

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



January 14, 2013

LCSA LETTER: 13-01

ALL IV-D DIRECTORS

SUBJECT: Q412 CHILD SUPPORT COMPLIANCE REVIEW GUIDE AND FORMS

The purpose of this letter is to provide you with the 2013 edition of the Child Support Compliance Review Guide and Forms. This guide applies to the Q412 Compliance Review to be conducted for the 2012 Federal Fiscal Year (FFY). The review guide is updated annually to reflect changes in regulations, policies, and/or procedures affecting the compliance review. The review guide does not contain all child support program requirements and is not intended to replace regulations or formally issued program policies and procedures.

The Department of Child Support Services (DCSS), Quality Assurance Section (QAS) staff will complete Part 1, the Case Review, and Part II, the Expedited Process Review using a statewide sample of cases. Each local child support agency (LCSA) will have the opportunity to review and respond to the findings before they are made final.

The LCSA is directed to use the Compliance Review Tool for Child Support to complete the questionnaires contained in Part III, Program Administration.

Changes in the Q412 compliance review process are as follows:*Statewide Sample:*

A statewide sample of cases derived from a master case list covering the FFY 2012 (October 1, 2011 to September 30, 2012) will be used by QAS staff to complete the Q412 Compliance Review.

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

Part 1: Case Review

1. Review and Adjustment Component:
 - a. Question AB08 has been added and is considered Administrative for this review. It reads: "If there was no medical provision for any order obtained after January 1, 2011, and the order was modified during the review period, was the court order modified to include medical and cash medical support to the extent it is included in the court order?"
2. Collections and Distribution
 - a. Question CD07 has been reworded to read: "In nonassistance cases, if payment due to the family was based on an IRS tax intercept and was not the result of a joint tax return, was the payment issued within 2 business days from the date of receipt by the SDU?" The words "based on a tax intercept" have been added for clarification.
3. Intergovernmental Component:
 - a. Question CE01 was previously CE02 and has been reworded to read: "If the LCSA received information necessary to process the intergovernmental case, when was the case referred to the responding state IV-D agency's central registry?"
 - b. Question CE02 was previously AE10 and was changed from Administrative to Compliance. It has been reworded to read: "If the LCSA received a request for information from the responding state IV-D agency for the determination of controlling order and reconciliation of arrearages, when did the LCSA provide the requested information to the responding state IV-D agency, OR, notify the responding state IV-D agency when the information would be provided?"
 - c. Question CE03 has been reworded to read: "If the LCSA received a request for additional or new information from the responding state IV-D agency, when did the LCSA provide the information to the responding state IV-D agency, or notify the responding state IV-D agency the information would be provided?"
 - d. Question CE04 has been reworded to read: "If the initiating LCSA received new information on the case, when was the information forwarded to the responding state IV-D agency?"
 - e. Question CE06 was previously AE11 and was changed from Administrative to Compliance. It has been reworded to read: "If the LCSA closed its intergovernmental case, when did the LCSA inform the responding state IV-D agency of the case closure?"

- f. Question CE09 was previously AE12 and was changed from Administrative to Compliance. It has been reworded to read: "If the LCSA received a request for information from the initiating state IV-D agency for the determination of controlling order and reconciliation of arrearages, when did the LCSA provide the requested information to the initiating state IV-D agency, OR, notify the initiating state IV-D agency when the information would be provided?"
 - g. Question CE10 has been reworded to read: "If the LCSA received the appropriate intergovernmental documentation from the initiating state IV-D agency requesting services, when did the LCSA provide the requested services/information or request additional information from the initiating state IV-D agency necessary to proceed?"
 - h. Question CE12 was previously AE13 and was changed from Administrative to Compliance.
4. Medical Support Component:
- a. The "Exception" has been reworded to read: "For orders existing prior to January 1, 2011, where a nonassistance parent declined medical support services and verified the children are covered by insurance."
5. Case Closure Component:
- a. Question CG01 citation reference was removed and has been reworded to read: "If the child support case was eligible for closure in accordance with case closure provisions, was it closed during the review period?"

Part II, Expedited Process Review:

In measuring compliance for the Expedited Process, September 2011 will be used as the base month.

Please use the attached Q412 Letter of Findings "template" to report the LCSA's overall scores for Part I, the Case Review, Part II, the Expedited Process Review, and Part III, the questionnaires for Program Administration. The Letter of Findings is to be signed by the LCSA director and submitted by February 22, 2013 to the following address:

Department of Child Support Services
Quality Assurance Section
PO Box 419064 MS-210
Rancho Cordova, CA 95741-9064

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January 14, 2013
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LCSAs requiring QAS staff assistance may contact the Policy and Program Initiatives Branch at (916) 464-5883 or dcssqualityassurance@dcss.ca.gov.

Sincerely,

/os/

VICKIE K. CONTRERAS
Deputy Director
Child Support Services Division

Attachment: 2013 Edition Q412 Child Support Compliance Review Guide and Forms
Attachment: Q412 Letter of Findings template

Q412 Letter of Findings Template

Date _____

Michael Yahner, Branch Chief
Department of Child Support Services
Policy & Program Initiatives Branch
P.O. Box 419064, MS 210
Rancho Cordova, California 95741-9064

Dear Mr. Yahner:

The following is (name of LCSA here) DCSS' letter of findings for the Q412 Compliance Review covering the period October 1, 2011 through September 30, 2012.

Case Review

(Name of LCSA here) DCSS had an overall score of _____ percent for the case review component. (Note: LCSAs can retrieve their case review scores from CRTCS in order to complete their letter of findings.)

Expedited Process Review

Cases	6 Months (75%)	12 Months (90%)	Over 12 Months (<10%)
Grand Total			
Percentage			

Program Administration

(Name of LCSA here) DCSS met all requirements in the Program Administration component with the exception of the Required Notices questionnaire.*

*Note: The State will complete the corrective action plan for this component as it is due to a CSE-related issue.

(If the LCSA failed to meet any other requirements in the Program Administration component, please state above. Please delete all items in "red.")

Sincerely,

(Name of LCSA Director), Director
(Name of LCSA here) DCSS

**2013 Edition
Q412 CHILD SUPPORT
COMPLIANCE REVIEW GUIDE and FORMS**



1975-2012 National Child Support Program
Celebrating Our Past – Charting Our Future



California Department of Child Support Services
Quality Assurance Section

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Background

Federal legislation, Public Law 104-93, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires states to conduct an annual self-assessment of Title IV-D (Child Support) program operations. Section 342 of the PRWORA established the self-assessment requirement and mandates that a report with the review results be submitted to the Secretary, Department of Health and Human Services. Guidelines were developed under the authority of the Act and have been issued by Federal Action Transmittal (AT-98-12). The guidelines specify review parameters intended to measure compliance with program requirements contained in Title 45, Code of Federal Regulations sections 302 (State Plan Requirements) through 303 (Program Operation Requirements). In addition, the Office of Child Support Enforcement Action Transmittal (OCSE-AT-00-09), dated and effective December 12, 2000, transmitted the Final Rule on State Self-assessment. The rule is designated as 45 CFR section 308 and implements the guidelines into regulation. Statutory language is also contained in California Family Code sections 17702 and 17704 as well as the California Code of Regulations Chapters 1 through 13.

This year, the Department of Child Support Services (DCSS) will conduct the compliance review using a statewide sample and DCSS staff will complete Part I, the Case Review and Part II, the Expedited Process Review, using the PGM-004 Report. Once the review is completed, each local child support agency (LCSA) will have the opportunity to review and respond to the findings before they are made final.

Each LCSA will be responsible for using the Compliance Review Tool for Child Support to complete the questionnaires contained in Part III, the Program Administration.

The current compliance review process is outlined in this review guide, and is designed to meet both the state and federal mandates described above. Cases are reviewed to determine compliance with mandates in effect during the review period.

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Changes in Compliance Review:**Statewide Sample:**

A master case list covering the FFY 2012 (October 1, 2011 to September 30, 2012) has been produced and from this list a statewide sample of cases will be used by the Quality Assurance section (QAS) staff to complete the Q412 Compliance Review.

Part I: Case Review:

1. Review and Adjustment Component:
 - a. Question AB08 has been added and is considered Administrative for this review. It reads: "If there was no medical provision for any order obtained after January 1, 2011, and the order was modified during the review period, was the court order modified to include medical and cash medical support to the extent it is included in the court order?"
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5. Case Closure Component:
- a. Question CG01 citation reference was removed and has been reworded to read: "If the child support case was eligible for closure in accordance with case closure provisions, was it closed during the review period?"

Part II: Expedited Process Review:

In measuring compliance in Expedited Process, September 2011 will be used as the base month.

Compliance Review Tool for Child Support (CRTCS):

The internet-based review tool, CRTCS, was adapted for recording the results of the review process and will continue to be used. This Compliance Review Guide is intended to provide guidance to DCSS and LCSA staff regarding the compliance reviews. It contains information about the scope of the reviews, definitions, general steps involved in conducting the reviews, and other information pertinent to the review process. The guide does not provide information on how to access or use the State Disbursement Unit (SDU), CRTCS or Child Support Enforcement (CSE).

Review Requirement References:

In each of the compliance reviews, either LCSA or DCSS staff will review to the state and federal requirements, administrative instructions and state policies in effect during the review period as described in this Review Guide. They may include any of the following:



NOTE: Regulations referenced in the Compliance Review Guide add some new program requirements and repeal some sections contained in the State of California's Manual of Policies and Procedures.

- Code of Federal Regulations (CFR)
- California Code of Regulations (CCR)
- Manual of Policies and Procedures (MPP)
- Welfare & Institutions Code (W&I)
- Code of Civil Procedure (CCP)
- Family Code (FC)
- Child Support Services Letters (CSS)
- Child Support Services Informational Letters (CSSIN)
- Local Child Support Agency Letters (LCSA)
- Family Support Director Letters (FSD)
- Family Support Director Informational Notices (FSDIN)

Reviewers are required to follow the review procedures and forms as outlined in this Review Guide. The Review Guide, compliance requirements, case review forms and instructions will also be accessible through CRTCS, which will be updated and available for each review period. New requirements from amended regulations are generally incorporated into the compliance review once they have been in effect for an entire review period. In some cases new requirements are introduced as “administrative” issues (not counted toward overall compliance).

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Part I: Case Review

DCSS reviewers will review a sample of cases to determine case compliance, confirm and annotate results, and interview LCSA staff as needed. Case review forms and case compliance criteria will be used for this portion of the compliance review. For each case found out of compliance, a Case Review Finding Verification form is completed by the DCSS reviewer(s) describing the problem. The form is submitted, along with the case being reviewed, to the appropriate LCSA staff for comment and/or possible additional clarification. This process allows for immediate resolution of discrepancies as well as a continuous, ongoing status of the review.

SPECIAL PROVISIONS

Review Period Crossover: If a required action was or should have been initiated prior to the review period, but the required time frame(s) ended during the review period, the action is applicable and the initial date must be considered in the review. If an action was required prior to the review period and the time frame(s) began and ended before the current review period (but the required action was still not completed as of the beginning of the current review period), the action is applicable for the current review and October 1 is used as the beginning date of the required time frame. Cases with no required activity in any component during the review period are not reviewable and are considered to be “no forms” cases.

“Notwithstanding” Provision: Federal self-assessment rules provide that certain accomplishments in case actions essentially “overcome” some errors in preliminary actions or time frames leading to the accomplishment as long as the end result occurs within the review period. Included under this provision are the following actions:

1. Establishment: The establishment or modification of a support order or the registration and modification of a foreign order. (Does not include establishment of paternity only.)
2. Review and Adjustment: Modification of a support order.
3. Enforcement: An enforcement action resulting in a payment. (Does not include a tax intercept.)

