requests that the Division close the case.

2) All case closure requests must be in writing, preferably using the *Request for Case Closure*, unless it is an intergovernmental case. For intergovernmental cases, request that the initiating agency use the *Transmittal#2*.

a) The *Request for Case Closure* provides the Division with additional information that assists with case processing.

Table of Contents

b) If Division staff receive a written closure request and 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 individual 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. All actions to verify the validity of the request must be documented in Case Events.

b. If both parents are case applicants and one requests case closure, notify the requestor that the case will remain open unless there is another allowable reason for closing the case, since the other parent is also an applicant. The Applicant Type on the Case Detail page should be updated from BOTH to the other parent (CP or NCP) as appropriate.

c. Exceptions to CDIS closure

1) When a CP is under recoupment and payments are reimbursing the recoupment account on a regular basis, do not close the case if the Division is actively collecting the recoupment.

2) When the NCP applicant is under a recoupment (e.g., to replace a bad check) and has no other cases where the Division is collecting support, do not close the case as long as the Division is actively collecting the recoupment.

3) When the non-TANF applicant or recipient of IV-D services has a case that has an assignment of arrearages owed to the Commonwealth (i.e., AFDCA, AFDCAI, CTNFA and/or CTNFAI arrears extensions with balances), do not close the case. However, the applicant's interests are removed from the case. Refer to Case Closure and Conditional Arrearages.

d. No *Closure Intent Notice* is needed. However, when the case actually closes, Division staff must notify the former applicant or recipient of services that the case has been closed and that the Division will provide copies of certain legal documents, such as certified copies of orders or paternity establishment documents and payment records upon request. Case Events must be documented with the notification method.

1) For non-TANF former applicants, notify the individually orally (in person or by phone) or send the *Notification of Action Taken*.

2) For the initiating agency, send the *Transmittal #2*.

13. CLOC- SUCCESSFUL LOCATE-ONLY

Table of Contents

a. A case may be closed using the CLOC closure code when the Division has used all applicable locate services for a Locate Only case.

b. For location services, refer to State Parent Locator Service.

c. This closure reason is only used by the State Parent Locator Services Unit.

d. No *Closure Intent Notice* is sent.

(07/2013) (09/2013) (01/2014) (07/2014) (09/2014) (12/2014) (03/2015) (03/2016) (01/2017) (04/2017) (08/2017) (01/2018) (05/2018) (12/2018) (10/2019) (11/2019) (01/2020) (07/2020) (04/2021)

C. Circumstances that May Require Case Closure Actions (07/2020)

1. The Division may discontinue services on cases based on specific circumstances or situations not governed by Reasons for Case Closure. For the items listing a closure code, the description next to each reason is the descriptor that accompanies the closure reason in the automated system.

2. CDUP- DUPLICATE CASE CLOSED (NOT FED CASE CLOSURE REASON)

   A case may be closed using the CDUP closure code when

   a. A duplicate case was opened on the automated system for the same participants due to Division error.

   b. A court rules that the putative father is the biological father, and the case to be closed is that of the presumed father.

   c. A case is reopened to process a payment, complete a fiscal adjustment, close an extension, or release an enforcement action.

   d. A duplicate case is open for the same participants, except when the duplication is because of an inappropriate referral from a public assistance program.

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

      2) If arrearages are due, transfer the subaccount balance to the active case before closing the duplicate case.

      3) Do not inactivate the participants. Continue efforts to work the case.

      4) No *Closure Intent Notice* is sent.

Table of Contents

3. COTH- WRONG REFERRAL FROM OTHER PROGRAM OR NO SUPPORT ORDER CAN BE ESTABLISHED

A case may be closed using COTH when

a. A public assistance program, including but not limited to TANF, SNAP, Medicaid, Childcare Subsidy or General Relief has inappropriately referred a case to the Division and neither the CP nor the NCP has applied for services.

Example: LDSS referred a TANF case that should not have been referred to the Division because the CP completed the *Attesting to the Lack of Information* form.

b. A public assistance program has referred a case and the case is identified as a duplicate because another case is already open for the same parties.

c. The other state sees our referral request as an inappropriate referral and does not establish an order for support on all case types. This includes when the state will not enter an order for retro child support only or for retro child support for TANF or FC (IV-E) debt.

d. DCSE has a former TANF or FC (IV E) debt on TANF/NTANF cases which the other state did not enter a retro child support order, and as a result of a prior request from Virginia. These cases are coded as ARRP. Jurisdiction over the NCP should still be initiated when applicable.

e. DCSE was unsuccessful on a NTANF case in entering an administrative support order. A petition was filed to establish an order but was unsuccessful, and the child emancipated, or an interstate request for assistance was sent and the other state did not establish an order for support. Paternity is not an issue; the CP does not provide a case closure request.

f. DCSE was unsuccessful in entering an administrative support order on all case type cases with fees, such as genetic test fees; a petition was filed to establish an order and was unsuccessful; or an interstate request for assistance was sent and the other state did not establish an order for support. There are no other cases for the same participant with a support order where the fees can be added to that case.

g. For a definition of public assistance, refer to Definitions of Program Terms.

h. Create a SELF event to document the reason why the referral was inappropriate or the support order was not established. If the LDSS, out of state agency or other was contacted to confirm information, include the worker's name and contact information in the notes.

Table of Contents

Also include in the notes that all efforts were taken to establish an order. This is for audit and compliance purposes.

Example: If staff reviewed the IRG and see that a state has documented it does not establish a support order for prior debt, TANF or FC (IV-E) of another state, then staff should document case events that all efforts have been taken to get a support order established, but per IRG, the other state does not establish a support order for prior debt (TANF or FC (IV-E) of another state. Staff should not file a UIFSA to that state for assistance with establishing a support order for the debt.

i. No *Closure Intent Notice* is sent. A contact letter or *Notification of Action Taken* should be sent to the CP.

4. CNVD- NON IVD CASE

A non-IVD case may be closed using the CNVD closure code when

a. The Division has not received a payment on the case in 3 years and

b. The NCP is not an active NCP on an open IV-D case

c. Once closed, these cases shall be reopened if subsequent payments are received.

5. The Death of a CP or Payee

The death of a CP or payee in a case is not a reason to close a case. There may be an ongoing need for IV-D services based on the facts of the case. Once the Division verifies the death of the CP, place a hold on the case.

a. Attempt to contact any known relatives or acquaintances of either parent.

b. Send a contact letter to the CP's last known address in care of the CP's family and ask if there is an executor of the CP's estate. This person may have physical custody of the child or children or tell the Division 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 or PUTFs for the child and proceed with initiating genetic testing as needed or refer the case to court for paternity establishment. Refer to Paternity Establishment and Court Establishment of Paternity.

d. Continue collecting support until the case meets a closure reason such as loss of contact or until advised differently by a court.

Table of Contents

1) Periodically review the case to determine if the hold should be released.

2) If child support checks are returned that were sent to the deceased CP's last known address prior the hold, refer to Exceptions Processing Unit.

e. For a minor child or children, once custody is determined and Division services are requested, the new custodian must complete and submit the *Child Support Enforcement Services Application*, unless a referral is received from the LDSS.

f. For an arrears only case involving adult children, the adult child(ren) for whom support was owed may, by providing copies of the appropriate documentation to the Division be set up as payee(s) on the case and collect the arrearages:

1) If parties qualify with the appropriate Circuit Court as executor or personal representative or

2) Provide the Virginia Small Estate Act Affidavit. This affidavit can only be used for estates less than $50,000.

g. If the Division is unable to resolve these matters, or the new custodian declines the Division's services or is uncooperative, the case may be closed for any applicable reason indicated in Reasons for Case Closure.

h. If the Specialist is unable to contact the personal representative, executor or new custodian, close the case due to loss of contact. Refer to Reasons for Case Closure. If there is debt owed to the Commonwealth, adjust the arrearages as necessary and keep the case open to collect the debt.

(09/2012) (06/2016) (04/2017) (10/2017) (10/2019) (11/2019)

D. Closure of Indian Health Service Cases (11/2019)

1. CIHS- ELIGIBLE FOR INDIAN HEALTH SERVICES

a. A case must be closed using the CIHS closure code when both of the following apply:

1) The child(ren) are eligible for health care services from the Indian Health Service.

2) The case was opened due to a Medicaid referral based solely upon health care services that will be provided through an Indian Health Program.

b. The most common standard applied for eligibility for health services from the Indian Health Service is that the individual is an enrolled member of a federally recognized Tribe.

Table of Contents

For more information on eligibility requirements, refer to part 2 of the Indian Health Manual.

c. A *Closure Intent Notice* is not required. However, staff have the option to send a *Closure Intent Notice* informing the parent of the reason for closure and to invite otherwise eligible custodial parents to apply for services.

E. Closure of Department of Juvenile Justice Cases (07/2021)

1. Effective July 1, 2021, DJJ is no longer required to apply for child support services and parents are no longer required to pay support for children committed to the Department of Juvenile Justice (DJJ).
2. Any arrearages due prior to July 1, 2021, remain due and will continue to be collected by the Division.
3. A case with DJJ may be closed at any time if it meets one of the case closure criteria. Refer to Reasons for Case Closure.

(11/2015) (08/2017)

F. Closure of Intergovernmental Cases (11/2019)

1. The Division may close an incoming intergovernmental request for services (but not "quick locate" requests) when Division staff document failure by the initiating agency to take an action which is essential for the next step in providing services.
   a. Request action from the initiating agency in situations where action or additional information is needed from the initiating agency for the Division to take the next step in providing services.
   b. Allow the initiating agency 30 calendar days to furnish additional information, or to notify the Division when they will provide the information.
   c. If the initiating agency fails to 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 agency a *Child Support Enforcement Transmittal #2- Subsequent Actions*, notifying them of the Division's intent to close the case in 60 days for their failure to cooperate. For serving the *Change in Payee Notice* for Virginia orders, refer to Case Closure Procedures.
2. If the NCP is found living in another state

Table of Contents

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 for Support* 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 *Transmittal #2* to the CP's old state to request redirection of payments.

(08/2017)

G. Case Closure and Conditionally-Assigned Arrearages (08/2017)

1. There may be circumstances in which the Division is no longer providing full services to the applicant or recipient of IV-D services, but there are arrearages owed to the Commonwealth.

2. If there are no CTNFA and/or CTNFAI arrear types, adjust the accounting as indicated in Case Closure Procedures.

3. If there are CTNFA and/or CTNFAI arrears types, at the time that the Division terminates services to the applicant or recipient of IV-D services,

a. Close the current support extension.

b. Send a request to fiscal to zero out all debt to the CP. Do not zero out any Conditionally-Assigned and Permanently-Assigned Arrearages and interest.

Table of Contents

c. Once the accounting is adjusted, on the Case Detail page in the Case Information section, update the Case Type to ARRP and the Applicant Type to CREQ- Client Request.

d. For additional actions that may be needed, refer to Modifying and Releasing the IWO and Case Closure Procedures.

H. Case Closure Procedures (04/2023)

1. Once the Division worker selects a case to initiate case closure processing

   a. Ensure that Case Events documentation supports the reason for closure.

   b. Generate the *Closure Intent Notice* (*Notice*) for closure reasons that require the *Notice* to be sent. For intergovernmental cases, generate the *Child Support Enforcement Transmittal #2- Subsequent Actions*. For closure reasons requiring the *Notice*, refer to Reasons for Case Closure.

   c. Send the *Notice* or *Transmittal #2* by first class mail. Generating the *Transmittal #2* also creates a CSENet transaction.

2. The Specialist can prevent the automated system from automatically closing the case 65 days after the *Notice* has been sent by updating the Closure Reason field in the Case Information section of the Case Detail page.

3. Once the *Notice* is sent, keep the case open if the applicant or recipient

   a. Reestablishes contact with the Division or

   b. In response to the *Notice*, provides information that can lead to the establishment of paternity and/or a support order or enforcement of a support order

4. If the applicant or recipient does not contact the Division within 60 calendar days after the *Notice* is sent, close the case.

