

**CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES**

P.O. Box 419064, Rancho Cordova, CA 95741-9064



January 25, 2010

CSS LETTER: 10-01

ALL IV-D DIRECTORS  
 ALL COUNTY ADMINISTRATIVE OFFICERS  
 ALL BOARDS OF SUPERVISORS

<u>Reason for this Transmittal</u>
<input type="checkbox"/> State Law or Regulation Change
<input checked="" type="checkbox"/> Federal Law or Regulation Change
<input type="checkbox"/> Court Order or Settlement Change
<input type="checkbox"/> Clarification requested by One or More Counties
<input type="checkbox"/> Initiated by DCSS

**SUBJECT: MANDATORY REVIEW AND, IF APPROPRIATE, ADJUSTMENT OF CHILD SUPPORT ORDERS IN TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) CASES EVERY THREE YEARS**

This letter is to advise local child support agencies (LCSAs) that the Notice of Mandatory Review – TANF (FS-EST-073) will begin generating February 28, 2010 with the implementation of Release 3.4.1. The federal Deficit Reduction Act of 2005 and California Family Code Section 3680.5 require mandatory reviews and, if appropriate, adjustments of child support orders in TANF cases every three years.

This notice has not been generated in the Child Support Enforcement (CSE) system, with the exception of two sample runs. The Department has addressed concerns raised from those sample runs and system changes have been made where appropriate. A backlog of notices exists in CSE. In order to be compliant and reduce the backlog, the notices will be generated in increments of 1,000 per week statewide. This will eliminate the backlog within three years.

The Department understands LCSAs are receiving unprecedented requests for review for modification of child support orders because the current economic climate has made it difficult for many individuals to meet their child support obligations. In the long run, the extra effort to match current support obligations to the actual ability to pay will benefit both families and the child support program by preventing unnecessary arrears accumulation; and increase state performance.

To assist LCSAs in their efforts, a description of the automated generation process and a description of what constitutes a review are attached (Attachment I). Also attached are a Business Process Guide (Attachment II), Questions and Answers (Attachment III), and TANF Notice Criteria (Attachment IV).

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If you have any questions or concerns regarding this matter, please contact Cindi Pocaroba at (916) 464-5883.

Sincerely,

/os/

BILL OTTERBECK  
Deputy Director  
Child Support Services Division

Attachments

I, II, III, and IV

### **Automated Generation of the *Notice of Mandatory Review - TANF* in CSE**

CSE is programmed to automatically generate the *Notice of Mandatory Review – TANF* (FS-EST-073) to appropriate cases every three years. This notice includes a statement informing the parties of their right to request a review of their child support order at any time. The FS-EST-073 will automatically generate to current assistance cases every three years since the date that 1) the most recent support order was signed by the judge; or 2) the last notice of right to review was sent or 3) the last review and adjustment was completed or 4) if a case is already in reviewing status, the notice will not be generated.

Included in the generation of the FS-EST-073 are:

- 1) *Income and Expense Declaration* (FL150).
- 2) *Visitation Verification* (DCSS 0053).
- 3) *Health Insurance Information* (DCSS 0054).
- 4) *Childcare Verification* (DCSS 0069).

The LCSA has the option to add other form(s) as enclosure(s) to the FS-EST-073.

On the date the FS-EST-073 is generated, CSE will automatically set the system to begin tracking the federally required 180-day timeframe for conducting and completing the review and, if appropriate, adjustment of the order.

### **The Review is Mandatory**

CSE will generate the packet of information to accompany the FS-EST-073, which the custodial and noncustodial party is asked to complete and return to the LCSA. Even if income and expense information is not received from either party or if information is only received from one party, the LCSA is still required to conduct a review. In conducting the required reviews, LCSAs will use automated sources, information on file, and information provided by the custodial and/or noncustodial party to determine if an adjustment to the existing child support order is warranted. The criteria LCSAs must use to determine if an adjustment to a child support order is appropriate is the same for all cases and is not specific to Mandatory TANF reviews only.

**What Constitutes a Review?**

When conducting a review, LCSAs shall specifically consider the following:

- Evaluate whether information was provided or exists in case information regarding whether a change in circumstance has occurred that may result in the need to adjust the order based on guideline support;
  - o Is there a change in circumstances expected to last for more than three months that either increases or decreases the amount of support by at least 20% or \$50, whichever is less? If so, the LCSA shall request an adjustment.
- Does the existing child support order differ from guideline support even if a change in circumstance has not occurred?
  - o The LCSAs shall request an adjustment of the existing order if the parties stipulated to a child support order below the amount established by the statewide uniform guideline.
- Is health care included in the order?
  - o If health care is not included in the order, the LCSA shall request an adjustment to include health care even if the amount of support is not adjusted.