“Latest Required Action” Provision: Federal rules also provide that, within a case review component, if the “notwithstanding” provision cannot be applied, case compliance may be measured by whether the LCSA correctly carried out the “latest required action” (LRA) for the case in the review period. Under this provision, if a LCSA exceeds a time limit for a required action, the case could still be found in compliance if a subsequent action is taken timely within the review period in the same component. It does not apply to the same action, unless that action is required to be repeated. This provision applies to the Establishment/Modification, Review and Adjustment, Enforcement, and Intergovernmental review components.

Conflict of Interest: The LCSA needs to ensure it has a process to avoid possible conflicts of interest, which may arise during the review.

The following constitutes a conflict of interest case:

- If during the review period, the compliance reviewer personally worked on the case.
- If during the review period, the compliance reviewer had direct involvement in the case as a line supervisor.
- If an individual is a relative or friend of the compliance reviewer.
- If the compliance reviewer was subject to disciplinary action as a result of case handling and processing.
- If in the professional judgment of the compliance reviewer, it is in the best interest of all concerned that the case be reassigned.

Once a case has been determined to be a conflict of interest, an alternate staff member who has no conflict should review the case. If this cannot be accomplished at the LCSA level, the case may be reviewed, but must be held for further review by a state reviewer. In its report, the LCSA should address whether conflict of interest was an issue and, if so, how it was handled.

Establishing a Sample Case List

Standard statistical methods are used to select random samples, which encompass all types of cases existing in LCSA caseloads during the review period. DCSS will conduct a random sample and preloaded the cases into CRTCS.

Case Review Face Sheet Instructions

A Case Review Face Sheet must be completed for each case reviewed. Instructions are included below, followed by review forms. The face sheet is designed to capture basic case-related information to avoid duplicate, time-consuming entries on other case review forms.

1	Bring up the case to be reviewed in CRTCS, by entering the sample case number in the "Search" field.
2	Identify compliance type.
3	Enter support order date, last county/state NCP resided during review period, support order amount, date NCP located and arrears amount. CRTCS automatically inputs reviewer's name, LCSA case number, if NCP has Social Security number and NCP and CP's last name.
4	Check all status boxes that apply during the review period.
5	Check all components for review forms to be used.
6	Provide overview of case status at the beginning of the review period. What actions were taken (or should have been taken) during the review period and status of the case at the end of the review period.



NOTE: For purposes of this review, cases are considered "assistance" if the child or all of the children in the case are on public assistance throughout the review period. Cases are considered "nonassistance" if the child(ren) were not on public assistance at any time during the review period and there is no assistance arrears balance against which collections could be applied. Otherwise cases are counted as "combination." Also, for a situation in which the only child in the IV-D case is a "maximum family grant" child in the public assistance unit, the case is considered a "combination" case.

Sample Face Sheet Entry

Sample Review #: X X 412

 Search

- COMPLIANCE
- Assistance
- Non-Assistance
- Combination

Latest SO date	<input type="text"/>	Reviewer	<input type="text"/>
NCP County	<input type="text"/>	LCSA #	<input type="text"/>
Current \$/month	<input type="text"/>	NCP SSN	<input type="text"/>
Date Locate Confirmed	<input type="text"/>	NCP Name	<input type="text"/>
Arrears \$/month	<input type="text"/>	CP Name	<input type="text"/>

Check all that apply during the review period

<input type="checkbox"/>	Assistance	<input type="checkbox"/>	Non-Assistance
<input type="checkbox"/>	Assistance Arrears Only	<input type="checkbox"/>	Non-Assistance Arrears Only
<input type="checkbox"/>	Intergovernmental Initiating	<input type="checkbox"/>	Intergovernmental Responding
<input type="checkbox"/>	MNO	<input type="checkbox"/>	Foster Care

Review Forms - Check Forms Used							
	A-EST	B-R&A	C-ENF	D-C&D	E-IST	F-MED	G-CLS
SELECTION	<input type="checkbox"/>						
COMPLIANCE							

Provide brief overview of case

Blank Intentionally

Case Review Component Form Instructions



NOTE: The case review component forms are presented in this guide for illustration purposes. Actual form completion is done in CRTCS.

Space has been provided on the forms for comments for each question. This space is used to record the rationale for the response, which will be yes (“Y”), no (“N”) or non-applicable (“U”). The comment should be as brief as possible, but still convey the reason for the response. Part D of the Case Review Face Sheet is used to provide an overview of the case. Case review forms begin on the next page with the Establishment/Modification component.



NOTE: CRTCS automatically overrides “no” answers when appropriate based on the Notwithstanding Provision. However, the Latest Required Action Provision is subjective and the reviewer can override “no” answers with the exception of CA10 in the Establishment component and CC01 through CC07 in the Enforcement component. Because these actions are required (if applicable) they cannot be overridden. If the Notwithstanding Provision applies, it is redundant to use Latest Required Action.

Case Compliance Criteria: Each case review component includes compliance questions followed by case compliance criteria. The compliance criteria contain federal and state requirements and instructions corresponding to each review component, i.e., Establishment/Modification, Review and Adjustment, etc. This material is intended to provide guidance to the reviewer in completing the corresponding review forms. Each section contains one or all of the following:

- A guideline of when the particular review form should be used. Note that it may not list all possible situations; therefore, reviewer judgment should be exercised.
- Special Considerations: This section contains information which the reviewer should be aware in making case determinations. At times, this section is used to merely emphasize a point that can be found in one of the references. At other times, this material is in addition to the references.
- Compliance Requirements: This section describes the particular requirements that must be met for compliance in that component.
- References: The Guide includes background references applicable to the component.

(Case compliance questions begin on page 13 in the Establishment/Modification component.)

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CA01 [] If a support order was established or modified or a foreign order was registered and modified during the review period, did it:

- a) Contain a provision for a wage assignment and medical support, and
- b) Follow the statewide formula for determining support, and
- c) Include an amended judgment, if applicable?

(Answer either "Y" or "U.") (Notwithstanding Provision)

Comments: _____

CA02 [] A) If a support order was required during the review period and the CP provided the LCSA with locate information, was the service of process completed within 60 calendar days?

Date locate confirmed:
 Date service of process completed:
 Elapsed days: (60 calendar days)

Was the CP informed in writing of the results?

B) If a support order was required during the review period and locate information was obtained through a source other than the CP, was service of process completed within 90 calendar days?

Date locate confirmed:
 Date service of process completed:
 Elapsed days: (90 calendar days)

Comments: _____

CA03 [] If a case requiring establishment of an order was opened or reopened during the review period, or was opened prior to the review period (but required intake actions were never completed), did the LCSA conduct an interview with the CP within 10 business days of date case opened or reopened?

Date case opened or reopened:
 Date CP interviewed:
 Elapsed days: (10 business days)

Comments: _____

COMPLIANCE Establishment/Modification Review Form (continued)

CA04 [] If a case requiring establishment of an order was opened or reopened during the review period, or was opened prior to the review period (but required intake actions were never completed), did the LCSA establish a case record, solicit necessary information from the CP or other sources (if appropriate) and initiate verification of that information within 20 calendar days?

Date of application or referral:

Date intake completed:

Elapsed days: (20 calendar days)

Comments:

Four horizontal lines for writing comments.

CA05 [] If location of the NCP is necessary, did the LCSA access all appropriate federal, state and local locate sources, and as appropriate, initiate verification of any information received within 75 calendar days?

Date locate became necessary:

Date of locate action:

Elapsed days: (75 calendar days)

Note locate source(s) and date(s):

Comments:

Four horizontal lines for writing comments.

CA06 [] If the NCP is not located within the initial 75 calendar days and sufficient identifying information is available, did the LCSA continue to access appropriate locate sources quarterly?

Comments:

Four horizontal lines for writing comments.

CA07 [] Was new information which may have assisted in locating the NCP or NCP's assets/earnings, acted upon immediately (in no more than 75 calendar days)?

Date new information received:

Date new information acted upon:

Elapsed days: (75 calendar days)

Comments:

Four horizontal lines for writing comments.

COMPLIANCE Establishment/Modification Review Form (continued)

CA08 [] When paternity is at issue, to gather information necessary to pursue paternity and/or establish an order, if appropriate, did the LCSA:
a) Interview the CP, and
b) Use "Confidential Paternity Questionnaire" (DCSS 0095) or
c) Use "Attestation Statement" (DCSS 0063) (if applicable) or
d) Otherwise obtain/receive pertinent documentation, including the results of genetic testing?

Comments:

Four horizontal lines for writing comments.

CA09 [] If applicable, did the LCSA notify the county welfare department that the CP failed to cooperate?

Comments:

Four horizontal lines for writing comments.

CA10 [] Did the LCSA provide the CP and NCP (in person or by mail) the "Family Violence Questionnaire" (DCSS 0048) and conduct screening for family violence?

Comments:

Four horizontal lines for writing comments.

CA11 [] If the LCSA mailed the "Family Violence Questionnaire-Cover" (DCSS 0049) and "Family Violence Questionnaire" (DCSS 0048), was it mailed within 5 business days of first locating a CP or an NCP?

Date CP or NCP located:

Date letter mailed:

Elapsed days: (5 business days)

Comments:

Four horizontal lines for writing comments.

CA12 [] LATEST REQUIRED ACTION
Does the "Latest Required Action" provision (pertaining to time frames) apply to this component? (Answer either "Y" or "U.")

If yes, explain:

Comments:

Four horizontal lines for writing comments.

Blank Intentionally

Establishment and Modification Compliance Criteria

This review form is to be used if, during the review period, one or more of the following apply:

- ◆ A case requiring establishment or modification of an order is opened or reopened.
- ◆ A case requiring establishment or modification of an order was opened prior to the review period, but required intake actions were never completed or initiated.
- ◆ An existing order is modified during the review period.
- ◆ A foreign support order is registered and modified during the review period.
- ◆ No order exists, but the NCP has been identified.
- ◆ A putative father is located or an alleged father is excluded.
- ◆ A case requiring establishment or modification was appropriate for transfer to another California county during the review period.
- ◆ A case requiring establishment of paternity only was referred by the IV-A agency.

SPECIAL CONSIDERATIONS

“Notwithstanding” Provision: Consistent with requirements of 45 CFR § 308.2(b)(1), the LCSA will be considered to have taken appropriate action in this component if an order is established or modified, or if a foreign order is registered and modified during the review period, notwithstanding the failure of the LCSA to meet required time frames leading to this result. In order to be considered to meet the notwithstanding criterion, the order must contain required provisions listed below under Compliance Requirements.

“Latest Required Action” Provision: Consistent with requirements of 45 CFR § 308.2(b)(2), if the “notwithstanding” provision cannot be applied, the “latest required action” provision may be considered; that is, if the latest appropriate action for this case in this component was taken correctly and timely, the case is considered in compliance. However, in this component this provision does not apply if questions CA01 and CA10 are answered “no.” (Answer only “Y” or “U.”)



NOTE: The “latest required action” does not apply to a situation where a required time frame was not met, but where the action associated with that time frame was eventually completed within the review period. It only applies to a subsequent (latest required) action where the time frame was met. Also, if a required action was still not taken as of the end of the review period, the latest required action provision cannot be applied.

QUESTION CA01 should be answered if one or more of the following actions occurred during the review period:

1. A support order was established or modified, and/or
2. A foreign support order was registered and modified.
3. If a support order was established and all three provisions are met, then answer “yes” to the question. If a support order was established and any one or none of the provisions are met, then answer “no” to the question. If a support order was not necessary, then leave the question blank, or answer not applicable (U).