5. If the case is closing for Good Cause (CGCA) and there is an order for support, the order must be terminated. Refer to Case Closure.

6. Release all applicable actions taken pending against the NCP on the case that is closing including

   a. *Income Withholding for Support*

   b. Driver's license suspension

Table of Contents

c. *Orders to Withhold*

d. *Orders to Deliver*

e. Liens

f. IRS Full Collection

g. Seizure and Sale activity

h. Suspension of occupational or other license types

i. Judicial activity, including referring the case to legal when there is an outstanding capias. Consult with legal counsel to determine if legal activities must be completed before the case is closed.

7. Adjust Subaccount Balances

   a. Adjust subaccount balances to zero except any arrearages owed to the Commonwealth, including interest and fees. Do not zero out arrearages 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.

   b. Remove any erroneously accrued arrearages in TANF, IV-E FC and non-IV-E cases.

   c. Refund any overpayments to the NCP.

8. Upon zeroing out the arrearages, the automated system will automatically release certain enforcement actions, including

   a. Federal and State Tax Offset Certification programs, including Vendor Debt Set-Off

   b. Consumer credit agency reporting

9. For Virginia orders, if the NCP is responsible for current support and /or arrears payments, redirection of support monies is necessary when there is a Virginia order and the case is being closed based upon the CP or initiating intergovernmental agency's request for case closure

   a. Generate the *Change in Payee Notice* (*Notice*) to the NCP.

   b. Serve the *Notice* on the NCP using

      1) MCS portal

Table of Contents

2) Sheriff or process server or

3) Certified mail, return receipt requested

c. Document the successful service and the type of service in Case Events.

d. For court orders, 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. Refer to Redirecting Support Payments.

10. When it is necessary to redirect support payments on a case with a Virginia order that is being closed based upon the CP or intergovernmental agency's request for closure and the Division's efforts to serve the *Notice* on the NCP are unsuccessful, the Division continues to provide collection and disbursement services as a non-IV-D case.

a. Update Case Events to indicate that service attempts on the *Notice* have been unsuccessful.

b. Update the case type on the Case Detail page to NIVD.

c. Send the CP the *Notification of Action Taken*.

11. For intergovernmental cases, notify the other state within 10 business days of closing the case using a *Transmittal #2 – Subsequent Actions*.

12. The *Closure Intent Notice* provides notification that copies of certain documents will be provided upon request. The *Closure Intent Notice* lists the available documents.

13. When a *Closure Intent Notice* is not sent to the applicant or recipient, provide the applicant or recipient with notification of his or her right to request copies of certain documents using one of the following methods

a. Send a Contact Letter or *Notification of Action Taken*.

b. Provide the information orally (in person or by phone). Document the case record with the notification and method used.

14. Upon request, provide the former applicant or recipient copies of any of the documents listed as available on the *Closure Intent Notice*.

15. Retain closed case records for a minimum of 3 years. Refer to Record Retention.

(04/2017) (10/2017) (01/2018) (05/2018) (12/2018) (09/2020) (12/2020)

Table of Contents

Chapter 13: Non-IV-D Cases

A. Overview (05/2024)

Federal regulations required support orders initially issued on or after January 1, 1994, that have a provision for income withholding be paid through a State Disbursement Unit (SDU), even if the case is not a IV-D case. A non-IV-D (NIVD) case is a support case where the parties have a support order with a provision for income withholding but do not have IV-D services.

1. The Division establishes these cases when the court issues an *Income Withholding for Support* (District Court form DC-645) that orders the employer to mail payments to the SDU, and the Division has not received an application for services or a referral from an LDSS.

   a. SDU staff post payments to NIVD cases.

   b. The automated system prorates, allocates, posts and distributes payments to all cases. The same hierarchy for current support and arrearages applies to IV-D and NIVD cases.

2. These cases are handled by the Division's Financial Response Team's NIVD staff only. Unless otherwise specified, all information provided in this chapter pertains to the NIVD staff.

(11/2017)

B. Instate Non-IV-D Cases (05/2024)

1. Financial Response Team

   a. Receives a copy of the support order and court-issued *Income Withholding for Support (IWO)* from a court.

   b. Contacts the court to request corrected documents if the support order and/or the *IWO* do not have sufficient information for the Division to set up the NIVD case.

   c. Returns to the court any NIVD support order without an *IWO* and send the *Request for Information from the Court* along with the documents received from the court unless the court order specifies that payments be made to the SDU without an *IWO*.

2. To establish the case when the Division already has a case

Table of Contents

a. If the case is an open ARRP or ARRN case type with a debt to the state, establish a NIVD case to add the new court order/*IWO*, resulting in both a IV-D case and a NIVD case with the same participants.

b. If the case is an open is a case type other than ARRP or ARRN and the Division receives a new court order with an IWO, the Financial Response Team

1) Document Case Events with the receipt of and details of the court order and *IWO* and

2) Forward the court order/ *IWO* to the responsible case worker in the District Office to update the existing IV-D case.

c. If a closed IV-D case exists, request the District Office

1) Reopen the case

2) Change the case type to NIVD and

3) Transfer the case to the Financial Response Team.

3. If a case does not exist in the automated system with these participants, establish a NIVD case in the automated system within 2 workdays of receiving the court order and the copy of the *IWO*.

a. Enter all available information on the automated system

b. Set up a case record

c. Mail the new NIVD customer an application packet that includes the

1) *Notice Child Support Payment Processing Procedures* letter to the CP and NCP

2) *Child Support Enforcement Services Application*

3) *Statement of Payments* and

4) *Every Child Needs Support* brochure

4. Update the automated system when the court or either party supplies new information.

5. Worklist SDU staff to process financial adjustments when necessary. Refer to Receivables and Cash Adjustments for types of allowed adjustments.

6. For *IWO* overpayments, the SDU will continue to disburse payments to the CP; do not refund the payment to the NCP.

Table of Contents

a. In the case of the death of the CP, notify the NIVD caseworker at Home Office to contact the court to stop the IWO.

b. Do not place any holds on the case. NIVD cases cannot be worked.

7. If appropriate, complete a *Request for Refund/Transfer* and send it to the SDU staff to request a refund, transfer, or payment to a CP.

8. Do not initiate enforcement action of any type on a NIVD case.

9. The parties are responsible for petitioning the court to have the *IWO* transferred, adjusted or terminated for a NIVD case.

10. Forward employment status changes received from employers to courts.

11. If the CP or the NCP applies for Division services

a. Add additional information included on the application.

b. Change the case type from NIVD to NADC (which also prompts the system to send the *Important Notice about Child Support* to the NCP).

c. Update the alternative payment agreement field from "Y- alternative arrangement is in place" to "N- No alternative arrangement is in place" on the Update Support Order page.

d. Update the locality code.

e. If the applicant is the CP, generate the *Contact Letter to Noncustodial Parent* to notify the NCP that the CP has applied for Division services.

f. If the applicant is the NCP, generate the *Notification of Action Taken* to notify the CP that the NCP has applied for services.

g. Send the applicant a *Statement of Payments*. Refer to *Statement of Payments Process Guide*.

h. Transfer the case to the responsible worker in the District Office. Refer to Case Transfer.

12. If a NIVD case becomes a TANF case with the same participants, when NIVD staff are notified,

a. Change the case type to ADC (which also prompts the system to send the *Important Notice about Child Support* to the NCP)

Table of Contents

b. Update the alternative payment agreement field from "Y- alternative arrangement is in place" to "N- No alternative arrangement is in place" on the Update Support Order page

c. Update the locality code.

d. Transfer the case to the responsible worker in the District Office. Refer to Case Transfer.

13. If an ARRP or ARRN case with a debt to the state becomes a TANF case, District Office Intake staff checks to see if there is a NIVD case for the same participants.

a. If there is an open NIVD case, then Intake staff contact NIVD staff and request the NIVD case be closed.

b. NIVD staff close the NIVD case and provide any necessary information to the District Office.

14. Closing NIVD cases

a. NIVD cases are closed when

1) The court notifies the Division that the parties agreed to an alternative payment arrangement.

2) The court notifies the Division to close the case.

3) An ARRP or ARRN case with a debt to the state reopens to TANF.

4) Refer to Circumstances That May Require Case Closure

b. The automated system creates a Case Event. Document the reason for closure in Case Events.

c. The automated system monthly closes cases meeting NIVD closure criteria. The system automatically closes the current support extension and zeroes out any arrearages.

d. Division staff cannot close NIVD cases at the request of the NCP or CP. Refer the requesting party to the court.

15. Stop current support from charging when

a. Notified by the court

b. 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

Table of Contents

c. When the youngest child on the order attains the age of 19, unless the court order extends support beyond 19. If any arrearages accrued after current support should have closed, deduct them from the arrears balance.

16. District Office staff

a. Forward any copies of court orders and *IDOs* for NIVD cases to the Central Registry when received in the District Office.

b. Follow guidance indicated in 13 above.

c. Cooperate with NIVD staff when assistance requested and consult with NIVD staff prior to changing a NIVD case type.

d. Refer NIVD parties (both walk-ins and callers) with case inquiries to the Customer Service Center or to the court and provide them with contact information.

e. Contact the Intergovernmental and Financial Response Team Manager when necessary for assistance with a NIVD case.

(09/2014) (10/2014) (06/2016) (04/2017) (10/2017) (03/2020) (09/2022)

C. Intergovernmental Non-IV-D Cases (09/2022)

1. The Division receives cases from other states or Virginia courts in which the child support agency in the other state or in Virginia does not have an open IV-D case. The NIVD unit also receives NIVD cases from District Offices.

2. Intergovernmental Non-IV-D case types

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 and

d. UIFSA petitions marked non-IV-D that courts in another state mail to the Central Registry to be forwarded to a Virginia court.

3. NIVD staff

a. Add these cases to the automated system.

Table of Contents

b. Receive case records for NIVD 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.

g. Close the case on the automated system when notified that the other state court closed the case.

4. District Office staff

a. Have no ongoing responsibility for processing intergovernmental NIVD cases.

b. 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) Verify that the information is correct and correct information as needed.

2) Add any incomplete information.

3) Thoroughly document Case Events.

4) Transfer the case in the automated system to NIVD staff.

5) Send the Notification of Action Taken to the CP.

c. Refer callers to the Customer Service Center.

d. Contact the Intergovernmental and Financial Response Team Manager for assistance with NIVD cases.

(04/2017) (08/2017)

Table of Contents

Chapter 14: Resources

14.1 Abbreviations 562
14.2 Automated Matches 586
14.3 Definitions of Program Terms 588
14.4 Distribution Hierarchy 624
14.5 Documents: Purpose, Service, Distribution and Worklist 625
14.6 Locality Codes 655
14.7 Payment Agreement Calculator Worksheet 655
14.8 Record Retention 655
14.9 SELF Event Documentation Table 657
14.10 Service of Process and Notary Guidelines 662
14.11 Payment Methods and Acronyms 672
14.12 Payment Source and Acronyms 672
14.13 Interest Rate Timeframes and Rates 673
14.14 UIFSA Forms Matrix 674

14.1 Abbreviations

Below are Division abbreviations that Division staff use when using abbreviations in case documentation. The listing also includes common abbreviations that you may encounter when reading child support and/or social services- related materials. Refer also the list of abbreviations and acronyms from OCSS.

AAG	Assistant Attorney General
ACF	Administration for Children and Families
ACH	Automated Clearing House
ACP	Address Confidentiality Program
ADC	Aid to Dependent Children (TANF). The automated system uses this code.