## Business Process Guide

### Attachment II

<b>PURPOSE:</b> Instructions to LCSAs: How to proceed with Review and Adjustment when the Notice of Mandatory Review – TANF FS-EST-073 is generated in CSE.		
<b>RELATED PROCESSES/PROCEDURES:</b> CSE will identify a predetermined set of criteria to generate notice by batch process.		
<b>SPECIAL CONSIDERATIONS:</b> The batch job that generates the Notice of Mandatory Review – TANF FS-EST-073, is currently not operating in CSE. The following process will be utilized once this batch job is operating effective one month from the date of this CSS Letter issue date.		
<b>WHEN TO USE:</b> This process will be utilized anytime CSE generates the Mandatory Notice of Review TANF FS-EST-073 by batch process.		
<b>INPUTS:</b> The system generates the Mandatory Notice to cases that meet the criteria.		
<b>OUTPUTS:</b> LCSA will conduct a review of CP or NCP's case and if appropriate, modify the court order.		
Step	Activity	Responsible Party
1.	CSE generates the Notice of Mandatory Review – TANF FS-EST-073 on cases that meet the criteria by batch process and creates an activity log. The Notice prints locally.	CSE
2.	CSE generates the Income and Expense Declaration (FL 150), the Visitation Verification (DCSS 0053), the Health Insurance Information (DCSS 0054), and the Childcare Verification (DCSS 0069). If local business practice dictates the LCSA can add other form(s) as enclosures to the FS-EST-0073.	CSE/Caseworker
3.	Review and Adjustment (R&A) Status is updated to “Reviewing” once the Notice of Mandatory Review – TANF is generated.  <i><b>(This action DOES trigger the federally required 180 day timeframe to review and, if appropriate, adjust the order.)</b></i>	CSE
4.	A task (RA002) will be generated 20 calendar days after the notice is generated to alert the caseworker to review the case to see if any of the forms sent to the CP and NCP were returned.	CSE
5.	The case is reviewed for changes in circumstances that would warrant a potential modification of the order even if income and expense information is not received from either party or if income and expense information is only received from one party. This should include documentation received from parties,	Caseworker

## Business Process Guide

	information on file, and automated income and asset information.	
6.	<p>A task (RA001) is generated after 120 calendar days of the R&amp;A status being updated to "Reviewing" if the R&amp;A has not been updated with one of the following statuses:</p> <ul style="list-style-type: none"><li>• Review Completed</li><li>• Termination</li><li>• Completed</li></ul>	CSE/Caseworker
7.	<p>On day 181, the Compliance Task List will reflect an Out of Compliance task.</p>	CSE

**Q&A Mandatory TANF Review  
CSS Letter 10-01**

**LOCATE**

1. **Q.** What should LCSAs do with notices generated on cases where the NCP is in locate status (no address or employer)? Will CSE still identify the case for the R&A? Will CSE deem the case ineligible for R&A? Will CSE send the notice to the last known address for the NCP?  
  
**A.** The notice will generate to the CP even if the NCP is in locate. The R&A status in CSE will be Reviewing. LCSAs will need to review the case when the RA002 task comes due for the next action. LCSAs could terminate the R&A for no-locate or change the status to Suspended No Locate. Note: The federal law still requires a notice be sent even if there is no locate.
  
2. **Q.** If the CP is in locate status, or homeless, what will CSE do?  
  
**A.** CSE will send out the notice to the NCP only. If an address is added for the CP, a notice will then be sent to the CP. The LCSA can proceed with the review without the CP receiving a notice if the NCP can show a change in circumstances.
  
3. **Q.** What will the notice say to the CP about the potential of the NCP being in locate? It is necessary to be clear to the CP that without a current locate of NCP the LCSA may not be able to proceed with the review.  
  
**A.** An Request For Consideration (RFC) will be written to add:  
*“Please note that although we are required to review your order, if the whereabouts of the other party is unknown our office cannot proceed with any change until they are located. If you have information regarding the location of the other party, please contact our office to provide that information even if you do not want your child support order reviewed.”*  
NOTE: An RFC has been drafted to add this same language to the DCSS 0282 – the review and adjustment notice issued in non-aided cases.

**INTERSTATE**

4. **Q.** Will notices be generated on Interstate cases when the LCSAs do not have Continuing Exclusive Jurisdiction (CEJ)?  
  