COMPLIANCE REQUIREMENTS	
A	Consistent with requirements of 45 CFR § 308.2(b)(1), the LCSA will be considered to have taken appropriate action in this component if an order is established or modified, or if a foreign order is registered and modified during the review period, notwithstanding the failure of the LCSA to meet required time frames leading to this result.
B	The LCSA shall petition the court for a wage assignment provision for any support order entered or adjusted after July 1, 1990. [45 CFR § 303.100; FC § 5230 (b)]
C	For new or modified orders, the LCSA shall petition the court or administrative authority to include in the order a provision for health insurance that is or may become available to the NCP at reasonable cost, except when: [45 CFR § 303.31; FC § 3751] <ol style="list-style-type: none"> 1. The CP and child have satisfactory health insurance or 2. There is an arrears only order or an order reserving support.
D	<p>The LCSA shall use the child support guidelines in effect at the time the order is entered to determine the amount of support sought. [45 CFR § 303.4 (d); MPP 12-106.1]</p> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 20px;">  </div> <div> <p><i>NOTE: If the court did not order the amount of support requested by the LCSA, the specific reason that rebuts the guideline amount must be documented on the order or attachments.</i></p> <p><i>NOTE: The federal certification requirements specify that the CCSAS Guideline Calculator is the only calculator that should be used when calculating child support.</i></p> </div> </div>
E	The LCSA shall amend a proposed judgment if additional financial information is received within 30 days of service of the complaint and proposed judgment and the additional information would result in a support order that is different from the amount in the proposed judgment. [FC § 17430(c)]

QUESTION CA02 should be answered if an order required establishment or modification and the NCP and/or assets were located prior to or during the review period. Within 60 calendar days of receiving information from the CP or 90 calendar days of receiving information through a source other than the CP, the LCSA must either establish an order for support, complete service of process or document unsuccessful attempts to serve process in accordance with the state guidelines defining diligent efforts. If two such actions occur in the review period, review to the latter. [45 CFR § 303.4 (d); MPP 12-106.1; FC § 17401]

SPECIAL CONSIDERATIONS

For service of process, “diligent effort” means the LCSA shall attempt all appropriate statutory mechanisms for service of process and shall repeat such attempts as soon as new information becomes available or yearly, whichever occurs first.
 [MPP 12-101.3 (d)(4)]

QUESTION CA03 and QUESTION CA04 should be answered if a case requiring establishment of an order is opened or reopened during the review period. This question also applies if required intake actions were never completed on a case opened prior to the review period. This question is to determine if cases requiring establishment/modification of an order are being opened and assessed in the time frames prescribed by state and federal regulations.

Applications are not required of assistance recipients who are discontinued from aid. For those cases, all child support enforcement services must continue to be provided until a request is made to terminate services. A signed application is required for all nonassistance cases and for all non-Federal Foster Care cases because they are considered nonassistance.

COMPLIANCE REQUIREMENTS	
A	The LCSA must conduct an initial interview with the CP, unless the CP is a foster care agency, or a NCP if that individual is the applicant for Title IV-D services, within 10 business days of opening a case, unless an interview was conducted pursuant to 22 CCR § 112100(e). [22 CCR § 112140]
B	The LCSA must within 20 calendar days of receipt of referral or application (whether received by mail, in person or via SOLAR), establish a case record which shall contain: <ol style="list-style-type: none"> 1. All documents regarding the case, and 2. All relevant facts and dates, and 3. A record of all actions taken and contacts made including the name of the person taking the action, the name of any person contacted and the date of contact. [45 CFR § 303.2(b); 22 CCR § 112130(a)]
C	Based on the assessment of the case the LCSA must: <ol style="list-style-type: none"> 1. Solicit any necessary information from the CP, if appropriate, and 2. Solicit any necessary information from any other relevant sources if appropriate; and initiate verification of the information obtained if appropriate. [22 CCR § 112130(e)]

QUESTIONS CA05 THROUGH CA07 relate to locating the NCP and/or assets. These questions should be answered if an order needed to be established or modified and the NCP and/or assets were not located.

SPECIAL CONSIDERATIONS

The definition of “location” is information concerning the physical whereabouts of the NCP, the NCP’s employer(s), other sources of income/assets, which is sufficient to take appropriate action in a case. [45 CFR § 303.3 (a); 22 CCR § 110514]. Location efforts used for closure purposes are for the physical whereabouts of NCP(s). Location efforts for purposes of establishing a support order include both the physical whereabouts necessary for service of process [MPP 12-106.1] and for sources of income/assets used to determine the appropriate amount of child support.

COMPLIANCE REQUIREMENTS

A	Within 75 days of determining locate is necessary, the LCSA will access all appropriate federal, state and local locate sources. The LCSA must ensure that location information received is sufficient to take the next appropriate action or service. The Federal Parent Locator Services (FPLS) need not be accessed if locate information sufficient to take the next appropriate action in a case is otherwise obtained within the 75 calendar day time frame. If locate information from a locate source that was accessed within the initial 75 calendar days was received after the 75 days have elapsed, then the information would be treated as new information (defined in paragraph B below; hence, another 75 calendar day time period would begin). [45 CFR § 303.3 (a); 22 CCR § 110514]
B	Following the 75-day time period, locate actions must be repeated in cases in which previous attempts to locate the NCP or sources of income/assets have failed, but adequate identifying and other information exists to meet requirements for submittal for location. Repeated locate attempts must be done either quarterly or immediately upon receipt of new information which may aid in location, whichever occurs sooner. Quarterly attempts may be limited to automated sources when the noncustodial parent’s name, date of birth, or social security number (SSN) are known. Referral to an automated locate source must include accessing the State Employment Development Department (EDD) and the Parent Locator Service records. [45 CFR § 303.3 (b)(5); 22 CCR § 113100 (c)(2)]

QUESTION CA08 should be answered if paternity needs to be established.

COMPLIANCE REQUIREMENTS

A	When paternity is at issue, the LCSA must solicit information (i.e., use the three-part Confidential Paternity Questionnaire (DCSS 0095), interview the CP, or use Attestation Statement (DCSS 0063)) necessary to pursue establishment of paternity. [45 CFR § 303.5; 22 CCR § 112100]
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QUESTION CA09 should be answered if the applicant or recipient has failed to assist the LCSA in all required activities necessary to establish paternity, or to establish, modify or enforce a medical or child support order, unless a finding of good cause has been made as specified in 22 CCR § 112200.

QUESTIONS CA10 AND CA11 relate to the family violence indicator policy.

COMPLIANCE REQUIREMENTS	
A	The LCSA shall screen the CP and NCP for family violence in all new cases opened during the review period, except Intergovernmental responding. This screening shall occur during the initial interview as specified in 22 CCR § 112100(e) and 112140. [45 CFR § 260.52; 22 CCR § 112300; CSS Letter 01-03].
B	If the LCSA mails the “Family Violence Questionnaire Cover” (Form DCSS 0049) and “Family Violence Questionnaire” (Form DCSS 0048), it must be mailed within five business days of first locating the CP or NCP. If a child is in foster care, the forms shall be mailed to both NCPs. [22 CCR § 112300; CSS Letter 01-03].

QUESTION CA12 should be answered “Y” if the “latest required action” provision is applicable; otherwise answer “U” if not applicable or leave unanswered. DO NOT answer this question “no.” [45 CFR § 308.2(b)(2)].

Blank Intentionally

COMPLIANCE **Review and Adjustment Review Form**

CB01 [] As a result of the review and adjustment process, was a modification of the support order issued? (Answer either "Y" or "U.") (Notwithstanding Provision)
Comments:

CB02 [] Was the required review and adjustment process completed within 180 calendar days?
Date process was initiated:
Date completed:
Elapsed days: (180 calendar days)
Comments:

CB03 [] When a request was received from either the NCP or CP, was the required screening process completed within 15 business days?
Date request received:
Date the screening completed:
Elapsed days: (15 business days)
Comments:

CB04 [] If location of the NCP or assets is necessary to conduct a review, did the LCSA access all appropriate federal, state and local locate sources within 75 calendar days?
Date locate became necessary:
Date of locate action:
Elapsed days: (75 calendar days)
Note locate sources(s) and date(s):
Comments:

CB05 [] If the NCP or his/her assets are not located within the initial 75 calendar days and sufficient identifying information is available, did the LCSA continue to access appropriate locate sources quarterly?
Comments:

COMPLIANCE **Review and Adjustment Review Form**

CB06 [] Was new information, which may have assisted in locating the NCP or NCP's assets/earnings, acted upon immediately within 75 calendar days?
Date new information received:
Date new information acted upon:
Elapsed days: (75 calendar days)
Comments:

CB07 [] Did the LCSA conduct the mandatory TANF review of the current assistance case if it has not been reviewed in the past three years?
Comments:

AB08 [] If there was no medical provision for any order obtained after January 1, 2011, and the order was modified during the review period, was the court order modified to include medical and cash medical support?
Comments:

CB09 [] LATEST REQUIRED ACTION
Does the "Latest Required Action" provision (pertaining to time frames) apply to this component? (Answer either "Y" or "U.")
If yes, explain:
Comments:

Review and Adjustment Compliance Criteria

SCREENING CRITERIA: Counties may, but are not required to review any case for adjustment if:

1. The case has been reviewed for adjustment within the last six months or
2. If there is no change in circumstances.

SPECIAL CONSIDERATIONS

If the LCSA exercises its discretion not to review a case based upon the above, the LCSA shall terminate the review and adjustment process.

All child support orders are subject to the review and adjustment process as follows:

- A review may be requested by either parent subject to a child support order, or by any person or entity that may have standing to make the request, including the IV-D agency;
- If a change in circumstance is reasonably expected to last for more than three months, and will alter the amount of the support, upward or downward, by at least 20 percent or \$50, whichever is less;
- The need to include a provision for medical support; or
- If the parties stipulated to a child support order below the amount established by the statewide uniform guideline.

The LCSA has a maximum of 180 calendar days from the date it is determined that a review should be conducted or the non-requesting parent is located, whichever is later, to complete the review and adjustment process. The 180 calendar day timeframe begins immediately for a LCSA-initiated review. For a party-requested review, it begins after the Income and Expense Declaration is received by the LCSA. The 180 calendar day time frame must also include 30 calendar days in which either or both parties may challenge or appeal the decision.

“Notwithstanding” Provision: Consistent with requirements in 45 CFR § 308.2(f)(1), the LCSA will be considered to have taken appropriate action in this component if, as a result of this process, a modification of the support order is issued during the review period, the LCSA will be considered to have met the review and adjustment requirements, notwithstanding the failure of the LCSA to meet the required time frame for completing the review process.

“Latest Required Action” Provision: Consistent with requirements of 45 CFR § 308.2(f)(2), if the “notwithstanding” provision cannot be applied, the “latest required action” provision may be considered; that is, if the latest appropriate action for this case in this component was taken correctly and timely, the case is considered in compliance.



NOTE #1: The “latest required action” does not apply to a situation where a required time frame was not met, but where the action associated with that time frame was eventually completed within the review period. It only applies to a subsequent (latest required) action where the time frame was met in this component. Also, if a required action was still not taken as of the end of the review period, the latest required action provision cannot be applied. (Answer only “Y” or “U.”)

*NOTE #2: DCSS issued CSS Letter 11-02 notifying the LCSAs of the changes for Medical Support. The letter also states that if the provisions for health insurance and cash medical support outlined in this letter were not included when the order was established or last modified, the LCSAs must address these provisions when seeking modifications.
[CSS Letter 11-02]*

NOTE #3: DCSS issued CSS Letter 11-08 notifying the LCSAs of the changes regarding incarcerated or involuntarily institutionalized for any period exceeding 90 consecutive days, and the order was issued or modified on or after July 1, 2011, the order should be temporarily suspended. These provisions are in effect until July 1, 2015.