Table of Contents

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
AAG	Assistant 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	Arrearages
ASO	Administrative Support Order

Table of Contents

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 and IV-E foster care (IV-E) cases. The B1-B5 designations originally came from federal regulations that have since been superseded. (45 C.F.R. § 302.51(b)) The explanations are included here because the terms 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 grant
B3	Current support payment in excess of the disregard payment and the current month's TANF or IV-E grant.
B4	Arrears payment to reimburse prior months' TANF or IV-E grant.
B5	Arrears payments that exceed the amount of the unreimbursed TANF or IV-E grant.
BAL	Balance
BFS	Bureau of Financial Services

Table of Contents

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 (Processing Status)
CONT	Continued
CORR	Corrections

Table of Contents

COV	Commonwealth of Virginia
CP	Custodial Parent
CR	Credit
CRA	Consumer Credit 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, District Court or Deposit Certificate
DCA	Government Data Collection and Dissemination Practices Act
DCL	Dear Colleague Letter

Table of Contents

DCSE	Division of Child Support Enforcement
DD	Direct Deposit
DELQ	Delinquent (Processing 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

Table of Contents

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)
DWOP	Dismissed Without Prejudice
EBQS	Electronic Birth Query System
EDI	Electronic Data Interchange
EDG	Eligibility Determination Group
EFT	Electronic Funds Transfer

Table of Contents

EIN	Employer Identification Number (can be State or Federal)
EIWO	Electronic Income Withholding Order
ENF	Enforcement
ENFA	Enforcement – Administrative (Worker Assignment Unit)
ENFJ	Enforcement – Judicial (Worker Assignment Unit)
ERISA	Employee Retirement Income Security Act
EST	Establishment
ESTA	Establishment – Administrative (Worker Assignment 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

Table of Contents

FC	Foster Care
FCR	Federal Case Registry
FED	Federal
FEDCTR	Federal Central Office - An abbreviation used before the FIPS code in the IRG to identify the type of office.
FEDREG	Federal Regional Office - An abbreviation used before the FIPS code in the IRG to identify the type of office.
FEIN	Federal Employer Identification Number
FENA	Federal Enforcement Action- Denotes federal tax offset process.
FEP	Family Engagement Program(s)
FES	Family Engagement Services
FFCCSOA	Full Faith and Credit for Child Support Orders Act
FFY	Federal Fiscal Year (October 1 – September 30)
FIDM	Financial Institution Data Match
FIN OPS	Financial Operations
FIN STMT	Financial Statement

Table of Contents

FIPS	Federal Information Processing Standard
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 (predecessor to SNAP)
FTA	Failure to Appear
FTAX	Federal Tax
FTI	Federal Tax Information
FTRO	Federal Tax Refund Offset
FUEL	Fuel Assistance Program (Energy Assistance)
FV	Family Violence
FVI	Family Violence Indicator
FY	Fiscal Year (Virginia: July 1 to June 30; Federal: October 1 to September 30)

Table of Contents

GAL	Guardian ad Litem
GIF	Game and Inland Fisheries
GMI	Gross Monthly Income
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	Home Office
iAPECS	Internet Automated Program to Enforce Child Support
ID #	Identification Number
IDEC	Interstate Data Exchange Consortium

Table of Contents

IDO	Income Deduction Order
IEVS	Income Eligibility Verification System
ILA	International Longshoremen's Association
INIT	Intake or Initiation (Processing 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
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 Temporary Assistance to Needy Children. 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 Division is a IV-D agency administering a IV-D program.
IV-D #	Unique Identifier for a IV-D Case

Table of Contents

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
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-CORIS	Local Inmate Data System-Correctional Information 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.)

Table of Contents

LOCT	Locate (Process Status/Worker Unit)
MCS	MyChildSupport (An abbreviation used to designate the MyChildSupport portal, the Division's online portal for customers)
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

Table of Contents

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
NOE	Notice of Emancipation
NOPR	Notice of Proposed Review
NP	Notary Public
NPA	Nonpublic Assistance
NPAA	Nonpublic Assistance Arrears
NPRC	National Personnel Records Center

Table of Contents

NSA	National Security Agency
NSF	Nonsufficient Funds
NSP	Non-Support Petition
OBLIG	Obligation
OCSS	Federal Office of Child Support Services
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
OVR	Office of Vital Records

Table of Contents

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
PD	Paid
PEP	Virginia Paternity Establishment Program
PGT	Program Guidance Team
PII	Personally Identifiable Information
P.L.	Public Law
PM	Postmaster
PML	Postmaster Letter
PMT/AGMT	Payment Agreement
POB	Place of Birth

Table of Contents

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
RECOUP	Recoupment

Table of Contents

REQ	Request
RES	Residence
Res Team	Resolution Team
REV	Review
RFP	Request for Proposal
RLSE	Release
RPS	OCSS Regional Program Specialist
RT	Route
S/C	Show Cause
SCC	State Corporation Commission
SCR	State Case Registry
SCRA	Service members Civil Relief Act
S/CNSL	Special Counsel
SDNH	State Directory of New Hires
SDX	State Data Exchange

Table of Contents

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.
SMILE	Support Money Impacts Lives Everyday
SNAP	Supplemental Nutrition Assistance Program
SOM	Start of Month
SOP	Statement of Payments
SPCC	Small Purchase Credit Card
SPIDeR	Systems Partnering in a Demographic Repository - a web-based computer

Table of Contents

	system that enables data sharing between authorized partners.
SPLS	State Parent Locator Service
SPPO	State Police Protective Order
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
SSR	Social Security Retirement
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

Table of Contents

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
TSP	Thrift Savings Plan
UC	Unemployment Compensation
UCFE	Unemployment Compensation for Federal Employees
UCX	Unemployment Claim for Ex-Service members
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

Table of Contents

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	Commonwealth of Virginia or Department of Veterans Affairs
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 Energy)
VDOT	Virginia Department of Transportation
VDSS	Virginia Department of Social Services
VEC	Virginia Employment Commission

Table of Contents

VIEW	Virginia Initiative for Education and Work
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) (08/2016)

Table of Contents

14.2 Automated Matches

The Division conducts information matches with federal and state, public and private entities to obtain locate and other pertinent case information. "Submits Frequency" denotes the frequency with which the Division submits information to be matched. "Match Frequency" denotes the frequency with which the Division receives responses. Refer to Locate Resources.

Automated Match Type	Submits Frequency	Match Frequency
Child Support Lien Network (CSLN)	Monthly	Daily
Computerized Criminal History	Quarterly	Quarterly
Concealed Weapons Permit	No Submit	Quarterly
Death Records- FCR Social Security Admin	No Submit	Daily
Death Records- Vital Records	No Submit	Quarterly
Dept. of Corrections - Current	No Submit	Weekly
Dept. of Health Professionals	No Submit	Quarterly
Dept. of Human Resource Management	No Submit	Monthly
Dept. of Motor Vehicles	Weekly	Weekly
DOD Medical Match	No Submit	Quarterly
Dominion Virginia Power	Quarterly	Quarterly
FIDM- FCR	No Submit	Daily
FIDM- Instate	Quarterly	Weekly
FPLS	Daily	Daily
Game and Inland Fisheries - Boat Data	No Submit	Weekly
Game and Inland Fisheries - Licenses	No Submit	Monthly
Insurance Data Match - FCR	No Submit	Daily
Local Inmate Data System-Correctional Information System (LIDS-CORIS)	Weekly	Weekly
Longshoreman (ILA-HRSA)	No Submit	Semi-YR

Table of Contents

Automated Match Type	Submits Frequency	Match Frequency
National Change of Address	Weekly	Weekly
State Police Protective Order	No Submit	Monthly
SVES	Daily	Daily
VEC Unemployment	Weekly	Weekly

Table of Contents

14.3 Definitions of Program Terms

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 or when a child is approved for IV-E foster care.
ABLE account	A tax-advantaged savings account for individuals with disabilities and their families, established pursuant to the Stephen Beck Jr. Achieving a Better Life Experience Act of 2014 (Pub. L. No. 113-295).
Accrual	Sum of child support payments that are due or overdue
Accrued Arrearages	Arrearages that are not specified in a court or administrative order, but which accrue due to nonpayment of support. Accrued arrearages 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 OCSS, 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 Arrearages	The amount of arrearages 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.

Table of Contents

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 Services (OCSS)
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, 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, arrearages 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

Table of Contents

Aid to Families with Dependent Children	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.
Agreement and Authorization for Receipt of Child Support Services	A section of the Division's *Child Support Enforcement Services Application* that the applicant signs giving the Division the authority to establish or enforce support for a dependent child or children, or a spouse and dependent child or children, or for a person deemed to have submitted an application by operation of law.
Allocation	The process of dividing a NCP's payments among all cases for which the NCP is ordered to pay support
Arrearages	Past due, unpaid child support owed by the NCP.
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 or children and the needy parent or other caretaker relative in a public assistance household
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.

Table of Contents

B1-B5 Payments	These 5 terms, described individually below, are shorthand for various types of payment distributions in TANF and IV-E foster care (IV-E) cases. The B1-B5 designations originally came from federal regulations that have since been superseded. (45 C.F.R. § 302.51(b)) The explanations are included here because the terms are still used in certain contexts.
B1 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.
B2 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.
B3 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.
B4 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 arrearages for past public assistance paid.
B5 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.

Table of Contents

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. Refer to § 63.2-604 Code of Virginia and the TANF Manual
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

Table of Contents

Central Registry	The Division unit that receives and distributes incoming and outgoing intergovernmental cases. The unit is also responsible for processing incoming intergovernmental 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 arrearages 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." 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."
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."

Table of Contents

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.
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.
Confidential Information	Information that includes, but is not limited to, individual's SSN, address, employment information, financial information. Refer to 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. States are allowed to set their own limits provided they do not exceed the Federal limit.

Table of Contents

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 IV-A/IV-D 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.

Table of Contents

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."
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."
Data Subject	An individual about whom personal information is indexed or may be located under his or her name, personal number, or other identifiable particulars, in an information system.
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.

Table of Contents

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)."
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*.
Designated Staff	Non-attorney Division staff that have completed the specific District Office training that qualifies them to file Juvenile and Domestic Relations District Court form pleadings pursuant to §16.1-260.
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

Table of Contents

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.
Due Diligence	For purposes of unclaimed property includes mailing a letter, check, etc., to the payee by first class mail.
Duty of Support	An obligation charged or chargeable by law to provide support for a child, spouse or former spouse, including an unsatisfied order to provide support.
EBQS	An electronic birth query system which allows birth registrars to enter birth information into its data base. This database is maintained and owned by the Office of Vital Records
Effective Date	The date that an action or order starts.
Electronic Data Interchange (EDI)	Process by which information regarding an Electronic Funds Transfer transaction is transmitted electronically along with the EFT itself.
Electronic Funds Transfer (EFT)	Process by which money is transmitted electronically from one bank account to another.

Table of Contents

Eligibility Determination Group (EDG)	For purposes of the VaCMS, the group of individuals whose income must be considered in determining the assistance unit's eligibility and payment amount is referred to as the eligibility determination group. This includes children and parents required to be in the assistance unit; essential persons; individuals whose income is included in the evaluation of eligibility; and, when assistance is requested, a caretaker-relative other than the parent. In the VaCMS, on the TANF – EDG Summary screen, the participation status for individuals included in the EDG will be Eligible, Countable or Deemed.
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 §16.1-333 Code of Virginia.
Employee	Any individual receiving income
Employer	The source of any income.
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.
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.

Table of Contents

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 Engagement Programs(s) (FEP)	Specific, formalized programs that support Family Engagement Services. Programs include ICMP, PASS, FSRP, PRCM, and Access and Visitation. As service approaches prove successful, they can become established programs.
Family Engagement Services (FES)	Services that help parents overcome obstacles to their ability to provide emotional, financial, and familial support for their children through proactive collaboration with community partners and other governmental agencies. Family Engagement Services include Family Engagement Programs, which are specific, formalized programs to accomplish the service model. For example of the distinction, VPEP is not a Family Engagement Program, but it provides services that support Family Engagement Services.
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

Table of Contents

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 Services (OCSS) 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, OCSS 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

Table of Contents

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."
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."
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.
Foreclosure	A judicial procedure that forces sale of the real or personal property of the NCP to collect arrearages.
Foreign 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 §20-88.32 Code of Virginia for purposes of establishing and enforcing child support orders.
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.

Table of Contents

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.
Future Payments	NCP's payments that exceed current support and arrearages on all cases and any arrearages 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.
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.
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 (GAL)	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.

Table of Contents

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
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.
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.