**A.** CSE will not generate the R&A TANF Notice if the information on the Interstate Case List Page has the California perspective completed and indicates the other jurisdiction has CEJ.

**REVIEW AND ADJUSTMENT ALREADY INITIATED**

5. Q. Is CSE going to look to see if the case is already in the R&A process?

A. Yes, and if there is an R&A in Reviewing status the notice will not generate.

6. Q. If the case is currently in a Reviewing status (may not be LCSA initiated), and the case now meets the mandatory TANF review requirements, will the system add a new Reviewing status to the R&A screen identifying it as a mandatory TANF review?

A. No, a new Reviewing status will not be added to the R&A page in CSE since CSEs current functionality will identify this case as not qualifying for a TANF notice.

**BACKLOG OF NOTICES**

7. Q. How will the backlog of R&A notices be disbursed? By caseload, participant number, by oldest date from most recent review, or simply random?

A. The notices will be generated on a random basis.

8. Q. What is the expected volume of notices to be generated based on current CSE functionality in place for the Mandatory TANF process if the backlog did not exist?

A. The exact number of notices that will generate without a backlog is unknown. The batch job will include all cases that meet the three year criteria at the time the batch job is run.

9. Q. When CSE runs the review for the backlog of cases, what date will CSE use in counting forward for the future? Are we not creating an undue burden that the three year review for a greater number of cases is all going to happen at the same time in the future?

A. All eligible cases are put into the batch job. The outcome of each case is dependent upon the facts of the case. Generation of a notice will not always result in receipt of I&E documents (from either or both parties), nor will every review result in a modification.

10. Q. Is there a policy reason that we have to do the backlog, since we are already out of compliance?

**A.** CSE is unable to generate the notice prospectively. Therefore, the entire backlog must be cleared.

**PRINTING NOTICES**

**11. Q.** Where are the notices going to be printed (LCSA or Central) and what day will they print?

**A.** The notices will be printed locally at the LCSAs and the job is currently scheduled to run and print on Fridays.

**ADDITIONAL FORMS**

**12. Q.** Attachment I states that LCSAs can attach additional forms with the notice. What additional forms would counties want to add to this packet?

**A.** This statement was added to the attachment for information purposes only to emphasize that LCSAs may add other forms as part of a local business practice.

**REPORTS**

**13. Q.** Will there be a report that shows how many notices were generated statewide by county each week, and how many notices are generated by the LCSA. This report would allow us to track those cases out of compliance and close to compliance timeframes, instead of tracking tasks.

**A.** LCSAs can use the Batch Report that prints daily to track this information.

**ACTIVITY LOG**

**14. Q.** Is an activity log going to be created when the batch notice is generated?

**A.** Yes, an activity log will be created as noted in the Business Process Guide.

**CRITERIA USED TO GENERATE NOTICE**

**15. Q.** In the evaluation process, will CSE determine if the order has been registered by the managing county?

**A.** No, this is not part of the CSE evaluation process.

- 16. Q.** If the Federal Case Type is one of the criteria, and the case type is incorrect, how do we correct it to prevent future notices?
- A.** Currently, the case type is only evaluated and updated during month end processing. Defect CSE 00295908 addresses this issue and will allow the case type to be evaluated nightly. This defect was corrected in the 3.4.0 release implemented on January 17, 2010.
- 17. Q.** Can we get the criteria CSE is using?
- A.** Please reference Attachment IV for the criteria CSE is using to generate the Mandatory TANF notice.
- 18. Q.** If the NCP has more than one case that is receiving TANF, will CSE put all the cases into the review process?
- A.** CSE will not place all of the NCPs cases into R&A. LCSAs can recommend that the NCP request review of his/her other cases.
- 19. Q.** In the evaluation process, will CSE look at the child's emancipation date?
- A.** No, this is not part of the criteria CSE is using to generate the Mandatory TANF Notice.
- 20. Q.** If the case is formerly assisted and still medically aided, does the case qualify for the mandatory review?
- A.** The case has to be receiving cash assistance to be defined as TANF. NOTE: Federal Case Type IV-D/IV-A Arrears only was not originally identified in the criterion needed to screen out cases that should not have the R&A TANF notice generated. Defect CSE00318852 has been written and submitted to address this issue. This defect was corrected in the 3.4.0 release implemented on January 17, 2010.
- 21. Q.** When does CSE determine the TANF status of the case, the date when the job is turned on, or the week that the notice is generated?
- A.** TANF status will be evaluated each time the job is run (weekly).
- 22. Q.** Will CSE identify cases where the parties have reconciled and current support is not being enforced, just the collection of Permanently Assigned Arrears?