QUESTION CB01 should be answered if a modification of the order was completed as a result of the review and adjustment process.

COMPLIANCE REQUIREMENTS

As a result of the review and adjustment process, if appropriate was the order adjusted in accordance with the State’s guidelines established.

[45 CFR § 303.8(b)(1)(i-iii), 308.2(f)(1); 22 CCR 115545]

QUESTION CB02 relates to completing the review and adjustment process within 180 calendar days.

COMPLIANCE REQUIREMENTS

The LCSA has a maximum of 180 calendar days from the date it is determined that a review should be conducted or the non-requesting parent is located, whichever is later, to complete the review and adjustment process. The 180 calendar day timeframe begins immediately for a LCSA-initiated review. For a party-requested review it begins after the Income and Expense Declaration is received by the LCSA. [45 CFR § 303.8(e), 308.2(f)(2)(iii); 22 CCR 115503(a)(4); 22 CCR 115510(b)]

QUESTION CB03 relates to whether the required screening process was completed in 15 business days.

COMPLIANCE REQUIREMENTS	
<p>Within 15 business days of the LCSA receiving an oral or written request for review for adjustment to determine whether there was a change in circumstance, the parties stipulated or a request is based upon the need to include a provision of medical support. If neither of the situations appear, then to terminate the review and adjustment process and take the next appropriate action. [22 CCR 115510(e)]</p>	

QUESTIONS CB04 THROUGH CB06 relate to locating the NCP and/or assets. These questions should be answered if a review and, if appropriate, adjustment of the order is warranted and the NCP and/or assets were not located.

<u>SPECIAL CONSIDERATION</u>	
<p>For purposes of this section the definition of “location” is information concerning the physical whereabouts of the NCP, the NCP’s employer(s), or the NCP’s sources of income and/or assets which are used for the purpose of modifying and/or enforcing a child support obligation. [45 CFR § 303.3(a)]</p>	

COMPLIANCE REQUIREMENTS	
A	<p>Within 75 days of determining locate is necessary, the LCSA will access all appropriate federal, state and local locate sources. The LCSA must ensure that location information received is sufficient to take the next appropriate action or service. The Federal Parent Locator Services (FPLS) need not be accessed if locate information sufficient to take the next appropriate action in a case is otherwise obtained within the 75-calendar day time frame. If locate information from a locate source that was accessed within the initial 75-calendar days was received after the 75-calendar days have elapsed, then the information would be treated as new information (defined in paragraph B below; hence, another 75 calendar day time period would begin). [22 CCR § 113100(b); 45 CFR 303.3(b)(3)]</p>
B	<p>Following the 75-day time period, locate actions must be repeated in which previous attempts to locate the NCP or sources of income/assets have failed, but adequate identifying and other information exists to meet requirements for submittal for location. Repeated locate attempts must be done either quarterly or immediately upon receipt of new information which may aid in location, whichever occurs sooner. Quarterly attempts may be limited to automated sources when the noncustodial parent’s name, date of birth, or SSN is known. Referral to an automated locate source must include accessing the State Employment Development Department (EDD) and the California Parent Locate Service (CPLS) records. [45 CFR § 303.3(b)(5); 22 CCR § 113100(c)]</p>

C	If the SSN is unknown, the LCSA must have made every reasonable effort to obtain it before making the request for FPLS information. (Sources include, but are not limited to the Department of Motor Vehicles (DMV), the Department of Justice (DOJ), and Credit Reporting Agencies, etc.) [45 CFR § 303.70(c)(2); FSD Letter 92-19]
D	Additional locate action requirements are contained in 22 CCR § 113100.

QUESTION CB07 relates to the mandatory review of all current assistance Temporary Assistance for Needy Families (TANF) cases opened for three or more years.

COMPLIANCE REQUIREMENTS
At least once every three years, the LCSA shall conduct a mandatory review, and, if appropriate, seek modification of, each child support case for which assistance is being provided under the CalWORKs program. [22 CCR 115530(a)(2); FC 3680.5; CSS Letter 10-01]

QUESTION AB08 relates to modifying the order if there is no medical provision.

COMPLIANCE REQUIREMENTS
If the provisions for health insurance and cash medical support outlined in CSS Letter 11-02, were not included when the order was established or last modified, the LCSAs must address these provisions when seeking modifications. This is in reference to any order that was established after January 1, 2011. [45 CFR § 303.31(b)(3), 22 CCR 115510 (e)(1)(C), FC 3751, FC 17400, CSS Letter 11-02]

QUESTION CB09 should be answered “Y” if the “latest required action” provision is applicable; otherwise, answer “U” if not applicable, or leave unanswered. DO NOT answer this question “no.” [45 CFR § 308.2(f)(2)]

COMPLIANCE **Enforcement Review Form**

CC01 [] If eligible, was the case submitted for IRS/FTB intercept?
Comments:

CC02 [] If eligible, was the case submitted for UIB/SDI withholding?
Comments:

CC03 [] Was a real property lien recorded?
County:
Date:
Comments:

CC04 [] If an employer was known, was a wage assignment sent to the NCP's employer that included:
A) Both current support and arrears, if applicable; and
B) Did the withholding not exceed 50 percent of the NCP's net disposable earnings or the amount indicated on the court order, whichever is less, for both current support and medical support, if applicable?
Comments:

CC05 [] If this case was applicable as of the end of the review period, was it referred to DCSS under the 60-day delinquent requirement?
Comments:

CC06 [] For enforcement cases in which either the CP or NCP is located during the review period, did the LCSA conduct screening for family violence and provide the CP and NCP (in person or by mail) the "Family Violence Questionnaire" (DCSS 0048)?
Comments:

COMPLIANCE Enforcement Review Form (continued)

CC07 [] If the LCSA received verification that the NCP receives SSI/SSP benefits, and the income was used in the calculation of the support order, did the LCSA file a motion for a modification within 30 calendar days?

Date LCSA received verification of benefits:

Date the motion filed:

Elapsed days: (30 calendar days)

Comments:

Three horizontal lines for writing comments.

CC08 [] Was a collection received from income withholding during the last quarter of the review period, or, if income withholding was not appropriate, was a collection otherwise received during the review period? (Answer either "Y" or "U.") (Notwithstanding Provision)

Comments:

Three horizontal lines for writing comments.

CC09 [] A) If the NCP became delinquent in the payment of current support, or in the case of a successful locate in an ongoing delinquency, was administrative action (enforcement action NOT requiring service of process) taken within 30 calendar days?

Date of delinquency or locate:

Date of administrative action:

Elapsed days: (30 calendar days)

B) If the NCP became delinquent in the payment of current support, or in the case of a successful locate in an ongoing delinquency, was legal action (enforcement action requiring service of process) taken (unsuccessful attempts documented) within 60 calendar days?

Date of delinquency or locate:

Date of service of process:

Elapsed days: (60 calendar days)

Comments:

Three horizontal lines for writing comments.

CC10 [] If an enforcement action was unsuccessful or could not be completed because of a court delay (after successful service of process), was the reason documented and a date for future action determined and initiated or taken as appropriate?

Comments:

Three horizontal lines for writing comments.

COMPLIANCE Enforcement Review Form (continued)

CC11 [] If a lien was required, did the LCSA prepare and submit the lien for recording within 45 calendar days of the date a money judgment or order is received by the LCSA, a case is opened for enforcement of an existing order or judgment, or an existing order is registered for enforcement?
 Date money judgment/order received/registered:
 Date lien prepared and submitted:
 Elapsed days: (45 calendar days)
 Comments:

CC12 [] A) If an Income Withholding Order(wage assignment) was used as an enforcement action, was the wage assignment served within 2 business days after new employee information was received from the National Directory of New Hires (NDNH)?
 Date of NDNH entry:
 Date wage assignment served:
 Elapsed days: (2 business days)
 B) If a wage assignment was used as an enforcement action and the employer information was received from a source other than NDNH, was it served within 15 calendar days from when the information was received?
 Date employer known:
 Date wage assignment served:
 Elapsed days: (15 calendar days)
 Comments:

CC13 [] If a case that already contained an enforceable order was opened or reopened during the review period, or was opened prior to the review period, but required intake actions were never completed, did the LCSA complete all of the following within 20 calendar days:
 a) Establish a case record, and
 b) Solicit necessary information from the CP or other sources (if appropriate), and
 c) Initiate verification of that information (if appropriate)?
 Date of application or referral:
 Date intake completed:
 Elapsed days: (20 calendar days)
 Comments:

COMPLIANCE Enforcement Review Form (continued)

CC14 [] If location of the NCP or assets is necessary, did the LCSA access all appropriate federal, state and local locate sources, and as appropriate, initiate verification of any information received within 75 calendar days?
 Date locate became necessary:
 Date of locate action:
 Elapsed days: (75 calendar days)
 Note locate sources(s) and date(s):
 Comments:

CC15 [] If the NCP or his/her assets are not located within the initial 75 calendar days and sufficient identifying information is available, did the LCSA continue to access appropriate locate sources quarterly?
 Comments:

CC16 [] Was new information, which may have assisted in locating the NCP or NCP's assets/earnings, acted upon immediately within 75 calendar days?
 Date new information received:
 Date new information acted upon:
 Elapsed days: (75 calendar days)
 Comments:

CC17 [] If the LCSA mailed the "Family Violence Questionnaire-Cover" (DCSS 0049) and "Family Violence Questionnaire" (DCSS 0048), were they mailed within 5 business days of first locating a CP or NCP?
 Date CP or NCP located:
 Date letter mailed:
 Elapsed days: (5 business days)
 Comments:

CC18 [] LATEST REQUIRED ACTION
 Does the "Latest Required Action" provision (pertaining to time frames) apply to this component? (Answer either "Y" or "U.")
 If yes, explain:

Enforcement Compliance Criteria

The review form for this component is generally used if the case contains an enforceable support order during the review period.

SPECIAL CONSIDERATIONS

In order to be in compliance in this component, the LCSA must meet the following federal and state requirements, regardless of other actions taken:

- ◆ If eligible, the case must be submitted for Internal Revenue Service/Franchise Tax Board (IRS/FTB) intercept and Unemployment Insurance Benefits/State Disability Insurance (UIB/SDI) withholding.
- ◆ If an employer is known, a wage assignment addressing both current support and arrears (if appropriate) must be sent to the employer.
- ◆ A real property lien must be recorded (if applicable).
- ◆ If the case is applicable, it must be referred to DCSS under the 60-day delinquent requirement and family violence screening must have been addressed.
- ◆ If family violence screening or Supplemental Security Income/State Supplemental Program (SSI/SSP) income is an issue, it must be addressed.

“Notwithstanding” Provision: Consistent with requirements of 45 CFR § 308.2(c), the LCSA will be considered to have taken appropriate action in this component, if at least one enforcement action is used that results in a collection during the review period, notwithstanding the failure of the LCSA to meet required time frames in intake, locate and enforcement actions.

“Latest Required Action” Provision: Consistent with requirements of 45 CFR § 308.2(c)(3), if the “notwithstanding” provision cannot be applied, the “latest required action” provision may be considered; that is, if the latest appropriate action for this case in this component was taken correctly and timely, the case is considered in compliance. However, in this component this provision does not apply if any of questions CC01 through CC07 are answered “no.”



NOTE: The “latest required action” does not apply to a situation where a required time frame was not met, but where the action associated with that time frame was eventually completed within the review period. It only applies to a subsequent (latest required) action where the time frame was met. Also, if a required action was still not taken as of the end of the review period, the latest required action provision cannot be applied. (Answer only “Y” or “U.”)

QUESTION CC01 should be answered if during the review period, a case meets the eligibility requirements for IRS/FTB intercept at the time of submittal.