Table of Contents

Inadvertent Access	Access to federal tax information without authority that is non-willful and unanticipated or accidental.
Inadvertent Disclosure	Accidental exposure of information to a person not authorized to access.
Incidental Access	Access to federal tax information without a need-to-know that may occur in extraordinary circumstances (i.e., system failure, data incident response, disaster response).
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 arrearages.
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.

Table of Contents

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 a NCP's employer in another State.
Independent Contractor (IC)	An individual who provides any service performed for payment or under contract of hire, written or oral, expressed or implied, and is not an employee as defined in §60.2-212 Code of Virginia.
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 a NCP. Non-wage payments subject to interception include Federal tax refunds, State tax refunds, unemployment benefits, and disability benefits.
Intergovernmental 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 #1- Initial Request* to state B's Central Registry seeking to establish paternity and support.
Intergovernmental 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.

Table of Contents

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.
Involuntary Payment	Any payment received by the Division as a result of or in connection with any attachment, offset, levy or seizure by a legal proceeding or administrative enforcement action to collect or enforce a debt. For Division purposes, involuntary payments may be from the Order to Withhold process, Federal and State Offset Programs, and the seizure and sale of property.
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.

Table of Contents

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.
Kinship Guardianship Assistance Program	KinGAP is an additional permanency option for youth in foster care. The program allows the relative caregivers to continue to receive financial support through maintenance payments after custody of the youth is transferred to the relative and the youth is discharged from foster care. Title IV-E eligible youth will continue to be eligible for title IV-E payments through KinGAP.
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
Lien	A claim upon property to prevent sale or transfer of that property until a debt is satisfied.

Table of Contents

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	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 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.
Long-term care	The federal Administration for Community Living defines long-term care as “services and supports necessary to meet health or personal care needs over an extended period of time.” Such services include assistance with “dressing, bathing, and using the bathroom.” Services may be provided at home as part of home health services.

Table of Contents

Medicaid	Title XIX of the Social Security Act, 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. It is a Federal/State entitlement program that pays for medical assistance for certain individuals and families with low incomes and resources.
Medicaid Only	A category of public assistance where the family receives Medicaid but does not receive TANF.
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 arrearages.
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

Table of Contents

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."
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).

Table of Contents

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 who are not recipients of TANF benefits.
Notice and Finding of Financial Responsibility	A document used before July 1, 1988, to (1) establish a legally enforceable administrative support obligation and (2) take administrative enforcement action to collect court ordered support. Effective July 1, 1988, the *Administrative Support Order* replaced this document.
Obligation	The amount of money to be paid as support by a 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

Table of Contents

Office of Child Support Services (OCSS)	The Federal agency responsible for the administration of the child support program. Created by Title IV-D of the Social Security Act in 1975, OCSS 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.
Offset	Amount of money intercepted from a parent's State or Federal income tax refund or from an administrative payment 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 arrearages that 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
Paternity	Legal determination of fatherhood required before an order may be established.

Table of Contents

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.
Payer	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, Division case number, Participant ID number, 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 numerous 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. Also known as Welfare Reform.
Petitioner	The party who is filing the petition and bringing the action.

Table of Contents

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 a 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; childcare 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 gross income of the parent responsible for providing the health care coverage, 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.

Table of Contents

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.
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 or children or spousal support, and the payments made. The resulting calculation shows the arrearages, 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.).

Table of Contents

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 arrearages 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.

Table of Contents

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.
Social Security Retirement	Money that is payable to an individual upon retirement if the individual worked long enough and paid Social Security taxes.
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.

Table of Contents

Spouse	A marriage partner; i.e., 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 VaCMS, 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.

Table of Contents

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 arrearages.
State Verification Exchange System (SVES)	An automated 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.

Table of Contents

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.
Support Enforcement Agency	A public 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 or non-IV-E Foster Care and cases in the listed types referred by the IV-A agencies.
Support Guidelines	The table used by the Commonwealth's courts and the Division to establish the monthly amount parents owe for dependents. Refer to §20-108.2 Code of Virginia.
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.

Table of Contents

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.
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.
Unauthorized Access	Accessing VDSS' or any other state or federal agency's information system for any purposes other than administering the employee's official job responsibilities.
Unauthorized Disclosure	Accessing federal tax information (FTI) or content in VDSS' or any other state or federal agency's information system and knowingly discloses it, or due to gross negligence, allows it to be exposed to another person or entity without authority to have or need to know such information. Willful disclosure of FTI to a person without authorization or need-to-know may be prosecuted under IRC §7213.
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 1 year.

Table of Contents

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 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 Education and Work (VIEW)	Employment program for individuals who receive TANF.

Table of Contents

14.4 Distribution Hierarchy

Payments are distributed to case subaccounts as indicated in the table below.

For additional information, please see Chapter 11.2.E.

All Payments except Federal Tax Refund Offset	Federal Tax Refund Offset Payments
CSUP Current Support	AFDCA Permanent Arrearages
NPAAA Never Assistance Arrearages	AFDCAI Permanent Arrearages Interest
NPAAAI Never Assistance Arrearages Interest	TTNFA Temporarily- Assigned Arrearages
CTNFA Conditionally-Assigned Arrearages	TTNFAI Temporarily- Assigned Arrearages Interest
CTNFAI Conditionally-Assigned Arrearages Interest	UNDFA Unassigned During Assistance Arrearages
UNTFA Unassigned Pre-Assistance Arrearages	UNDFAI Unassigned During Assistance Arrearages Interest
UNTFAI Unassigned Pre-Assistance Arrearages Interest	FCARA Foster Care Arrearages
AFDCA Permanent Arrearages	FCARAI Foster Care Arrearages Interest
AFDCAI Permanent Arrearages Interest	NPAAA Never Assistance Arrearages
TTNFA Temporarily- Assigned Arrearages	NPAAAI Never Assistance Arrearages Interest
TTNFAI Temporarily- Assigned Arrearages Interest	CTNFA Conditionally-Assigned Arrearages
UNDFA Unassigned During Assistance Arrearages	CTNFAI Conditionally-Assigned Arrearages Interest
UNDFAI Unassigned During Assistance Arrearages Interest	UNTFA Unassigned Pre-Assistance Arrearages
FCARA Foster Care Arrearages	UNTFAI Unassigned Pre-Assistance Arrearages Interest
FCARAI Foster Care Arrearages Interest	
MEDIA Medical Arrearages	
MEDIAI Medical Arrearages Interest	
AFLG Legal Fees	
AFSP Service of Process Fees	
AFBT Genetic Testing Fee	
AFII IRS Intercept Fee	
AFCC Credit Card Fee	
AFNF Insufficient Funds Fee	
OSTA Other State Arrearages	
VLTY Voluntary	

Table of Contents

14.5 Documents: Purpose, Service, Distribution and Worklist

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 page on Fusion under DCSEP or via the link to OCSS's website located on the DCSE Program Guidance page on Fusion.

Service of Process- This field indicates whether the document requires formal service of process. Documents that require service include a hyperlink to the section of the Program Manual that provides information about acceptable service methods. A *Waiver of Formal Service of Process* 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 Service Methods and Service Subject Requirements.

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; most manual documents include documentation guidance in the section of the Program Manual that discusses the document's use. For additional information, refer to Case and Participant Events and Manual 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. Updating successful formal service of process creates a worklist for certain documents. The timeframes and general purpose of these worklists are also provided.

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Acknowledgement form under Article 12(3)	To acknowledge receipt of a request from a Hague Convention country.	OCSS Website	No	Intergovernmental agency	SELF	None
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.	iAPECS	No	Mother, Father, OVR	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.	Fusion	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.	iAPECS	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.	IAPECS	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.	Fusion	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	IAPECS	No	NCP	ARCD	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Administrative Subpoena	To subpoena financial or other information needed to establish, modify or enforce a child support order.	iAPECS	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. Signed by the Specialist as the authorized representative.	iAPECS	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
Administrative Support Order	To administratively establish a support obligation.	iAPECS	Yes	NCP, CP	EASO	EASO- 21 days after generation to check for service EAS1- 15 days after date of formal service to check for appeal, add support order as applicable
Affidavit of Address Verification	To notify the court or an intergovernmental agency that an address has been verified through the NCOA database.	Fusion	No	Court or Intergovernmental agency	SELF	None
Affidavit of Check Fraud by Payee	To allow a payee to assert check fraud.	iAPECS	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.	Fusion	No	JDR Court, Legal Counsel	SELF	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Affidavit of Nondisclosure	To identify issues of domestic violence on a specific case when there is no active protective order in place.	iAPECS	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.	Fusion	No	Division	SELF	None
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.	Fusion	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.	iAPECS	No	Division	APAY	None
Application for Enforcement of a Decision Made or Recognized in the Requested State	To request that a Hague Convention country enforce an order entered in or recognized in the country.	OCSS Website	No	Intergovernmental agency	SELF	None
Application for Establishment of a Decision	To request that a Hague Convention country establish an order.	OCSS Website	No	Intergovernmental agency	SELF	None
Application for Location Information	To allow authorized persons and agencies to request information available through the Federal Parent Locator Service.	Fusion	No	SPLS Unit	SELF	None
Application for Modification of a Decision	To request that a Hague Convention country modify an order.	OCSS Website	No	Intergovernmental agency	SELF	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Application for Recognition or Recognition and Enforcement	To request that a Hague Convention country recognize or recognize and enforce an order not entered in the country.	OCSS Website	No	Intergovernmental agency	SELF	None
Case Action Plan	To identify barriers with goals and action steps to address them while participating in the Family Engagement Services.	Fusion	No	NCP, Division	SELF	None
Case Referral Checklist for Court Pleadings	To ensure that proper actions have been taken and systems checked prior to referring a case to court.	Fusion	No	Division	SELF	None
Case Review	To conduct an in-depth review of as Family Engagement Services case to determine reasons for nonpayment, past case actions, any conflicts and history of the parents.	Fusion	No	Division	SELF	None
Certificate of Electronic Service	To capture the electronic service of process details for documents requiring service sent from the automated system through the MyChildSupport Portal.	Perceptive	No	Division	DESR	DESR- when the document is served.
Certificate of Extension of Limitation of Right to Enforce Judgment Lien	To request the circuit court extend the judgement lien for an additional 10 years.	iAPECS	No	Circuit Court	CLEX	CLEX – 30 days after generation to check court filing.
Change in Payee Notice	To provide notice to the parties that the payee on the case has changed.	iAPECS	Yes	NCP	ECPN	ECPN- 21 days after generation to check for service
Change of Name-Address Request	To collect name and/or address changes from clients to update Division records.	Fusion	No	Requesting party	SELF	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
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.	iAPECS	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.	iAPECS	No	NCP, CP	CPCL	None
Child Support Agency Confidential Information Form	To be attached to the Transmittal 1 for the purpose of safeguarding the privacy of individuals by providing a means to record their personal information on a separate document that is not to be filed with a tribunal or shared with the other party.	iAPECS	No	Intergovernmental Agency	CNIF	None
Child Support Agency Request for Change of Support Payment Location Pursuant to UIFSA § 319	To be used, under certain circumstances allowed under UIFSA *§ 319 (b), to change the payment location of a support order issued by another state, or to respond to such a request.*	iAPECS	No	Intergovernmental Agency	COPL	None
Child Support Agreement	To allow an agreement between parents as to the amount of a NTANF child support obligation.	Fusion	No	NCP, CP	SELF	None
Child Support Enforcement Services Application	To collect information necessary to open a child support enforcement case.	Fusion	No	Division	N/A	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Child Support Enforcement Transmittal #1 – Acknowledgment	To provide a standard format for a responding child support agency to acknowledge receipt of a Transmittal #1 request and to notify the initiating agency of any additional forms needed.	iAPECS	No	Intergovernmental Agency	ACKN	ICS1-45 days after generation to check for response
Child Support Enforcement Transmittal 1- Initial Request	To refer intergovernmental cases to a responding intergovernmental agency's central registry.	iAPECS	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.	iAPECS	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.	iAPECS	No	Intergovernmental agency	ICS3	ICS3- 45 days after generation to check for response
Child Support Guidelines Worksheet	To calculate the Child Support current support obligation, or for an arrears only case, the appears payment amount	iAPECS	No	NCP, CP	CSGW	None
Child Support Locate Request	To request locate information from another state if a CSENeT agreement is not in place.	iAPECS	No	Intergovernmental Agency	LLDS	QRR1