- A.** CSE will identify these cases as not qualifying for the TANF notice since one of the criteria to generate the notice is charging instructions for current support.
- 23. Q.** In cases which have been registered for enforcement, will the system look at the date an order for support was entered, or the registration date?
- A.** CSE will use the most recent support order judge signed date. This could be the registration date.
- 24. Q.** Will CSE screen cases to see if the NCP is incarcerated?
- A.** CSE is not designed to screen for this type of case. The LCSA should conduct a review and set the order to zero if appropriate, per CSS Letter 05-35.

### **WHEN TO MODIFY ORDERS**

- 25. Q.** How is “change in circumstances” defined?
- A.** California Code of Regulations Section 115520 outlines how to determine appropriate changes in circumstances for purposes of review and adjustment.
- 26. Q.** Some cases have very old orders that were established with minimum wage that were several dollars per hour lower than the current minimum wage. What if the NCP does not return any documentation; there is no information from automated sources, information provided by the CP or in the file? Counties currently respond to this situation differently, either by making no adjustment, setting the order at \$0, using presumed income, etc. We need to be consistent across the state as the NCP may have orders in several counties.
- A.** LCSAs should not pursue a modification when an old order exists that established a child support order using a lower minimum wage amount unless current income information exists that indicates a modification should occur. Please reference CSS Letter 05-35 dated November 29, 2005, for clarification about when zero orders and presumed income should appropriately be used.

### **TASKS**

- 27. Q.** Is there a way to track the non-welfare cases? The RA002 task is only created on LCSA initiated reviews.

**A.** The same task number is utilized for both LCSA initiated and TANF reviews. A caseworker can review the activity log to differentiate. However, there are not tasks to differentiate CP or NCP requested modifications.

**COMPLIANCE CONCERNS**

**28. Q.** Depending on work load, court dates may not be available in the 180 day timeframe. Has the state considered the effect on compliance if this happens?

**A.** The DCSS Compliance Review staff are aware of this issue and will evaluate situations as they occur.

**Criteria Used by CSE to Generate the  
Notice of Mandatory Review – TANF (FS-EST-073)**

The FS-EST-073 - Notice of Mandatory Review -TANF (With Documents to Complete) is generated based on the rules defined below. The form set is used to notify TANF case participants that their case is going to be reviewed, as it has not been in the previous 3 years, and that they should complete and return the enclosed Income and Expense (I&E) forms. This document is generated based on the run of the EST-508-FG09 job. These form sets will print in the counties via local batch. There are two tasks that generate for the worker to follow up on the R&A process. A task is generated 20 days and 120 days after the generation of the R&A form sets.

<b>Change in Circumstance:</b>	<b>Specific Change in CSE:</b>	<b>LCSA shall refer to Review &amp; Adjustment Regulations Section 115530:</b>
Mandatory 3 Year TANF review for aided cases	<ul style="list-style-type: none"> <li>• The Federal Case Type is NOT of type:               <ul style="list-style-type: none"> <li>• IV-D / NON-IV-A</li> <li>• NON IV-D</li> <li>• IV-D / NON-FEDERAL FOSTER CARE ARREARS ONLY</li> <li>• IV-D / NON-IV-A / TITLE XIX</li> </ul> </li> <li>• Three Years since the latest of:               <ul style="list-style-type: none"> <li>• The most recent support order judge signing date.</li> <li>• The date the last notice of right to review was sent.</li> <li>• The date the last review and adjustment was completed.</li> </ul> </li> <li>• There is current charging instruction or the last support Order includes current monthly child support term of: 0.0 zero or reserved.</li> <li>• IV-D case is open.</li> <li>• There is an active support order associated to the case.</li> <li>• There is not good cause associated to the case.</li> </ul>	Review the case for appropriate adjustment

	<ul style="list-style-type: none"><li>• The case has not been referred to another jurisdiction.</li><li>• At least one Active dependent (not emancipated).</li><li>• Address must be Primary or Secondary mailing or Physical. Address is chosen using the following Hierarchy.<ol style="list-style-type: none"><li>1. Mailing Primary</li><li>2. Mailing Secondary</li><li>3. Physical Primary</li><li>4. Physical Secondary</li></ol></li><li>• If there is not an Address the form sets will not be generated, but the Review and Adjustment record is created with the Suspended date set. If a valid address is located CSE will re-initiate the R&amp;A.</li></ul>	
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