NOTE: Since March 2009, the CSE system interacts on an automated basis directly with the FTB system for state tax refund intercepts and directly with the OCSE system for IRS tax refund intercepts.

CSE REQUIREMENTS:

IRS Tax Intercept; Multistate Financial Institution Data Match (MS-FIDM); Federal Administrative Offset and Passport Denial:

- 1) The Statewide Arrears Balance for this case type (TANF or Non-TANF) is greater than or equal to \$25, and
- 2) The Primary or Secondary SSN is SSA/FCR Verified, System Validated or User Validated and is not indicated as a "Fraudulent SSN", and
- 3) The Child Support Warning Notice (CSWN) has been sent, and
- 4) The NCP is not referred to IRS Full Collections.
- 5) For this SSN and case type (TANF or Non-TANF) the NCP has never been accepted by OCSE or the last submission was a delete, and
- 6) No participant level suppression, and
- 7) For the SSN and Case Type (TANF or Non-TANF) the NCP has never been accepted by OCSE or the last submission was a delete.

[FC § 17500(c), CSS Letter 04-27]

For intergovernmental cases, CSE submits initiating cases only.

State Tax Intercept:

- 1) [0] days delinquent and total arrears greater than or equal to [\$100], and
- 2) It has been [30] days since the original CSWN has been sent, and
- 3) The Primary or Secondary SSN is SSA/FCR Verified or System Validated or User Validated, and is not indicated as a "Fraudulent SSN"
- 4) No participant level suppression of FTB State Tax and Lottery Intercept exists.

COMPLIANCE REQUIREMENTS

A Procedures for Federal Tax Refund Intercept:

1. Submit annually all eligible cases to the Federal Offset Program (FOP) for submission to the IRS Tax Refund Intercept Program as follows: [45 CFR § 303.6(c)(3); MPP 12-702.1]
 - a) Have a court order or an order of an administrative process established under state law. [MPP 12-703.11]
 - b) The case record must contain a copy of the order and any modifications upon which the amount referred is based, which specify the date of issuance and the amount of support. [45 CFR § 303.72 (a)(4)(i); MPP 12-704.17]
 - c) If the LCSA cannot verify the amount owed using a copy of the payment record, the CP shall sign an affidavit attesting to the amount of child support arrears. [45 CFR § 303.72(a)(4)(ii); MPP 12-704.16]

Update all individual case arrearage amounts in IRS tax refund intercept cases and submit them to DCSS at least monthly whenever the certified arrearage has been reduced by any amount. [MPP 12-710.1]

B	<p>Procedures for State Tax Refund Intercept:</p> <ol style="list-style-type: none"> 1. Meet the minimum criteria for submission of cases for state income tax refund offset. [45 CFR § 303.102; MPP 12-703.1] 2. Ensure that the amount referred is accurate, has been verified and that assistance and nonassistance arrearages are combined. [45 CFR § 303.102(b)(1)] <p>Submit annually all eligible cases to the DCSS for submission to the FTB Tax Refund Intercept Program. [MPP 12-702.1]</p>
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QUESTION CC02 should be answered if during the review period there is:

1. An arrearage.
2. An unmet current amount of child support that has been established or adjusted by a court order.
3. The case was not and should have been submitted for UIB/SDI intercept prior to the review period.

SPECIAL CONSIDERATION:

Federal requirements cover the withholding of UIB. The DCSS requires withholding of SDI, in addition to UIB [FC § 17518; CCP § 704.130]. This section of the review guide pertains to both UIB and SDI.

“Assigned arrears” are arrears owed at the time a family receives assistance which automatically become assigned to the LCSA for recoupment for aid paid.



NOTE: Do not answer the question for cases which were submitted prior to the review period and currently remain on the UIB/SDI submission list.

CSE REQUIREMENTS

1. EDD-State Unemployment/Disability Intercept total arrears greater than \$150,
2. CSWN has been sent, and
3. The SSN is SSA/FCR Verified, System Validated, or User Validated,
4. No participant level suppression.

[Per Use Case 163: Assess Non-Discretionary Enforcement Need (Table 1-2 Submission Criteria for Non-Discretionary Enforcement, State Unemployment/Disability Intercept)]

COMPLIANCE REQUIREMENTS

- A The LCSA shall have written criteria for selecting cases to pursue withholding of UIB/SDI for support purposes. These criteria must be designed to ensure maximum case selection and minimal discretion in the selection process. [45 CFR § 302.65(c)(3); FC § 17518; FSD Letter 92-02]
1. All eligible assistance and nonassistance cases shall be submitted for UIB/SDI intercept and all assistance cases must include an Assignment of Support Rights. [WIC § 11477]
 2. An eligible case is defined as one in which an arrearage or unmet current amount of child support has been established by a court order. [FC § 17518; 45 CFR § 303.72(a)(2)]
 - a) The unmet current child/spousal support plus arrearage submitted cannot be less than \$150. Assistance and nonassistance arrearage can be combined to meet the \$150 requirement. All assigned arrearages accrued after going off aid are considered nonassistance arrears.

QUESTION CC03 should be answered if during the review period:

1. A new support order is obtained.
2. A foreign order is registered.
3. A lien was not recorded, but should have been, on an existing court order and had not been recorded by the end of the review period.

COMPLIANCE REQUIREMENTS

- A The LCSA shall record a real property lien: [45 CFR § 302.70 (a)(4); 22 CCR § 116130 (c)]
1. In all intracounty cases and all intercounty/Intergovernmental responding cases. [22 CCR § 116130(c)(1) and (2)]
 2. In Intergovernmental initiating cases only if the obligor is known to have, or is likely to acquire real property interests in California. [22 CCR § 116130(c)(3)]
 3. If not previously recorded, record each existing order as the case is worked.
 - a) In the county in which the obligor resides. [22 CCR § 116130(e)(1)]
 - b) In the county in which the obligor's parents reside, if known and different from the county in which the obligor resides. [22 CCR § 116130(e)(2)]
 - c) In any other county in which the NCP is known to have, or could reasonably be expected to acquire a real property interest. [22 CCR § 116130(e)(3)]



NOTE #1: For purposes of the review, a lien is not required if there is a \$0 or reserved order. [22 CCR § 116130(a)]

NOTE #2: Effective January 1, 1996, per AB 554 (Chpt. 583, statutes of 1995; CCP § 697.360), liens are only required to be recorded on new (not modified) orders.

	<p>4. The LCSA shall record one of the following:</p> <ul style="list-style-type: none"> a) An Abstract of Support Judgment. [22 CCR § 116130(d)(1)] b) An Abstract of Support Judgment (notice of support judgment), DCSS 0239 (12/15/10). [22 CCR § 116130(d)(2); CCP § 697.320; FC § 4506(c); CSSIN Letter 07-04] c) A certified copy of the support order. [22 CCR § 116130(d)(3)] <p>A notice of lien, Form OMB Control #0970-0153 Expiration date 5/31/14 [AT-11-06; CCP § 697.320; CSSIN 02-23; 22 CCR § 116130(d)(4)]</p>
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QUESTION CC04 should be answered if, during the review period:

1. An employer is known and an existing wage assignment was not previously served or
2. If a new employer is identified.

SPECIAL CONSIDERATIONS

A “Wage Assignment” is an enforcement action used to ensure current support payments (plus a specific payment on arrearage, if any) by withholding a portion of the NCP’s salary or earnings. For purposes of the review and compliance determination, if a wage assignment was issued for current support only (no arrears) and cannot be served because no employer is known, and an employer subsequently becomes known, the LCSA should serve the existing wage assignment for current support on the NCP’s employer within 15 calendar days or two business days after employee information was entered into the National Directory of New Hires (NDNH). The LCSA should initiate action to review the wage assignment immediately to include an amount to be applied towards arrears. If service of the assignment has been ordered stayed, the stay shall terminate:

1. On the NCP’s failure to make timely support payments or earlier by court order if requested by the LCSA or the NCP.
2. If CP makes a request and can establish that good cause for the stay no longer exists. [FC § 5261]

COMPLIANCE REQUIREMENTS

A	In addition to the withholding amount requested to pay the current month’s obligation, the LCSA must also include an amount to be applied toward liquidation of any overdue support. [45 CFR § 303.100(a)(2); FC § 5230 (a)(2); 22 CCR § 116100(a)(2) and (3)]
B	To initiate withholding after the court orders it, the LCSA must serve the wage assignment on the NCP’s employer, if known, within 15 calendar days of receipt of the order [22 CCR § 116100(c)(1)]. The LCSA must send the NCP’s employer a notice, which includes the information on Wage and Earnings Assignment Order. Each new or adjusted support order established after November 1, 1990, must include a wage assignment provision, effective immediately, to allow the LCSA to withhold wages (unless a determination of good cause or alternative arrangement has been rendered by the court). [45 CFR § 303.100; 22 CCR § 116100(a); FC § 5200 et. seq]

C	If the NCP changes employment when withholding is in effect, the LCSA must serve the NCP's new employer (when known) within 15 calendar days. [45 CFR § 303.100(e)(4); 22 CCR § 116100(c)]
D	The LCSA shall specify that the total amount withheld for both current support and medical support shall not exceed 50 percent of the NCP's net disposable earnings or the amount indicated on the court order, whichever is less. [45 CFR § 303.100(a)(3); 22 CCR § 116116(b)]

QUESTION CC05 should be answered if the case was applicable for referral to DCSS at the end of the review period under the 60-day delinquent requirement. [FC § 17453 & 17500; CSS Letter 05-21]

CSE REQUIREMENTS

A case needs to meet these eligibility requirements for referral to DCSS:

1. Case is \$100 in arrears, and
2. The case is active IV-D, and
3. There is not a pending/good case granted, and
4. There is not suppression on the case.

However, if the obligor is complying with the monthly support obligation, the first \$3,500 of an obligor's assets is exempt from collection under this subdivision without the obligor having to file a claim of exemption. No Exempt Order to Withhold (EOTW) is sent if less than \$3,500. [FC § 17453(j)(C); CSS 04-27]

QUESTION CC06 relates to the family violence indicator policy.

COMPLIANCE REQUIREMENTS	
A	The LCSA shall screen all CPs and NCPs for family violence for enforcement cases in which either the CP or NCP are located during the review period. This screening shall occur during the initial interview as specified in 22 CCR § 112100(e) and 112140. [45 CFR § 260.52; 22 CCR § 112300, CSS Letter 01-03]
B	The LCSA is required to mail to the CP and the NCP a Family Violence Cover Letter and Family Violence Questionnaire. If a child is in foster care, the forms shall be mailed to both NCPs. [22 CCR § 112300, CSS Letter 01-03]

QUESTION CC07 should be answered if the LCSA received verification that the NCP's only source of income is SSI/SSP benefits and that the income was used in the calculation of the support order; then the LCSA must file a motion to modify the order to zero within 30 calendar days. After the order is modified the LCSA worker must manually initiate case closure if appropriate. Cases cannot be closed while legal actions are pending, so case closure should not be initiated until after the order is modified. [45 CFR § 581.104(j); FC § 17400.5; CSS Letter 02-15]

CSE REQUIREMENTS

If the NCP is receiving SSI/SSP benefits, CSE will set a case for closure if the LCSA worker indicates that the NCP is receiving SSI/SSP and has not other attachable income or assets.

QUESTION CC08 should be answered if a wage assignment was appropriate and a withholding collection was received during the last quarter of the review period; or if a wage assignment was not appropriate and a collection, other than a withholding collection, was received during the review period and the case was submitted for FTB/IRS intercept. [45 CFR § 308.2(c)(1)(2)]

QUESTIONS CC09 AND CC10 should be answered if during the review period a case becomes delinquent and/or sufficient locate information becomes available to pursue enforcement of a delinquent case.