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Closure Intent Notice	To provide notice to the applicant for services that the Division is proposing to discontinue IV-D services.	iAPECS	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.	iAPECS	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.	Fusion	No	Intergovernmental agency, NCP, CP; Virginia Court when applicable	SELF	None
Consumer Agency Reporting Notice	To notify the NCP that information will be provided to the consumer reporting agencies.	iAPECS	No	NCP	FCRA*	None
Contact Letter to NCP	To contact the NCP to request information or to provide information to him/her.	iAPECS	No	NCP	ECLA- Option 1 ECL1- Option 2	ECL1- 15 days after generation to check for payment and/or NCP contact (Option 2 only)

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Contact Letter to CP	To request the CP to submit information to process a case.	iAPECS	No	CP	CLCP	CNP1 - Option 1, 2, 6, 8, 9, or 10 on user interface: 15 calendar days after generation to check for CP response Options 3 and 4: 1 day after the appointment date selected for option 3 Option 5: 11 business days after generation Option 7: 11 business days after generation CNP2 - Option 3: 1 day prior to the appointment selected

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Cooperation-Noncooperation Notification	To notify the LDSS of the CP's cooperation or noncooperation.	iAPECS	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.	iAPECS	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.	Fusion	No	NCP	SELF	None
Court Compliance Report	To notify the court of the NCP's participation and cooperation with the requirements of the ICMP.	Fusion	No	JDR Court, Legal Counsel	SELF	None
Court Date Notice	To notify parties on a child support matter of pending court action.	iAPECS	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.	iAPECS	No	Legal Counsel	CHPS	None
Custodial Parent Health Care Information Request	To collect health care information for the child or children when the CP has been ordered to provide health care.	iAPECS	No	CP	HICP	HICP- 15 days after generation to check for response
Daily Payments Reconciliation	To provide daily verification and audit of payment logs and receipt books in the District Office	Fusion	No	District Office	N/A	None
Debit Card Authorization	To provide information regarding the Debit Card, including all fees associated with the Debit Card, and obtain authorization from the CP to be given the Debit Card	iAPECS Fusion	No	CP	SELF	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Declaration in Support of Establishing Parentage	To supplement the Uniform Support Petition when parentage is at issue in an intergovernmental case.	iAPECS	No	Intergovernmental Agency	IPAF	None
Direct Deposit Authorization	To provide information and directions for completing the Direct Deposit Authorization form	iAPECS Fusion	No	CP	SELF	None
Driver's License Suspension Flyer	To provide information on options available to parents regarding license suspension.	Fusion	No	NCP, CP, other agencies	N/A	None
Due Diligence Letter	To notify the CP or NCP that they have a Division-issued check that has remained uncashed for a period exceeding 90 days.	iAPECS	No	CP or NCP	DUDL*	None
EFT Prenotification Letter	To notify the CP of the banking information set up for their direct deposit payments.	iAPECS	No	CP	PNOT*	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.	Fusion	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.	iAPECS	No	Employer	LEIR*	LEIR- 30 days after generation- check for employer response

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
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.	iAPECS	No	CP	FNPE	FNPE- 15 days after generation to review for payment; send Notice of Recoupment if applicable
Financial Circumstances Form	To provide financial information on a case to a Hague Convention country.	OCSS Website	No	Intergovernmental agency	SELF	None
Financial Statement	To collect financial and other information necessary to establish or modify a support order.	iAPECS	No	NCP and/ or CP as applicable	EFNS	None
Freedom of Information Response	To respond to a Freedom of Information Act request.	iAPECS	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.	iAPECS	No	Intergovernmental agency	IGTU	None
Genetic Test Appointment Letter	To notify the PUTF and/or CP of the time and date of their Division scheduled genetic test appointment.	iAPECS	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.	iAPECS	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.	iAPECS	No	Employer	MHIR	MHIR- 15 days to verify that employer has released NMSN

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
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.	Fusion	No	CP	SELF	None
Important Notice About Child Support	To notify the NCP about important information that affects those responsible for paying support.	iAPECS	No	NCP	INCS*	None
Important Notice Regarding Court Action	To notify the NCP when the Division has filed a civil contempt action, where ability to pay support will be the critical issue in determining whether the NCP will be held in contempt. This document generates with the *Motion for Show Cause Summons*.	iAPECS	No	NCP	INRC	None
Income Withholding for Support	To notify the employer to withhold support from the NCP's earnings; to notify the employer to modify or terminate an existing support withholding order.	iAPECS	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.	Fusion	No	State Agency	SELF*	None
Intensive Case Monitoring Program (ICMP) Compliance Report	To provide the court with documentation of the NCP's participation and fulfillment of the requirements of the ICMP.	Fusion	No	Division and Court	SELF	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Interim Application for Child Support -- Foster Care Only	To collect preliminary information from the LDSS necessary to open a child support enforcement case.	Fusion	No	Division	N/A	None
Intergovernmental Case Problem	To request the assistance of another Central Registry in resolving a problem in an intergovernmental case.	Fusion	No	Intergovernmental agency Central Registry	SELF	None
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
Intrastate Request for Assistance	To request assistance from another District Office in completing an administrative and/or judicial action.	Fusion	No	Responding District Office	SELF	None
Jurisdiction Consent Form	To obtain voluntary consent from the nonresident NCP for Virginia to have personal jurisdiction over him or her.	Fusion	No	Division	SELF	None
Legal Services Case Referral	To refer a case to Legal Counsel for review or to submit a legal question.	iAPECS	No	Legal Counsel	JLS1 JLSC	JLS1- 30 days after generation to check for response
Letter of Transmittal Requesting Registration	To request registration of an existing order for enforcement and/or modification.	iAPECS	No	Intergovernmental Agency	IRST	None
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.	iAPECS	No	Circuit Court (2 copies)	ALSD	ALSD- 15 days after generation to check for response from court and update Participant Lien List

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Lien for Support Debt Release	To notify the circuit court that an administrative lien filed previously is released.	iAPECS	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.	iAPECS	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.	Fusion	No	Division	SELF	None
Motion for Show Cause Summons	To request that the JDR Court issue a Show Cause Summons or Capias.	iAPECS	No	1 copy electronically filed with the JDR court	JMS1	JMS1: 21 days after generation to add hearing date to schedule maintenance if date has been received from the court

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Motion to Amend or Review Order	To request that the JDR Court modify an existing court order.	DEFS	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 in available health insurance.	iAPECS	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.	iAPECS	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.	DEFS	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.	Fusion	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.	Fusion	No	Nonresident party	SELF	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Notice of Child Support Payment Processing Procedures	To notify the NIVD parties of the case number and provide payment processing procedures information.	Fusion	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.	iAPECS	No	NCP, CP and, if applicable joint account holder	APAH	APAH- 1 day prior to scheduled hearing as a reminder.
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.	iAPECS	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 determines the controlling order when there are multiple orders governing the same obligor/obligee/child.	iAPECS	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.	iAPECS	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.	iAPECS	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.	iAPECS	No	NCP or CP	NFPD	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
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.	iAPECS	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.	iAPECS	Yes	Holder of assets	IORF -Full Release IORP- Partial Release	None
Notice of Intent to Petition the 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.	Fusion	Yes	NCP	SELF	None
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 arrearages are not paid in full or arrangements to pay the arrearages are not made.	iAPECS	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.	iAPECS	No	Holder of assets (e.g., Clerk of Court, DMV, etc. in other state) and NCP	ILIE	ILIE- 20 days after generation- check for response from Holder of Assets

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
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.	iAPECS	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.	iAPECS	Service on non-requesting party; 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.	iAPECS	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.	iAPECS	No	NCP, CP	APRH	APRH- 1 day prior to scheduled hearing as a reminder.
Notice to Court of Change in Payee	To notify the court that the Division has changed the payee.	Fusion	No	Virginia Court	SELF	None
Notice 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.	iAPECS	No	NCP, CP	NRRR	None
Notice of Right to Request a Review of Your Child Support Due to Incarceration- CP	To notify the CP that either parent can request a review of the child support obligation if the NCP will be incarcerated 180 or more consecutive days.	Fusion	No	CP	SELF	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Notice of Right to Request a Review of Your Child Support Due to Incarceration-NCP	To notify the NCP of his/her right to request a review of the child support obligation if he/she will be incarcerated 180 or more consecutive days.	Fusion	No	NCP	SELF	None
Notice of Right to Request a Review of Your Child Support Due to Incarceration Status	To notify the NCP that his/her request for a review of the child support obligation has been received, the case will be tracked, and a review will start once 180 consecutive days of incarceration has been reached.	Fusion	No	NCP	SELF	None
Notification of Action Taken	To notify the CP of actions taken on the case.	iAPECS	No	CP	CNAT	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.	iAPECS	Yes	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.	iAPECS	Yes	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.	iAPECS	Yes	Holder of assets, NCP	AORW- Holder of Assets	AORW- 5 days after generation to verify service on holder of assets
					AOAP- NCP	AOAP- 15 days after generation of OW to Holder of Assets to verify OW issued to NCP

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
						AOR2- 21 days after generation to Holder of Assets to check for answer AOR3- 15 days after date of successful service of process on NCP; review to issue Order to Deliver 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.	iAPECS	Yes	Holder of assets, NCP	IORW- Insurance Company IOAP- NCP	IOR2- 10 days after generation to verify service on insurance company IOAP- 21 days after date generation to verify service on NCP
Order to Withhold Addendum – Limited Services Case	To provide the NCP with the appropriate information to request an appeal when an Order to Withhold has been issued on a limited services case; accompanies the *Order to Withhold* or *Order to Withhold Insurance Assets*	Fusion	No	Holder of assets, NCP	SELF	None
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.	iAPECS	Service on both	Joint account holder, Holder of assets	AJAH	AJAH- 6 days after generation to check for service

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Parentage Supplement to Petition	To provide necessary information to the court when requesting that the court establish parentage; accompanies *Petition for Support (Civil).*	DEFS	No	JDR Court	JPPS	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.	Fusion	No	Division	SELF	None
Passport Issuance Tracking Letter	To obtain the date of issue for the NCP's passport from the Department of State.	Fusion	No	Department of State	SELF	None
Paternity Certification Notice	To notify the PUTF that genetic testing did or did not legally establish paternity.	iAPECS	No	PUTF	PPCN	None
Payment Agreement Driver's License Suspension / Occupational or Professional License	To obtain the NCP's agreement to make ongoing payments to stop the suspension of his/her license.	iAPECS	No	NCP	SPAL DMV2 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 payments per payment agreement.
Payments Received in Court Log	To record cash payments received in court and returned to the District Office and all payments received in court and deposited by the Court Specialist	Fusion	No	N/A	N/A	None
Payment Record Letter	To provide the CP or NCP with information regarding the payment history on a case.	iAPECS	No	NCP or CP	CPRA	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Payments to State Disbursement Unit (SDU) Log	To record non-cash payments received in the mail in the District Office or in court and returned to the District Office for deposit.	Fusion	No		N/A	None
Personal Information Form for UIFSA 311	To accompany the Uniform Support Petition, Declaration in Support of Establishing Parentage, and General Testimony for the purpose of recording personal identifiable information as required by UIFSA § 311 on a separate document, eliminating the repetition of the required personal identifiable information.	iAPECS	No	Intergovernmental Agency	PIIF	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.	DEFS	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.	DEFS	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 a NCP.	iAPECS	No	USPS	LPVR*	LPVR-30 days after generation to check for response

