

**CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES**

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



April 25, 2011

CSS LETTER: 11-06

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

Reason for this Transmittal

- State Law or Regulation Change  
 Federal Law or Regulation Change  
 Court Order or Settlement Change  
 Clarification requested by One or More Counties  
 Initiated by DCSS

SUBJECT: INTERGOVERNMENTAL CHILD SUPPORT FEDERAL REGULATIONS

REFERENCE: 45 CFR Parts 301, 302, 303, 305, and 308, Federal Register / Vol. 75, No. 127 / Friday, July 2, 2010 / Rules and Regulations, OCSE AT-10-06.

The purpose of this letter is to communicate revisions to the federal requirements for establishing and enforcing intergovernmental child support obligations under Title IV-D of the Social Security Act. These revisions were released in the Office of Child Support Enforcement (OCSE) Action Transmittal (AT) 10-06, which announced the Final Rule as published in the Federal Register on July 2, 2010 and became effective January 3, 2011.

The Final Rule reorganizes and revises the federal intergovernmental regulations including:

- General Definitions
- General Responsibilities
- Initiating State IV-D Agency Responsibilities
- Responding State IV-D Agency Responsibilities
- Payment and Recovery of Costs in Intergovernmental IV-D Cases
- Case Closure Criteria

The new and revised subsections that have the greatest impact on intergovernmental case processing are summarized as follows:

### General Definitions

- There are eleven new definitions. Most notably, “Intergovernmental” was introduced in order to include processing of interstate, intrastate cases, Tribal IV-D, and international cases. The term “Intergovernmental” now applies to case processing in all intergovernmental cases in lieu of “interstate.”

### General Responsibilities

- Adds a timeframe of 30 working days for responding to requests to provide any order and payment record for a determination of controlling order (DCO) and reconciliation of arrearages (ROA).

### Initiating State IV-D Agency Responsibilities

- The initiating agency is required to ascertain whether a DCO/ROA is needed in the case where multiple orders exist and to decide in which state the DCO/ROA will be conducted.
- Within 20 calendar days of determining which state shall perform the DCO/ROA, the initiating state agency must refer the case to the appropriate responding agency to conduct the DCO/ROA if one-state remedies cannot be used.
- The change of the term “long-arm” to “one-state remedies” expands the number of remedies available to the initiating IV-D agency to establish paternity and establish, modify and enforce a support order including medical support and income withholding.
- Adds a timeframe for the initiating state agency to notify the responding IV-D agency at least annually about interest charges and the amount of overdue child support for cases where the initiating state has issued the child support order.
- Adds a timeframe, that within 10 working days of case closure, the initiating state agency must notify the responding agency that they have closed their case and provide the closure reason.
- The initiating agency must instruct the responding agency to close its case and stop any withholding order or notice before the initiating agency transmits its own withholding order to the same employer.
- If the initiating agency fails to notify the responding agency to close its corresponding case, and funds are subsequently disbursed, the initiating agency

must make an effort to locate the obligee and disburse any payment received from the responding agency.

#### Responding State IV-D Agency Responsibilities

- Adds a timeframe that within 30 calendar days of receipt of the request or location of the noncustodial parent, whichever occurs later, the responding state agency must file the controlling order determination request with the appropriate tribunal.
- The responding state agency must 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.
- Adds a timeframe that, within 10 working days of receipt of instructions for case closure from the initiating state agency, the responding state agency must stop the income withholding order or notice and close the intergovernmental IV-D case, unless the two States reach an alternative agreement on how to proceed.
- Adds a requirement for the responding state agency to notify the initiating agency when a case has been closed.

#### Payment and Recovery of Costs in Intergovernmental IV-D Cases

- Adds the requirement for the responding IV-D agency to pay for the costs it incurs in processing intergovernmental IV-D cases including the costs of genetic testing instead of the initiating IV-D agency.

#### Case Closure Criteria

- Adds a new case closure requirement for the initiating state IV-D agency to notify the responding state agency that the case is closed.
- Adds a new case closure requirement for the initiating state IV-D agency to notify the responding state agency that its IV-D services are no longer needed.

The final rule also makes conforming changes to the federal substantial compliance audit (45 CFR 305.63), the state self-assessment requirements (45 CFR 308.2) and to the state plan requirements for the provision of intergovernmental services (45 CFR 302.36).

CSS Letter: 11-06  
April 25, 2011  
Page 4

Training regarding these revisions will be provided within two weeks of the release of this letter.

If you have any questions or concerns regarding this matter, please contact the Intergovernmental Policy team at (916) 464-5883.

Sincerely,

/os/

BILL OTTERBECK  
Deputy Director  
Child Support Services Division