SPECIAL CONSIDERATIONS

The LCSA is required to maintain an effective system for identifying delinquencies on the date the NCP fails to make a payment equal to one month's support obligation. The IV-D agency must then initiate action to enforce the support order within specified time standards.

If the NCP has a delinquency which occurred prior to and has carried over into the review period and the LCSA is successful in locating the NCP or earnings/assets , enforcement action(s) has to occur either within the 30 or 60 days of the locate date.

For purposes of distribution, amounts collected shall be treated first as payment on the required support obligation for the month in which the support was collected. To be consistent with 45 CFR § 302.51(a)(1) and for purposes of the compliance review, the NCP is considered delinquent if he/she fails to make a payment in the amount of one month's support during the month in which it is due. Therefore, delinquency occurs when the accumulated unpaid support totals an amount equal to or exceeds one month's support.

The LCSA can manually suppress in CSE all enforcement actions against the NCP at the CSE participant level and suppress selective enforcement actions at the case and court case levels. In addition, certain CSE automated enforcement actions will be automatically suppressed upon entry into CSE of NCP bankruptcy filing information. The LCSA must subsequently manually remove the suppression from each enforcement action in CSE at the participant level for the enforcement action to resume.

Enforcement attempts must include as many of the following actions as are appropriate and necessary:

- Delinquency letter with specific language (first 30 days only).
- Bankruptcy “Proof of Claim” [US Code Title 11, Appendix III, Rule 3001].
- Civil or criminal contempt proceedings.
- Wage assignment and garnishment [22 CCR § 116100].
- Orders for examination of judgment debtor and debtor’s creditors.
- Writs of execution/levy.
- Liens on workers’ compensation awards.
- Utilize action of credit reporting agencies (first 30 days only).

COMPLIANCE REQUIREMENTS	
A	Taking any appropriate enforcement action (except income withholding and federal and state income tax refund offset) within no more than 30 calendar days of identifying a delinquency or other support related non-compliance with the order or the location of the NCP whichever occurs later. [45 CFR § 303.6(c)(2)]
B	If service of process is necessary prior to taking an enforcement action, service must be completed (or unsuccessful attempts to serve process must be documented in accordance with DCSS guidelines defining diligent efforts) or enforcement action taken within no later than 60 calendar days of identifying a delinquency or other support related noncompliance, or locating the NCP when that person’s location was unknown, whichever occurs later. [45 CFR § 303.6(c)(2)]
C	In cases in which enforcement attempts have been unsuccessful, at the time an attempt to enforce fails, examine the reason why the enforcement attempt failed and determine when it would be appropriate to take an enforcement action in the future and take such action in accordance with the requirements of this section at that time. If legal action is subject to court delays, document the reason and the eventual completion of the action. [45 CFR § 303.6(c)(4); MPP 12-107.5;LCSA letter 02-23]

QUESTION CC11 should be answered when a real property lien is recorded against the real property of the NCP to obtain compliance with money judgments or orders enforced by the LCSA pursuant to Title IV-D of the Social Security Act.

COMPLIANCE REQUIREMENTS	
The LCSA shall prepare and submit for recording a real property lien within 45 days of the date a money judgment or order is received by the LCSA, a case is opened for enforcement of an existing order or judgment, or an existing order is registered for enforcement. [22 CCR § 116130(a)]	

If not previously recorded, record each existing order as the case is worked.

- a) In the county in which the obligor resides. [22 CCR § 116130(e)(1)]
- b) In the county in which the obligor's parents reside, if known and different from the county in which the obligor resides. [22 CCR § 116130(e)(2)]
- c) In any other county in which the NCP is known to have, or could reasonably be expected to acquire a real property interest. [22 CCR § 116130(e)(3)]



NOTE #1: For purposes of the review, a lien is not required if there is a \$0 or reserved order. [22 CCR § 116130(a)]

NOTE #2: Effective January 1, 1996, per AB 554 [Chapter 583, statutes of 1995, CCP § 697.360(b)], liens are only required to be recorded on new orders, not modified orders.

QUESTION CC12 should be answered if a wage assignment was served on an employer during the review period.

COMPLIANCE REQUIREMENTS

The LCSA must implement a wage assignment (if one is not already in place) within 15 calendar days of the date an employer was known or within two business days after new employee information was received from NDNH. [45 CFR § 303.100(e)(2); 22 CCR § 116100(c)(1) & (2)]

QUESTION CC13 should be answered if:

- 1. During the review period, a case containing an enforceable support order was opened or reopened or
- 2. The case was opened prior to the review period, but required intake actions were never completed or initiated.

SPECIAL CONSIDERATIONS

This section of the review guide is to determine if cases are being opened and assessed in the time frames prescribed by state and federal regulations.

Applications are not required of assistance recipients who are discontinued from aid. For these cases, all child support enforcement services must continue to be provided until a request is made to terminate services. A signed application is required for all nonassistance cases.

COMPLIANCE REQUIREMENTS

The LCSA must: [45 CFR § 303.2(b); 22 CCR § 112130(a)]

1. Within 20 calendar days of receipt of referral or application:
 - a) Establish a case record which shall contain:
 - (1) All documents regarding the case, and
 - (2) All relevant facts and dates, and
 - (3) A record of all actions taken and contacts made including the name of the person taking action, the name of any person contacted and the date of contact, and
 - (4) Any results of the actions taken and contacts made.
 - b) Based on the assessment of the case:
 - (1) Solicit any necessary information from the CP (if appropriate), and
 - (2) Solicit any necessary information from any relevant sources (if appropriate), and
 - (3) Initiate verification of the information obtained (if appropriate).

QUESTIONS CC14 THROUGH CC16 should be answered if one or more of the following situations occur during the review period and the case contains an enforceable support order:

1. The NCP's whereabouts are not known or
2. The NCP's whereabouts are known, but the location of income/assets is needed in order to proceed with enforcement.

SPECIAL CONSIDERATION

For purposes of this section the definition of "location" is information concerning the physical whereabouts of the NCP, the NCP's employer(s), or the NCP's sources of income and/or assets which are used for the purpose of modifying and/or enforcing a child support obligation. [45 CFR § 303.3(a)]

The definition of "quick locate" means a request for locate services from one state's parent locator service to another state's parent locator service with the responding state providing those services without opening a Title IV-D case. [22 CCR § 113100(g)]

COMPLIANCE REQUIREMENTS

- | | |
|----------|---|
| A | <p>Within 75 days of determining locate is necessary, the LCSA will access all appropriate federal, state and local locate sources. The LCSA must ensure that location information received is sufficient to take the next appropriate action or service. The Federal Parent Locator Services (FPLS) need not be accessed if locate information sufficient to take the next appropriate action in a case is otherwise obtained within the 75-calendar day time frame. If locate information from a locate source that was accessed within the initial 75-calendar days were received after the 75-calendar days have elapsed, then the information would be treated as new information (defined in paragraph B below; hence, another 75 calendar day time period would begin). [22 CCR § 113100(b); 45 CFR § 303.3(b)(3)]</p> |
|----------|---|

B	Following the 75-day time period, locate actions must be repeated in which previous attempts to locate the NCP or sources of income/assets have failed, but adequate identifying and other information exists to meet requirements for submittal for location. Repeated locate attempts must be done either quarterly or immediately upon receipt of new information which may aid in location, whichever occurs sooner. Quarterly attempts may be limited to automated sources when the noncustodial parent’s name, date of birth, or SSN is known. Referral to an automated locate source must include accessing the State Employment Development Department (EDD) and the California Parent Locate Service (CPLS) records. [45 CFR § 303.3(b)(5); 22 CCR § 113100(c)(1) & (2)]
C	If the SSN is unknown, the LCSA must have made every reasonable effort to obtain it before making the request for FPLS information. (Sources include, but are not limited to the Department of Motor Vehicles (DMV), the Department of Justice (DOJ), and Credit Reporting Agencies, etc.) [45 CFR § 303.70(c)(2); FSD Letter 92-19]
D	Additional locate action requirements are contained in 22 CCR § 113100.

QUESTION CC17 relates to the family violence indicator policy.

COMPLIANCE REQUIREMENTS	
If the LCSA mailed the Family Violence Cover Letter and Family Violence Questionnaire, it must have been mailed within five days of first locating the CP or NCP. If a child is in foster care, the forms shall be mailed to both NCPs. [22 CCR § 112300(a)(1) & (2)(B); CSS Letter 01-03]	

QUESTION CC18 should be answered “Y” if the “latest required action” provision is applicable; otherwise, answer “U” if not applicable, or leave unanswered. DO NOT answer this question “no.” [45 CFR § 308.2(c)(3)]

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COMPLIANCE Collections and Distribution Review Form

CD01 [] Was the payment received from a NCP with more than one case allocated correctly?
Comments:

CD02 [] For a current assistance case, was the county welfare agency notified of the amount collected on the current obligation within 10 business days of the end of the month in which the support payment was received?
Comments:

CD03 [] Was the county welfare agency notified when the LCSA was informed that a direct payment was received and retained by a current assistance CP?
Comments:

CD04 [] For a current assistance case, were the disregard, pass-on (FFC case only), and/or excess payments issued correctly and timely?
Comments:

CD05 [] Were payments distributed correctly, based on the payment source and distribution hierarchy?
Comments:

CD06 [] In nonassistance cases, were payments disbursed to the family or intergovernmental initiating agency within 2 business days after the date of receipt by the SDU?
Date of receipt:
Date payment disbursed to family:
Elapsed days: (2 business days)
Comments:

COMPLIANCE **Collections and Distribution Review Form (continued)**

CD07 [] In nonassistance cases, if a payment due to the family was based on an IRS tax intercept and was not the result of a joint tax return, was the payment issued within 2 business days from the date of receipt by the SDU?

Date of receipt:

Date payment disbursed to family:

Elapsed days: (2 business days)

Comments:

CD08 [] In nonassistance cases, if a payment due to the family was based on an IRS tax intercept involving a joint tax return, was payment issued within 6 months from the IRS offset notification?

Date of IRS offset notification:

Date payment made to family:

Elapsed days: (6 months)

Comments:

Collections & Distribution Compliance Criteria

Payment Selection Criteria: For purposes of determining compliance in this component, identify and review only the last payment received and distributed by the SDU during the review period.

QUESTION CD01 relates to the payment received from a NCP with more than one case and if it was allocated correctly.

COMPLIANCE REQUIREMENTS
<p>When the SDU receives a collection from or on behalf of an NCP with more than one case in the state, the payment shall be either applied to one specific case and distributed within that case based on the case status or allocated among multiple cases depending upon the payment source and distributed within each case based on the case status. [45 CFR § 303.100(a)(5); MPP 12-415.1]</p> <p>Also for NCPs with multiple cases, the allocation rules require regular collections to be prorated, first to satisfy all current support obligations, then to satisfy arrearages. The allocation methodology for determining each case’s share of the allocation is in MPP 12-415.12. However, IRS tax intercept collections are allocated first to certified assigned arrears, then to certified unassigned arrears.</p> <p>After the allocation of each case’s share of a collection, payment is distributed based on the distribution hierarchy for each individual case aid status (see question CD05 below).</p>

QUESTION CD02 relates to a current assistance case and was the county welfare agency notified of the amount collected on the current obligation within 10 business days of the end of the month in which the support payment was received.

COMPLIANCE REQUIREMENTS
<p>Within 10 business days of the end of the month in which the support is received by the SDU, CSE will automatically inform the county welfare agency of the amount of the collection which represents payment on the required support obligation for the month. [MPP 12-108.1]</p>

QUESTION CD03 relates to notifying the county welfare agency when the LCSA is informed that a direct payment was received and retained by a current assistance CP.