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Project Save Our Children Referral Checklist	To ensure that the criteria for Project Save Our Children referral are met.	Fusion	No	Division	SELF	None
Putative Father Consent Form	To obtain consent from the PUTF CP to send the genetic test results to the LDSS.	Fusion	No	Local DSS	SELF	None
Report of Search	To provide information found in response to a locate-only request from an authorized source.	iAPECS	No	Requesting party	LRPS*	None
Request Child Support Services in 7 Simple Steps	To collect information necessary to open a child support enforcement case.	Fusion	No	Resolution Specialist at Customer Service Center	N/A	None
Request for Case Closure	To allow the applicant for services to request a termination of IV-D services.	Fusion	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.	Fusion	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.	Fusion	No	SDU	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	iAPECS	No	Requesting party	RRAL	None
Request for Virginia Registration of Non-Virginia Support Order	To request that the JDR Court register a foreign support order or orders.	DEFS	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

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Request for Witness Subpoena	To request that the JDR Court issue a Witness Subpoena for a case.	DEFS	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.	iAPECS	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.	iAPECS	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.	iAPECS	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
Review Request Status	To notify the requestor of a review for possible adjustment that the review cannot be initiated.	iAPECS	No	Requesting party	RARD	None
Review Results	To notify both parties on a case the review results when the results indicate no modification is warranted, or when modification is warranted and the case will be referred to court.	iAPECS	No	NCP, CP	REVA, REVC, REVI	REVA-15 days after generation to review to issue ASO. REVC-35 days after generation to review for court date REVI-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.	iAPECS	No	CP	SPEL	SPEL -15 days after generation to review for response or send final notice

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Seizure and Sale Checklist	To ensure that the criteria for seizure and sale are met.	Fusion	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.	Fusion	No	NCP	SELF	None
Service of Document	To allow the sheriff to notify the Division of the type of service executed on the subject	iAPECS	No	NCP/CP	CSSD	None
Service of Process Cover Letter	To advise the private process server or out-of-state agency that service is needed.	Fusion	No	OOS agency or private process server	SELF	None
Show Cause Assets Checklist	To ensure that proper actions have been taken and systems checked when screening cases for civil contempt (show cause) referral.	Fusion	No	Division	SELF	None
State Income Tax/ Lottery Winnings / Vendor Payment Intercept Notification	To notify the NCP that his/her state income tax, lottery winnings or payment as a vendor will be applied to the child support debt.	iAPECS	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.	OCSS Website	No	OCSS PSOC Coordinator	SELF	None
Statement of Enforceability of a Decision	To notify a Hague Convention country that an order is enforceable in the initiating jurisdiction.	OCSS Website	No	Intergovernmental agency	SELF	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
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.	Fusion iAPECS	No	NCP or CP	SELF (Fusion) SOPG (iAPECS)	SOP1 -15 days after generation to review for response and send SOP to non-applicant SOP2 -15 days after SOP1 generation to review for response
Statement of Proper Notice	To notify a Hague Convention country that an NCP had proper notice of a hearing/order if the NCP was not present for the hearing.	OCSS Website	No	Intergovernmental agency	SELF	None
Status of Application Report-Article 12 (Application for Enforcement)	To notify the initiating Hague Convention country of the status of the case when enforcement has been requested.	OCSS Website	No	Intergovernmental agency	SELF	None
Status of Application Report-Article 12 (Application for Establishment of a Decision)	To notify the initiating Hague Convention country of the status of the case when establishment has been requested.	OCSS Website	No	Intergovernmental agency	SELF	None
Status of Application Report-Article 12 (Application for Modification of a Decision)	To notify the initiating Hague Convention country of the status of the case when modification has been requested.	OCSS Website	No	Intergovernmental agency	SELF	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
Status of Application Report-Article 12 (Application for Recognition or Recognition and Enforcement)	To notify the initiating Hague Convention country of the status of the case when recognition or recognition and enforcement has been requested.	OCSS Website	No	Intergovernmental agency	SELF	None
Stop Payment Request Affidavit	To allow the payee on a check to request stop payment and reissue of payment.	Fusion	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.	iAPECS	Sheriff or process server	Custodian of records	ERSD	ERSD- 21 days after generation to verify service ERS1- 30 days after successful service date to check for response
Summary of Facts for Appeal	To provide the hearing officer with information regarding an appealed case. The document will then be provided to the CP and NCP.	Fusion	No	Hearing Officer, CP, NCP	SELF	None
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.	iAPECS	No	CP	FSCN	None
TANF Debt Compromise Payment Agreement	To enroll NCPs in the TANF Debt Compromise Program for 1 year. To continue in the Program, a new agreement must be signed each year.	Fusion	No	NCP, Division	SELF	None
Termination of Administrative Support Order	To terminate an ASO and set arrearages.	Fusion	No	NCP, CP	SELF	None

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
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*.	Fusion	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.	iAPECS	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.	iAPECS	No	CP	CTRA	None
Transmittal form under Article 12(2)	To provide necessary information for an application to request services from a Hague Convention country.	OCSS Website	No	Intergovernmental agency	SELF	None
Uniform Support Petition	To provide the legal pleading needed for the responding state to initiate action on an interstate case.	iAPECS	No	Intergovernmental agency	IUSP	None
Virginia's Intensive Case Monitoring Program Funds Request	To request approval for expenditures related to Family Engagement Programs.	Fusion	No	Division	SELF	None
Virtual Administrative Summons	To summons a case participant to appear by phone or virtually for an appointment with the District Office; signed by the Specialist as the authorized representative.	iAPECS	Not required but maybe used	NCP, PUTF and/or CP	EORV	EORV- 1 day prior to appointment to verify document was not returned as undeliverable

Table of Contents

Document Name	Purpose	Document Location	Service of Process	Distribution	Event	Worklist Timeframe/ Purpose
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.	iAPECS	No	OVR	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.	iAPECS	No	Division	SPRW	None
Welcome Letter CP	To notify the CP of the receipt of an application, request information and provide case/resource information.	iAPECS	No	CP	WELCP	None
Welcome Letter NCP	To notify the NCP of the receipt of an application, request information and provide case/resource information.	iAPECS	No	NCP	WELNP	None

Table of Contents

14.6 Locality Codes

The Locality Codes Chart will assist Division staff with locating the appropriate District Office when reassigning cases from one locality to another. The Locality Codes Chart is located on the DCSE page on Fusion.

14.7 Payment Agreement Calculator Worksheet

Use the Driver's License Suspension Initial and Monthly Arrears Payment Calculation Worksheet to assist with calculating the correct amount for the arrears payment when completing the *Payment Agreement- Post DMV Suspension- Driver's License Suspension* or *Payment Agreement- Pre- DMV Suspension- Driver's License Suspension*. The Driver's License Suspension Initial and Monthly Arrears Payment Calculation Worksheet is located on Fusion on the Program Guidance page home page under Program Manual Chapter Resources Chapter 7: Enforcement Job Aide.

14.8 Record Retention

When preparing Division 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. Refer to the schedule below.

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 the Division is no longer under such an obligation. Coordinate retention of these files with the appropriate Regional Senior Assistant Attorney General.

Refer to the Document Matrix for detailed information about Division documents.

Table of Contents

RECORD SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION PERIOD AND DISPOSITION METHOD
Closed Case Record: Obligated Legal Parent with Children Not Emancipated 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 was enforcing but which closed for no current support order; the Division was unable to contact the custodial parent; custodial parent was uncooperative; the Division 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(e)	200139	Retain 10 Years after closed Confidential Destruction
Closed Case Record: Obligated Paid in Full with Children Emancipated. Obligated Cases Where Support Can Not Be Collected and Unobligated Cases 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(e)	200140	Retain 3 years after closed Confidential Destruction

Table of Contents

14.9 SELF Event Documentation Table

The Division has established specific documentation requirements for selected SELF event case activities. To document DCSEP (manual) documents, refer to Case and Participant Events and the Program Manual guidance that discusses when the document is used. Keep the default SELF event type for all of the events listed. A pre-built report entitled "Caseload-Events-Self" is available on the SQL Reporting site in in the CaseLoad folder to pull SELF events.

Event Description	Use to document
CASE REVIEW	When a caseworker has conducted a review of the case that is not a newly-assigned case or a case on the Cases Needing Review Report. Additional text may be added to the end of the description to identify the review type, such as CASE REVIEW DL SUSPENSION or CASE REVIEW CLOSURE.
CASES NEEDING REVIEW REPORT RESULTS	The review results for a case reviewed from the Cases Needing Review Report.
CLOSURE REQUEST RECEIVED	When a closure request is received.
COURT NOTES	When the Court Specialist needs to include additional notes following court hearings, or when requesting or receiving information prior to or following court hearings.
COURT PREP	When Division Court Unit staff have reviewed and prepared a case for an upcoming hearing.
CREDIT REPORT RUN ON MM/DD/YY	When a credit report is pulled for a NCP. Document as Credit Report Run on MM/DD/YY.
DEBT COMPROMISE TIER CHANGE	When the NCP graduates, is removed or decides to enter Family Engagement Services while participating in TANF Debt Compromise. Document Event Notes with the new tier the NCP will be participating in, the required monthly payment, and the total amount of TANF debt owed at the time of the agreement.
DEVIATION PER PARENT AGREEMENT	When there is a deviation from the Child Support Guidelines because of a parent agreement. Document the presumptive Child Support Guidelines amount and the agreement amount.

Table of Contents

Event Description	Use to document
DSS INQUIRY/RESPONSE	All inquiries to and from the DSS. Document as DSS INQUIRY or DSS RESPONSE.
EDE DOCUMENT UPLOADED	When a document is sent through the Electronic Document Exchange (EDE) Portal. Document Event Notes with the name of the document sent and the state or territory and local office the document was sent to.
EDE DOCUMENT DOWNLOADED	When a document is received through the EDE Portal. Document Event Notes with the name of the document received and the state or territory and local office the document was received from.
EDE DOCUMENT REQUESTED	When a document is requested or a document request is received through the EDE Portal. Document Event Notes with the name of the document received or requested and the state or territory and local office the document was requested from.
FES CONTACT TO/FROM NCP	When a FES Case Manager contacts or is contacted by an NCP who is participating in a Family Engagement Program. Document the Event Description as FES CONTACT TO NCP or FES CONTACT FROM NCP. *Note – for data gathering purposes, FEP was changed to FES on 09/30/2020
FES SERVICE PLAN	The service plans and community service referrals the Case Manager initiates to address the NCP's barriers. *Note – for data gathering purposes, FEP was changed to FES on 09/30/2020
INVOLUNTARY PAYMENT	When an involuntary payment is used for a lump sum payment for a *Payment Agreement.* Document Participant Event Notes with the amount of and date the involuntary payment was received by the Division and that it was used for a lump sum payment for the *Payment Agreement* dated (include date of *Payment Agreement).*
LOCATE/SKIP TRACING CALL	The results from locate and skip tracing calls.

Table of Contents

Event Description	Use to document
LTR, EMAIL, FAX TO/FROM NCP, CP, OTHER IV-D or OTHER	The receipt or transmission of correspondence, fax or email from any entity except for a transmittal received from another IV-D agency. Document the Event Description as LTR TO NCP, LTR TO CP, LTR TO OTHER IV-D OR LTR TO OTHER; EMAIL TO NCP, EMAIL TO CP, EMAIL TO OTHER IV-D OR EMAIL TO OTHER, FAX TO NCP, FAX TO CP, FAX TO OTHER IV-D OR FAX TO OTHER; LTR FROM NCP, LTR FROM CP, LTR FROM OTHER IV-D OR LTR FROM OTHER; EMAIL FROM NCP, EMAIL FROM CP, EMAIL FROM OTHER IV-D OR EMAIL FROM OTHER; FAX FROM NCP, FAX FROM CP, FAX FROM OTHER IV-D OR FAX FROM OTHER as applicable.
NEW CASE REVIEW	The review results of a newly assigned case.
REFERRAL TO/FROM FISCAL UNIT	A referral made to or from the fiscal unit. Document Event Notes to clarify actions needed or taken regarding the referral. Document the Event Description as REFERRAL TO FISCAL UNIT or REFERRAL FROM FISCAL UNIT.
REFERRAL TO/FROM FISCAL UNIT PAP2	A referral made to or from the fiscal unit for a 5% reduction due to the NCP's compliance with two of the *Case Action Plan* goals. Document Event Notes with the actions needed or taken regarding the referral. Document the Event Description as REFERRAL TO FISCAL UNIT PAP2 or REFERRAL FROM FISCAL UNIT PAP2.
REFERRAL TO/FROM FISCAL UNIT PAPC	A referral made to or from the fiscal unit for a 5% reduction due to the NCP's completion of the *Case Action Plan* goals. Document Event Notes with the actions needed or taken regarding the referral. Document the Event Description as REFERRAL TO FISCAL UNIT PAPC or REFERRAL FROM FISCAL UNIT PAPC.
REFERRAL TO FROM/FISCAL UNIT GRAD	A referral made to or from the fiscal unit for a 5% reduction due to the NCP's graduation from FES. Document Event Notes with the actions needed or taken regarding the referral. Document the Event Description as REFERRAL TO FISCAL UNIT GRAD or REFERRAL FROM FISCAL UNIT GRAD.
REVIEW REQUEST RECEIVED	The *Request for Review and Adjustment* or other written review and adjustment request is received. Include the actual date of the receipt of the request in NOTES.

Table of Contents

Event Description	Use to document
REVIEW REQUEST TO SES	When a review and adjustment request has been forwarded to the assigned review and adjustment caseworker.
STATEMENT OF PAYMENTS	The receipt of the calculation results and other related items involving the *Statement of Payments*.
SUPERVISOR REVIEW	The supervisor has conducted a review of the case. Additional text may be added to the end of the description to identify the type of supervisor review. For example, Supervisor Review DLS (Driver's License Suspension).
TC TO/FROM NCP, CP, OTHER IV-D OR OTHER	When making a call to or receipt of a phone call from a NCP, CP, other IV-D agency worker or other entity, including but not limited to employers, unauthorized callers, authorized representatives, courts, insurance administrators, etc. Document the Event Description as TC TO NCP or TC FROM NCP; TC TO CP or TC FROM CP; TC TO OTHER IV-D or TC FROM OTHER IV-D; or TC TO OTHER or TC FROM OTHER as applicable.
TC TO/FROM NCP TDC PROGRAM	Telephone contact to and from the NCP. Document the Event Notes to reflect when telephone contact is unsuccessful. Document the Event Description as TC TO NCP TDC PROGRAM or TC FROM THE NCP TDC PROGRAM.
TEXT MESSAGE TO/FROM NCP, CP OR OTHER	Text Message to or from NCP or CP or OTHER. Document the Event Description as TEXT MESSAGE TO NCP, TEXT MESSAGE TO CP, TEXT MESSAGE TO OTHER, TEXT MESSAGE FROM NCP, TEXT MESSAGE FROM CP, TEXT MESSAGE FROM OTHER as applicable.
TRANSMITTAL FROM OTHER IV-D	Receipt of a transmittal/correspondence from another intergovernmental agency.
UDR TO/FROM FISCAL UNIT	When cases need review or have been reviewed for undistributed receipts. Document the Event Description as UDR TO FISCAL UNIT or UDR FROM FISCAL UNIT.

Table of Contents

Event Description	Use to document
WALK-IN NCP, CP OR OTHER	When a walk-in customer appears at the District Office. The event can be created by the District Office receptionist and the District Office staff person that assists the customer can document the notes attached to the event, or the event is created by the staff person that attends to the walk-in customer. Staff should follow the protocols established for their District Office.

Table of Contents

14.10 Service of Process and Notary Guidelines

A. Service of Process (04/2017)

1. Service of process is the delivery of a child support document to the intended person, referred to as the subject. Although the subject is most often the NCP, NCPs are not the only parties that are served with child support documents.
2. The purpose of all methods of service is to provide the subject with a true copy of the child support document. Each method of service is accomplished differently.
3. Service of child support documents is required when establishing, modifying or enforcing child support orders. Refer to Documents and the accompanying matrix to determine if a document requires service.
4. Certain documents require that more than one party be served prior to taking an action.
5. The service should give the subject reasonable notice of the action the Division is taking and the opportunity to contest the action.
6. Service of process cannot be accomplished on Sundays except in some unusual circumstances.

   (08/2016)

B. Service Methods (04/2023)

1. All methods of proper service delivery require Division staff to
   a. Make diligent efforts to accomplish service when it's necessary to have documents served.
   b. Determine the subject(s) to be served and what type of service is required.
   c. When service of process is successful, update the automated system with the date and method of service used.
   d. When service of process is unsuccessful, update the automated system to clearly indicate why service was unsuccessful. If the subject could not be found, when new location information is found, attempt to serve the subject at the new location.
   e. There are various methods to successfully accomplish service of process; however, none of these methods are necessary if the subject agrees in writing to waive formal service.

Table of Contents

f. Consult a supervisor if in doubt about service requirements.

2. *Waiver of Formal Service*

a. The subject has the right to waive formal service of any document the Division needs to serve on him or her. This right to waive formal service is not available to a subject participating in a telephonic appeal by a Hearing Officer.

b. Generate the *Waiver of Formal Service of Process* (*Waiver*) when the subject waives formal service.

c. Request the subject sign the *Waiver* and return the signed *Waiver* via the MCS portal, email, mail or fax if the *Waiver* is not signed in person.

d. Document the service of process information in the automated system and retain the *Waiver* in the case record.

3. Service by Electronic Means

a. Service via the MyChildSupport (MCS) portal

1) Verify the document is available to serve via the MCS portal.

2) Verify the participant is a registered user of the MCS portal.

a) If the participant is incarcerated, refer to Incarcerated Subject.

b) If the participant is an active duty servicemember, refer to Service of Process for Military Members.

3) Successful service of process

a) Creates the DESR DOCUMENT SERVED BY ELECTRONIC MEANS Case Event and worklist.

b) Updates the Case Event Existing Notes to indicate the name of the document and the date and time the document was served via the MCS portal.

c) Generates the *Certificate of Electronic Service of Document*.

b. Service via facsimile (fax)

1) Electronic service of process via fax can be used to serve documents on employers or other entities paying wages or attachable non-wage income or providing health insurance.

Table of Contents

2) Document the automated system with a minimum of the date; time; fax numbers of the sender and receiver; and name of the employer or other entity served.

4. Service by Sheriff or Process Server

a. Service of process via hand delivery or substituted service may be accomplished by

1) The sheriff of the jurisdiction where the subject is to be served

2) A uniformed police officer or court official or

3) A process server, who is age 18 or older and is a disinterested party. All Division employees are considered involved in each child support matter, and therefore, are not disinterested parties.

b. When hand delivery or substituted service is necessary, Division staff must use the sheriff for instate service or the *Child Support Enforcement Transmittal #3- Request for Assistance/Discovery* (*Transmittal #3*) for intergovernmental service. Private process service should only be used in limited circumstances, such as when

1) There is insufficient time to use the sheriff or Transmittal #3 for a pending judicial matter. In general, this would be less than 15 days before the hearing date for instate service and less than 30 days before the hearing date for interstate service;

2) Sheriff service is unavailable at the time and/or location needed. For example, the only address the Division has for the NCP is with an employer and the NCP works the night shift; or

3) The NCP is actively avoiding sheriff service at a given location and the District Manager or his or her designee determines that private process service is appropriate.

c. Hand Delivery to the Subject

1) The sheriff or process server must be given a true copy of the child support document and the subject's last known address. The sheriff or process server must deliver a copy of the document to the subject in person and note the date of service.

2) When this service method is required for a nonresident subject and a process server must be used for a reason indicated in 3b, a process server who satisfies the requirements of the foreign jurisdiction may be used.

d. Substituted Service

Table of Contents

1) If the subject is not at his or her normal place of residence (sometimes referred to as "abode" on service documents), service can be made on the subject's family member aged 16 or older. For valid service, the family member cannot be a guest at the subject's residence but must also reside there.

a) The family member must be given a copy of the child support document.

b) The family member must be made generally aware of the contents of the child support document.

2) If no one is present at the residence, but there is reason to believe that the subject resides at the address, service is made by posting the child support document.

a) Sheriff or process server must post the document to the front door or what appears to be the main entrance.

b) A true copy of the document must be mailed to the subject at least 10 days before the expiration of the applicable period.

c) If the document being served is pursuant to a court action, notify the court that a copy of the document has been mailed to the subject.

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. Service is successful if a domestic or electronic return receipt is returned to the Division with a signature or the mailing is returned with the receipt unsigned, unless the law requires proof of actual receipt by the addressee.

c. If the law requires proof of actual receipt by the addressee and the returned receipt is not signed by the subject, or is returned not signed, determine if another service method can be used.

d. Service is unsuccessful if the mailing is returned indicating the address is invalid or the addressee has moved.

6. Service by First Class Mail at Subject's Last Known Address

a. The NCP and CP are both 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

Table of Contents

upon entry of a paternity or child support order. In all Division cases, each party must notify the Division of address changes including email address, and telephone numbers, including cell phone numbers, when the parties are subject to an *ASO*.

b. In any subsequent enforcement actions involving the same parties, the Division may accomplish service by first class mail to the most recent residential or employer address on file with the Division or court if diligent efforts using other service methods are unsuccessful.

c. This method of service may be used only as a last resort when all locate efforts are unsuccessful and other methods of service have failed. The subject may challenge any subsequent action taken following this type of service in court on the grounds that he or she did not receive the notice and enforcement of the order would constitute manifest injustice.

7. Service by IV-D Agency of the Appropriate Jurisdiction

a. When the subject resides in another state, the other state's IV-D agency may serve the document.

b. Send the *Transmittal #3* to the other state's Central Registry along with a true copy of the document.

(04/2014) (06/2016) (08/2016) (04/2017) (09/2022)

C. Service Subject Requirements (04/2023)

1. Resident of Virginia

a. Hand delivery to the subject in person is a method of service referred to as personal service. This method may occur at the subject's usual residence, place of employment or any other location within the Commonwealth.

b. Substituted service may occur when the subject cannot be found at his or her usual residence as described in Service Methods.

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

Table of Contents

First class mail is an appropriate method for serving child support documents in some situations.

2. Nonresident of Virginia

   Use the following methods to accomplish service for nonresident subjects, as appropriate for the document being served

   a. Electronic service via MCS portal

   b. Certified mail

   c. A process server who satisfies the requirements of the appropriate jurisdiction, which may include the sheriff or law enforcement personnel or

   d. The IV-D agency of the appropriate jurisdiction in accordance with the service rules of that jurisdiction.

   e. Nonresident subjects may be served if the Virginia court or the Division has jurisdiction over them because of their contacts with Virginia. Refer to Paternity Establishment for Long Arm Cases.

3. Incarcerated Subject

   a. For an incarcerated subject, service can be accomplished 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 delivers 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 Guardian ad Litem must be appointed, and the service is governed by § 8.01-297 Code of Virginia.

4. Employers and Entities Paying Attachable Non-Wage Income/Benefits or Providing Health Insurance

   a. Serve the *IWO* and the *NMSN* by first class mail or any of the other service methods on employers or other entities who pay wage or non-wage income or benefits (e.g. retirement, disability benefits or unemployment insurance) that are subject to withholding or medical support order.

   b. *IWOs* may also be served by electronic means, including fax.

Table of Contents

1) If the employer or entity does not honor the *IWO* or *NMSN*, resend the document using certified mail, return receipt requested or any other appropriate method. Refer to Employer Responsibilities, Rights and Reporting and Medical Support.

(04/2017)

D. Service of Process for Military Members (08/2017)

1. Although some service members stationed within the United States may live on a military installation or aboard ship, most live in neighboring communities and can be served with legal documents just like a civilian. Refer to Service Methods.