COMPLIANCE REQUIREMENTS
<p>The LCSA must notify the county welfare agency whenever it discovers that a direct payment was received or has been retained by a current assistance recipient. [MPP 12-225.1]</p>

QUESTION CD04 relates to a current assistance case; and, were the disregard, pass-on (FFC case only), and/or excess payment issued correctly and timely.

COMPLIANCE REQUIREMENTS

CSE is responsible for ensuring that all disbursed amounts are correct and the time frames are met for completing the welfare distribution process and disbursing disregard, pass-on (FFC case only), and excess payments to the family or to the foster care placement agency.

If a current support payment is received on behalf of a current CalWORKs or KinGAP assistance case, CSE will authorize up to \$50 of a collection as a disregard payment. In a FFC case (but not a non-FFC case), any amount of current child support that exceeds the assistance paid in the same month will be sent to the county welfare department (for a foster care child) as a pass-on payment. Any amount collected that exceeds the UAP will be paid to the family or the county welfare department as an excess payment.

The required time frames are:

1. For disregards, payments must have been disbursed within two business days from the date the payment was received by the SDU.
2. Pass-on payments were discontinued except in FFC cases, and the time frame requirements for disbursement of both excess and pass-on payments was changed to 15 calendar days after the end of the collection month.
3. The welfare distribution process must have been completed within 13 calendar days after the end of the aid and collection month. [45 CFR § 302.51 & 302.52; MPP 12-425(a)(1)]

QUESTION CD05 relates to correct payment distribution, based on the payment source and distribution hierarchy.

COMPLIANCE REQUIREMENTS

The priority for distribution of collections depends on the case status and the payment source, either regular or IRS tax intercept. Satisfying a money judgment for support requires that collections be distributed first to satisfy current support, then principal arrearages, then interest arrears. [CCP § 695.221; 45 CFR § 302.51 & 302.52]

QUESTION CD06 relates to nonassistance cases only; and, were payments disbursed to the family or intergovernmental initiating agency within two business days after the date of receipt by the SDU.

COMPLIANCE REQUIREMENTS

In nonassistance cases, amounts collected by the responding state on behalf of the initiating state must be forwarded to the initiating state within two business days of the date of receipt by the SDU in the responding state. [45 CFR § 302.32(b)(1)(2)(ii) & 308.2(g)(2)(iv)]

QUESTION CD07 relates to nonassistance cases only, if a payment due to the family was an IRS tax intercept that was not the result of a joint tax return, was the payment issued within two business days from the date of receipt by the SDU.

COMPLIANCE REQUIREMENTS

In nonassistance cases, when an IRS tax intercept is received that is not involving a joint tax return, the payment must be issued within two business days from the date of receipt by the SDU. [45 CFR § 302.32(b)(3)(i); CSS Letter 06-25]

QUESTION CD08 relates to nonassistance cases only, if a payment due to the family was based on an IRS tax intercept involving a joint tax return, was payment issued within six months from the IRS offset notification.

COMPLIANCE REQUIREMENTS

In nonassistance cases, when an IRS tax intercept involving a joint tax return is received, the collection must be distributed but may be delayed for a period not to exceed six months from IRS offset notification, or until the state receives injured spouse claim information, whichever is earlier. In specific circumstances, the IRS tax intercept involving a joint tax return maybe released prior to six months (see CSS Letter 06-25). Payment released in two business days or prior to six months under specific circumstances will be in compliance with the requirement to release payment within six months from notification of offset. [45 C CFR § 303.72(h)(5); CSS Letter 06-25]

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Table 1: Distribution Hierarchy - AB 2669 Non-FMS Tax Intercept

Priority	Aid	Type	Category	Sub-Category	Applicable to Case Type				Non-Cash
					NA	CA	FA	Mix	
1.		Child/Family	Ongoing	Current	✓	✓	✓	✓	✓
2.		Medical	Ongoing	Current	✓	✓	✓	✓	✓
3.		Spousal	Ongoing	Current	✓	✓	✓	✓	✓
4.	NAA	Child/Family	Arrears	Principal	✓		✓	✓	✓
5.	NAA	Medical	Arrears	Principal	✓		✓	✓	✓
6.	NAA	Spousal	Arrears	Principal	✓		✓	✓	✓
7.	NAA	Child/Family	Arrears	Interest	✓		✓	✓	✓
8.	NAA	Medical	Arrears	Interest	✓		✓	✓	✓
9.	NAA	Spousal	Arrears	Interest	✓		✓	✓	✓
10.	CAA	Child/Family	Arrears	Principal			✓	✓	✓
11.	CAA	Spousal	Arrears	Principal			✓	✓	✓
12.	CAA	Child/Family	Arrears	Interest			✓	✓	✓
13.	CAA	Spousal	Arrears	Interest			✓	✓	✓
14.	UPA	Child/Family	Arrears	Principal			✓	✓	✓
15.	UPA	Spousal	Arrears	Principal			✓	✓	✓
16.	UPA	Child/Family	Arrears	Interest			✓	✓	✓
17.	UPA	Spousal	Arrears	Interest			✓	✓	✓
18.	PAA	Child/Family	Arrears	Principal		✓	✓	✓	✓
19.	PAA	Medical	Arrears	Principal		✓	✓	✓	✓
20.	PAA	Spousal	Arrears	Principal		✓	✓	✓	✓
21.	PAA	Child/Family	Arrears	Interest		✓	✓	✓	✓
22.	PAA	Medical	Arrears	Interest		✓	✓	✓	✓
23.	PAA	Spousal	Arrears	Interest		✓	✓	✓	✓
24.	TAA	Child/Family	Arrears	Principal		✓		✓	✓
25.	TAA	Spousal	Arrears	Principal		✓		✓	✓
26.	TAA	Child/Family	Arrears	Interest		✓		✓	✓
27.	TAA	Spousal	Arrears	Interest		✓		✓	✓
28.	UDA	Child/Family	Arrears	Principal			✓	✓	✓
29.	UDA	Spousal	Arrears	Principal			✓	✓	✓
30.	UDA	Child/Family	Arrears	Interest			✓	✓	✓
31.	UDA	Spousal	Arrears	Interest			✓	✓	✓
32.		Due to obligee (Interstate)	Costs/Fees	Principal	✓	✓	✓	✓	
33.		Due to obligee (Interstate)	Costs/Fees	Interest	✓	✓	✓	✓	
34.		Federal Late Payment (Interstate)	Penalties	Principal	✓	✓	✓	✓	
35.		Federal Late Payment (Interstate)	Penalties	Interest	✓	✓	✓	✓	
36.		Administrative reimbursement	Costs/Fees	Principal	✓	✓	✓	✓	
37.		Administrative reimbursement	Costs/Fees	Interest	✓	✓	✓	✓	
38.		FUTURES			✓	✓	✓	✓	

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Table 2: Distribution Hierarchy – AB 2669 FMS Tax Intercept

Priority	Aid	Type	Category	Sub-Category	Applicable to Case Type				Non-Cash
					NA	CA	FA	Mix	
1.	PAA	Child/Family	Arrears	Principal		✓	✓	✓	✓
2.	PAA	Medical	Arrears	Principal		✓	✓	✓	✓
3.	PAA	Spousal	Arrears	Principal		✓	✓	✓	✓
4.	PAA	Child/Family	Arrears	Interest		✓	✓	✓	✓
5.	PAA	Medical	Arrears	Interest		✓	✓	✓	✓
6.	PAA	Spousal	Arrears	Interest		✓	✓	✓	✓
7.	TAA	Child/Family	Arrears	Principal		✓		✓	✓
8.	TAA	Spousal	Arrears	Principal		✓		✓	✓
9.	TAA	Child/Family	Arrears	Interest		✓		✓	✓
10.	TAA	Spousal	Arrears	Interest		✓		✓	✓
11.	CAA	Child/Family	Arrears	Principal			✓	✓	✓
12.	CAA	Spousal	Arrears	Principal			✓	✓	✓
13.	CAA	Child/Family	Arrears	Interest			✓	✓	✓
14.	CAA	Spousal	Arrears	Interest			✓	✓	✓
15.	UPA	Child/Family	Arrears	Principal			✓	✓	✓
16.	UPA	Spousal	Arrears	Principal			✓	✓	✓
17.	UPA	Child/Family	Arrears	Interest			✓	✓	✓
18.	UPA	Spousal	Arrears	Interest			✓	✓	✓
19.	UDA	Child/Family	Arrears	Principal			✓	✓	✓
20.	UDA	Spousal	Arrears	Principal			✓	✓	✓
21.	UDA	Child/Family	Arrears	Interest			✓	✓	✓
22.	UDA	Spousal	Arrears	Interest			✓	✓	✓
23.	NAA	Child/Family	Arrears	Principal	✓		✓	✓	✓
24.	NAA	Medical	Arrears	Principal	✓		✓	✓	✓
25.	NAA	Spousal	Arrears	Principal	✓		✓	✓	✓
26.	NAA	Child/Family	Arrears	Interest	✓		✓	✓	✓
27.	NAA	Medical	Arrears	Interest	✓		✓	✓	✓
28.	NAA	Spousal	Arrears	Interest	✓		✓	✓	✓

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INITIATING-INTERGOVERNMENTAL CASES

NOTE: Except when a LCSA has determined that use of one-state remedies is appropriate in accordance with 45 CFR § 303.7(c)(3):

CE01 [] If the LCSA received information necessary to process the intergovernmental case, when was the case referred to the responding state IV-D agency's central registry?
Date information received:
Date of referral:
Elapsed days: (20 calendar days)
Comments:

CE02 [] If the LCSA received a request for information from the responding state IV-D agency for the determination of controlling order and reconciliation of arrearages, when did the LCSA provide the requested information to the responding state IV-D agency, OR, notify the responding state IV-D agency when the information would be provided?
Date request received:
Date information or notification provided:
Elapsed days: (30 working days)
Comments:

CE03 [] If the LCSA received a request for additional or new information from the responding state IV-D agency, when did the LCSA provide the information to the responding state IV-D agency, or notify the responding state IV-D agency the information would be provided?
Date request received:
Date information provided:
Elapsed days: (30 calendar days)
Comments:

CE04 [] If the initiating LCSA received new information on the case, when was the information forwarded to the responding state IV-D agency?
Date information received:
Date information forwarded:
Elapsed days: (10 working days)
Comments:

COMPLIANCE Intergovernmental Review Form (continued)

CE05 [] After determining it was appropriate to request a review of a child support order in another jurisdiction, did the LCSA send the request for review to that state IV-D agency within 20 calendar days of receipt of sufficient information to conduct the review?
 Date information received for review/adjustment:
 Date review request sent:
 Elapsed days: (20 calendar days)
 Comments:

CE06 [] If the LCSA closed its intergovernmental case, when did the LCSA inform the responding state IV-D agency of the case closure?
 Date case closed:
 Date responding state IV-D agency informed of case closure:
 Elapsed days: (10 working days)
 Comments:

RESPONDING-INTERGOVERNMENTAL CASES

NOTE: Intergovernmental cases are subject to the same time frames and notice requirements as non-intergovernmental cases. Intergovernmental initiating cases must meet additional requirements as specified in that section of this component.