2. For members that reside on a military installation or aboard ship or stationed abroad, successful service of process requires additional information. When attempting service, provide as much detail as available about the servicemember's identity and location as possible. Along with the NCP's full name, SSN and rank, provide the name of the ship, submarine or military installation. If the NCP is assigned to

   a. A ship or submarine stationed at a naval base, provide the NCP's name, SSN, rank and the name of the vessel.

   b. A military installation, provide the NCP's name, SSN and unit address.

   c. A ship or submarine at sea or at a military installation outside the United States, provide the information included in a or b above as applicable as well as the Fleet Post Office (FPO) or Army/Air Force Post Office (APO) address, including the nine-digit ZIP code. Use certified mail to accomplish service of process. Refer to the table below for an example of the address format

Address Structure	Military Installation in the United States	Military Installation Abroad	Ship or Submarine Address
Name and Rank Unit Address FPO/APO ZIP Code	SSGT Joshua Smith Unit 2050 Box 4190 APO AP 96278-2050	LCDR Leslie Roe Naval Legal Service Office, Mid-Atlantic 9120 Maryland Ave Norfolk 23511	Seaman Matthew Doe USCGC Hamilton FPO AP 96667-3931

   d. If the Division's only information is the NCP's name, SSN and military installation contact the military police at the installation to determine if service of process can be obtained without additional information. For the installation's phone number, refer to Military Installations Worldwide.

Table of Contents

3. If the NCP is located at a military installation or base in Virginia, use the local sheriff's office that covers the jurisdiction for the installation to accomplish service of process. The following table shows which sheriff's office covers which in-state military installations and 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.

Table of Contents

E. Notarization (04/2017)

1. Certain Division documents require that a notary public (notary) witness the signature and verify the identity of the NCP or CP.
2. The 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. Use these staff members when a document requires notarization.
4. Division staff shall not notarize documents relating to cases in which they have been actively involved as doing so can be seen as a violation of the principle that a notary not having an interest in the notary act they are performing. 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 if used, 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.
   e. Notaries can charge up to a $10 fee. Division staff do not charge the notary fee when notarizing Division documents for Division customers.

Table of Contents

f. 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.

(08/2016)

Table of Contents

14.11 Payment Methods and Acronyms

ACRONYM	METHOD
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)

(01/2018)

14.12 Payment Source and Acronyms

ACRONYM	SOURCE
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)

(01/2018)

Table of Contents

14.13 Interest Rate Timeframes and Rates

BEGIN DATE	END DATE	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%
1-July 2004	Present	6%

Obtain the monthly rate by dividing the quarterly rate by 3.

Table of Contents

(01/2018)

14.14 UIFSA Forms Matrix

Intergovernmental Reference Guide (IRG): https://www.acf.hhs.gov/css/irg-state-map

Purpose	Required UIFSA Form(s)	Federal Timeframes	Other Accompanying Documents	Who Initiates the Document
Request establishment of a support order and paternity, if applicable.	Child Support Transmittal 1- Initial Request Confidential Information Form General Testimony Uniform Support Petition Declaration in Support of Establishing Parentage Personal Information Form	20 days after receiving information	Birth certificate Check IRG	Initiating Agency
Request enforcement of existing Responding state's order	Child Support Transmittal I- Initial Request Confidential Information Form	20 days after receiving information	Certified Payment Record	Initiating Agency
Request enforcement of existing order that the Responding state did not issue	Child Support Transmittal 1- Initial Request Confidential Information Form Letter of Transmittal Requesting Registration	20 days after receiving information	Certified Order Certified Payment Record	Initiating Agency

Table of Contents

Purpose	Required UIFSA Form(s)	Federal Timeframes	Other Accompanying Documents	Who Initiates the Document
Request modification of an existing Responding state's order	Child Support Transmittal 1- Initial Request Confidential Information Form General Testimony Personal Information Form	20 days after receiving information	Certified Payment Record	Initiating Agency
Request modification of an existing order that the Responding state did not issue	Child Support Transmittal 1- Initial Request Confidential Information Form General Testimony Personal Information Form Letter of Transmittal Requesting Registration Uniform Support Petition	20 days after receiving information	Certified Order Certified Payment Record	Initiating Agency
Acknowledge receipt of UIFSA request	Child Support Transmittal 1- Acknowledgment	10 days	Not applicable	Responding Agency
Provide new information about case	Child Support Transmittal 2- Subsequent Actions	10 days	Documentation of new information, if applicable	Both Agencies
Provide notification to other agency of case closure	Child Support Transmittal 2- Subsequent Actions	10 days	Not applicable	Both Agencies
Request status updates or provide requested information	Child Support Transmittal 2- Subsequent Actions	30 days	Documentation or information	Both Agencies

Table of Contents

Purpose	Required UIFSA Form(s)	Federal Timeframes	Other Accompanying Documents	Who Initiates the Document
Request limited services for genetic testing	Child Support Transmittal 3-Request for Assistance/Discovery	20 days after receiving information	Birth certificate	Initiating Agency
Request for limited services for service of process	Child Support Transmittal 3- Request for Assistance/Discovery	20 days after receiving information	Service documents	Initiating Agency
Request for limited services for discovery, seizure of assets, lien filings, garnishment of unemployment benefits, payment forwarding	Child Support Transmittal 3- Request for Assistance/Discovery	20 days after receiving information	Certified Order Certified Payment Records Varies between states, check IRG	Initiating Agency
Request for limited services to obtain certified copy of orders or certified payment history	Child Support Transmittal 3- Request for Assistance/Discovery	20 days after receiving information	Statement of Payments	Initiating Agency

(01/2018)

Table of Contents

14.15 Review and Adjustment- Customer Contact Standard Language

Providing clear and consistent information to Division customers is essential to delivering fast, friendly and effective customer service. Below is the approved language for sending Review and Adjustment documents to Division customers via the MCS portal, email or regular mail. Remember to change the title and name of the party prior to sending the correspondence and ensure the correspondence only references the documents actually sent to the party.

Party/ Purpose	Standard Language
NCP Requesting	Mr./Ms. Johnson, Per our telephone conversation regarding your child support case, I have attached: *Notice of Proposed Review* – Please read *Financial Statement*- Please print, complete and sign Please return the following: Signed *Financial Statement* Your 3 most recent pay stubs If you or your current spouse provide the health care coverage for the child(ren) and pay for it, include verification of the cost breakdown for employee, employee plus 1 and family coverage. This information should be available from your employer. If you do not have a scanner, you can take a photo of each item. Upload your documents to https://mychildsupport.dss.virginia.gov or email them to me. **Please submit all required information within 5 BUSINESS days.** If you have any questions about the review process or the documents I'm sending, please call or email me. If you leave a voice message or send an email, please provide your case number.
CP Requesting	Mr./Ms. Williams, Per our telephone conversation regarding your child support case, I have attached: *Notice of Proposed Review*- Please read *Health Insurance Verification Notice*- Please print, complete and sign *Financial Statement*- Please print, complete and sign Please return the following: Signed *Financial Statement*

Table of Contents

Party/ Purpose	Standard Language
	Your 3 most recent pay stubs If you are paying work-related childcare costs, to receive credit include verification of your costs per child, such as receipts or a signed statement from the provider. If you or your current spouse provide the health care coverage for the child(ren) and pay for it, include verification of the cost breakdown for employee, employee plus 1 and family coverage. This information should be available from your employer. If you do not have a scanner, you can take a photo of each item. Upload your documents to https://mychildsupport.dss.virginia.gov or email them to me. **Please submit all required information within 5 BUSINESS days.** If you have any questions about the review process or the documents I'm sending, please call or email me. If you leave a voice message or send an email, please provide your case number.
NCP Non-requesting	Mr./Ms. Johnson, Per our telephone conversation regarding your child support case, I have attached: *Notice of Proposed Review* – Please read *Waiver of Formal Service of Process*- Please print, complete and sign. By signing and returning this waiver, you are confirming that you received the *Notice of Proposed Review* in lieu of formal service such as by sheriff service. *Financial Statement*- Please print, complete and sign Please return the following: Signed *Waiver of Formal Service of Process* Signed *Financial Statement* Your 3 most recent pay stubs If you or your current spouse provide the health care coverage for the child(ren) and pay for it, include verification of the cost breakdown for employee, employee plus 1 and family coverage. This information should be available from your employer. If you do not have a scanner, you can take a photo of each item. Upload your documents to https://mychildsupport.dss.virginia.gov or email them to me. **Please submit all required information within 5 BUSINESS days.** If you have any questions about the review process or the documents

Table of Contents

Party/ Purpose	Standard Language
	I'm sending, please call or email me. If you leave a voice message or send an email, please provide your case number.
CP Non-requesting	Mr./Ms. Williams, Per our telephone conversation regarding your child support case, attached: *Notice of Proposed Review* - Please read *Waiver of Formal Service of Process*- Please print, complete and sign. By signing and returning this waiver, you are confirming that you received the *Notice of Proposed Review* in lieu of formal service such as by sheriff service. *Health Insurance Verification Notice*- Please print, complete and sign *Financial Statement*- Please print, complete and sign Please return the following: Signed *Waiver of Formal Service of Process* Signed *Financial Statement* Your 3 most recent pay stubs If you are paying work-related childcare costs, to receive credit include verification of your costs per child, such as receipts or a signed statement from the provider If you or your current spouse provide the health care coverage for the child(ren) and pay for it, include verification of the cost breakdown for employee, employee plus 1 and family coverage. This information should be available from your employer. If you do not have a scanner, you can take a photo of each item. Upload your documents to https://mychildsupport.dss.virginia.gov or email them to me. **Please submit all required information within 5 BUSINESS days.** If you have any questions about the review process or the documents I'm sending, please call or email me. If you leave a voice message or send an email, please provide your case number.
NCP - ASO	Mr./Ms. Johnson We have completed the review of your order and I have attached: *Administrative Support Order*- Please read *Child Support Guidelines Worksheet*- Please read *Waiver of Formal Service of Process*- Please print, complete and sign. By signing and returning this waiver, you are confirming that you received the *Administrative Support Order* in lieu of formal service

Table of Contents

Party/ Purpose	Standard Language
	such as by sheriff service. **Return the signed *Waiver of Formal Service of Process* within 5 BUSINESS days**. Returning the waiver starts the appeal period. If for any reason you disagree with this order, you have the right to appeal. Refer to page 4 of the *Administrative Support Order* for guidance on appealing this *Administrative Support Order*. Upload your documents to https://mychildsupport.dss.virginia.gov/ or email them to me. If you have any questions about the review process or the documents I'm sending, please call or email me. If you leave a voice message or send an email, please provide your case number.
CP - ASO	Mr./Ms. Williams We have completed the review of your order, and I have attached served *Administrative Support Order*- Please read *Child Support Guidelines Worksheet*- Please read We will update our records with the new order after the appeal period expires. If for any reason you disagree with this order, you have the right to appeal. Refer to page 4 of the order for guidance on appealing this ASO. If you have any questions about the review process or the documents I'm sending, please call or email me. If you leave a voice message or send an email, please provide your case number. **[When sending a copy of the ASO via mail and using the *Notification of Action Taken (NOAT)*, use this abbreviated message to accommodate the space on the *NOAT*]** Attached is a copy of the served *Administrative Support Order* and *Support Guidelines Worksheet*. We will update our records after the appeal period expires. If you disagree with this order, you have the right to appeal. Refer to page 4 of the *Administrative Support Order*.
NCP/CP 6 month Pandemic Review	Mr./Ms. Smith It's been 6 months since your order was modified based on pandemic related circumstances. If you believe circumstances have changed

Table of Contents

Party/ Purpose	Standard Language
	since the order was reviewed, you have the right to request a review. Please see the attached *Request for Review and Adjustment* to see if your case may qualify for a review. If you decide to request a review, please return the *Request for Review and Adjustment* along with any needed documentation. Upload your request and any supporting documentation using the MyChildSupport portal found at https://mychildsupport.dss.virginia.gov or email me. You may also submit your request via askdcse@dss.virginia.gov or return it by regular mail. **[When sending this notice via mail and using the *Contact Letter to NCP* and *Notification of Action Taken (NOAT)*, use this abbreviated message to accommodate the space on these documents]** It's been 6 months since your order was modified based on pandemic related circumstances. If circumstances have changed since the order was modified, and you meet one of the criteria on the enclosed form, you have the right to request a review.