CE07 [] A) When was it determined that the NCP had moved to another California county?
 Date:
 B) By what date did the LCSA complete all of the following three steps?
 Date case transferred to new county:
 Date initiating state IV-D agency notified:
 Date California Intergovernmental Central Registry/CSE notified:
 Elapsed days: (10 working days)
 Comments:

COMPLIANCE Intergovernmental Review Form (continued)

CE08 [] A) When did the LCSA receive information that the NCP was located in a state other than California?
 Date information received:
 B) By what date did the LCSA complete all of the following three steps?
 Date initiating state IV-D agency notified of the NCP's new location:
 Date documentation returned to initiating state IV-D agency or central registry in the state the NCP is located:
 Date California Intergovernmental Central Registry/CSE notified of the case transfer:
 Elapsed days: (10 working days)
 Comments:

CE09 [] If the LCSA received a request for information from the initiating state IV-D agency for the determination of controlling order and reconciliation of arrearages, when did the LCSA provide the requested information to the initiating state IV-D agency, OR, notify the initiating state IV-D agency when the information would be provided?
 Date request received:
 Date information or notification provided:
 Elapsed days: (30 working days)
 Comments:

CE10 [] If the LCSA received the appropriate intergovernmental documentation from the initiating state IV-D agency requesting services, when did the LCSA provide the requested services/information or request additional information from the initiating state IV-D agency necessary to proceed?
 Date documentation received:
 Date information provided or requested:
 Elapsed days: (75 calendar days)
 Comments:

CE11 [] If the LCSA received new information on an intergovernmental case, when did the LCSA notify the initiating state IV-D agency of the new information?
 Date information received:
 Date new information provided to initiating state IV-D agency:
 Elapsed days: (10 working days)
 Comments:

Intergovernmental Compliance Criteria

Except when the State and LCSA has determined that use of one-state remedies is appropriate in accordance with 45 CFR § 303.7(c)(3), this review form is to be used if during the review period initiating or responding activities have, or should have, occurred in an intergovernmental case.

SPECIAL CONSIDERATIONS

The initiating agency means a State or Tribal IV-D agency or an agency in a country, in which an individual has applied for or is receiving services. Responding agency means the agency that is providing services in response to a referral from an initiating agency in an intergovernmental IV-D case. The “long arm” jurisdiction means the legal authority for one state to assert personal jurisdiction over someone who lives or is served with process in another state. [22 CCR § 110518; 45 CFR § 301.1]

The long arm provision has been expanded under UIFSA. FC § 4905 states: “In a proceeding to establish, enforce or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual’s guardian or conservator if any of the following apply:

1. The individual is personally served with notice within this state.
2. The individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.
3. The individual resided with the child in this state.
4. The individual resided in this state and provided prenatal expenses or support for the child.
5. The child resides in this state as a result of the acts or directives of the individual.
6. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.
7. The individual has filed a declaration of paternity pursuant to Chapter 3 (commencing with § 7570) of Part 2 of Division 12.
8. There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.”

In order for the case to be considered an intergovernmental case, the LCSA must have determined that it cannot take any further action without the assistance of the other jurisdiction. The 20-calendar day time frame for referring an intergovernmental case begins with the receipt of information necessary to process the case. [45 CFR § 303.7(c)(4)(ii); 22 CCR Chapter 117400]

“Latest Required Action” Provision: Consistent with requirements of 45 CFR § 308.2(g), the “latest required action” provision may be considered; that is, if the latest appropriate action for this case in this component was taken correctly, the case is considered in compliance. (Answer only “Y” or “U.”)



NOTE #1: The “latest required action” does not apply to a situation where a required time frame was not met, but where the action associated with that time frame was eventually completed within the review period. It only applies to a subsequent (latest required) action where the time frame was met. Also, if a required action was still not taken as of the end of the review period, the latest required action provision cannot be applied.

NOTE #2: If an order already exists in another state, California shall not establish a new one. LCSAs must consider whether that other state has “continuing exclusive jurisdiction” (CEJ) before it may modify the order in California even to add medical support. If multiple orders already exist, the LCSA may need to bring a notice of determination of controlling order.

NOTE #3: Wage assignments may be enforced directly in other states and a LCSA may directly withhold income under UIFSA without going through the responding tribunal.

NOTE #4: If a LCSA takes advantage of the “one state remedy” which includes “long-arm” to sue a parent out of state directly, or if a LCSA enforces via a direct wage assignment to an NCP’s out of state employer (no other state IV-D agency involved in either situation), the time frame requirements for handling ‘state to state’ intergovernmental cases do not apply.

QUESTIONS CE01 THROUGH CE06 relate to establishing Initiating-Intergovernmental cases.

COMPLIANCE REQUIREMENTS	
A	<p>The initiating agency must determine whether the noncustodial parent is in another jurisdiction and whether it is appropriate to use its one-state remedies to establish paternity and establish, modify, and enforce a support order, including medical support and income withholding. [45 CFR § 303.7(c)(3); 22 CCR § 117200(a), (See Special Considerations for “long-arm” provisions under UIFSA.)]</p> <p>Within 20 calendar days of determining that this is an intergovernmental case, and if appropriate, receipt of any necessary information needed to process the case, refer the intergovernmental IV-D case to the appropriate <i>State Central Registry</i>, Tribal IV-D program or Central Authority of a country for action, if one-state remedies are not appropriate. 45 CFR 303.7(c)(4)(ii); CFR 303.7(c)(5); 22 CCR § 117400(d)(1)]</p>
B	<p>The initiating state IV-D agency must, within 30 working days of receipt of 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 state IV-D agency when the information will be provided. [45 CFR § 303.7(a)(6); CSS Letter 11-06]</p>

COMPLIANCE REQUIREMENTS	
C	Within 30 calendar days of receipt of request for additional or new information, provide the responding agency with an updated intergovernmental form and any necessary additional documentation, or notify the responding agency when the information will be provided. [45 CFR § 303.7(c)(6) ; 22 CCR § 117400(d)(2)]
D	Within 10 working days of receipt of new information of an intergovernmental cases, notify the child support agency in the responding state. [45 CFR § 303.7(a)(7); 22 CCR § 117400(d)(3)]
E	After the LCSA determines that it is appropriate to request a review of a child support order in another state the request for review must be sent to the state that has continuing exclusive jurisdiction to modify the order within 20 calendar days of receipt of sufficient information to conduct the review. If the request for review is the first contact between the initiating and responding states, the request for review must be sent to the central registry in the responding state. If the initiating state previously referred the case to the responding state for action, the request for review may be sent directly to the appropriate agency in the responding state for processing. [45 CFR § 303.7(c)(9); 22 CCR § 117403(a)(b)(c)]
F	The initiating state IV-D agency must, within 10 working days from the closure of an intergovernmental case, notify the responding state IV-D agency of the case closure and provide information regarding the basis of the case closure. [45 CFR § 303.7(c)(11); CSS Letter 11-06]

QUESTIONS CE07 THROUGH CE12 relate to Responding-Intergovernmental cases.

COMPLIANCE REQUIREMENTS	
A	Within 10 working days of locating the NCP in another county in California, the LCSA must have completed all of the following: <ul style="list-style-type: none"> a) Transfer the case to the appropriate jurisdiction, and b) Notify the initiating state, and c) Notify the California Intergovernmental Central Registry/CSE of the transfer [45 CFR § 303.7(d)(4); 22 CCR § 117502(a)]
B	Within 10 working days of locating the NCP in a state other than California, the LCSA must have completed all of the following: <ul style="list-style-type: none"> a) Notify the initiating state of the NCP’s new location, and b) Return the documentation to the initiating state, or if requested, forward to the central registry in the state where the NCP has been located, and c) Notify the California Central Registry/CSE where the case has been sent. [45 CFR § 303.7(d)(3); 22 CCR § 117502(b)]

C	The responding state IV-D agency must, within 30 working days of receipt of 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 state IV-D agency when the information will be provided. [45 CFR § 303.7(a)(6); CSS Letter 11-06]
D	<p>Within 75 calendar days of receipt of an intergovernmental request from the central registry, the LCSA must:</p> <ul style="list-style-type: none"> a) Provide requested/needed locate services, and b) Request the initiating state to provide all necessary additional documentation or information, and c) Process the case to the extent possible, pending receipt of additional information. [45 CFR § 303.7(d)(2)(i-iii); 22 CCR § 117500(b)]
E	Within 10 working days of receipt of new information on an intergovernmental case, the LCSA must notify the initiating jurisdiction of new information. [45 CFR § 303.7(a)(7)]
F	Within 10 working days of receipt of instructions for case closure from an initiating agency the LCSA must stop the responding state's income withholding order or notice and close the responding state's case, unless the two states reach an alternative agreement on how to proceed. [45 CFR § 303.7(d)(9); CSS Letter 11-06]

QUESTION CE13 should be answered "Y" if the "latest required action" provision is applicable; otherwise, answer "U" if not applicable or leave unanswered. DO NOT answer this question "no." [45 CFR § 308.2(g)]

COMPLIANCE Medical Support Review Form

When the LCSA determines that the existing order for current support DOES NOT contain a provision for health insurance coverage:

Exception: For orders existing prior to January 1, 2011, where a nonassistance parent declined medical support services and verified the children are covered by insurance.

CF01 [] Did the LCSA file a "Notice of Motion" or "Order to Show Cause" with the court to include a health insurance coverage provision in the support order?
Comments:

CF02 [] If an employer is not known, did the LCSA serve the NCP by first class mail "Health Insurance Information" (DCSS 0054), along with written notification to complete and return the form to the LCSA within 20 calendar days of the date of the notification?
Comments:

CF03 [] If the NCP's employer is known, did the LCSA serve the employer by first class mail "Health Insurance Information" (DCSS 0054), along with written notification to complete and return the form to the LCSA within 30 calendar days of the date of the notification?
Comments:

When the LCSA determines that the existing order for current support DOES contain a provision for health insurance coverage:

CF04 [] A) If new employee information was received from the National Directory of New Hires (NDNH), did the LCSA serve the employer the "National Medical Support Notice" (NMSN) within 2 business days?
Date of NDNH entry:
Date NMSN served:
Elapsed days: (2 business days)
B) If new employer information was received from a source other than the NDNH, did the LCSA serve the NMSN within 15 calendar days from when the information was received?
Date employer known:
Date NMSN served:
Elapsed days: (15 calendar days)
Comments:

COMPLIANCE **Medical Support Review Form (continued)**

CF05 [] If the medical provision in the support order was no longer enforceable, did the LCSA terminate the NMSN within 10 calendar days of obtaining documentation under the provisions of 22 CCR § 116120?
Date documentation received:
Date NMSN terminated:
Elapsed days: (10 calendar days)
Comments:

CF06 [] If the NMSN was terminated, did the LCSA notify the CP, NCP and NCP's employer in writing under the provisions of 22 CCR § 116120?
Comments:

CF07 [] If medical insurance information was secured, was all required information entered into CSE to ensure transmittal to the California Department of Health Care Services (DHCS) within 10 business days of date health insurance information was received by the LCSA?
Date information was received by the LCSA:
Date information sent to DHCS:
Elapsed days: (10 business days)
Comments:

CF08 [] Was CSE updated in order to inform DHCS of any lapse, change, or termination of the health insurance coverage within 10 business days of the date the LCSA received notification?
Date notification received by LCSA:
Date information sent to DHCS:
Elapsed days: (10 business days)
Comments:

CF09 [] Did the LCSA forward any health insurance coverage information received by a health plan administrator to the CP within 10 business days of receipt?
Date information received:
Date information sent to CP:
Elapsed days: (10 business days)
Comments:

Medical Support Compliance Criteria

This review form is to be used if during the review period:

1. The case includes minor children, and
2. A case has a NEW or MODIFIED order or
3. There is no provision in the existing current support order for medical support or
4. An order was established prior to the review period, but no actions were taken to enforce the medical support provision.

SPECIAL CONSIDERATIONS

Health insurance cost is considered reasonable if it is employment related or other group health insurance, regardless of the service delivery mechanism. Health insurance includes fees for service, health maintenance organizations, preferred provider organizations, and other types of medical services that could be provided to the dependent child of the NCP. Health insurance also includes dental and vision coverage. Activities to obtain and enforce health insurance coverage for dependent children must occur in all cases referred by the IV-A Agency, as well as all nonassistance cases. Medical support activities are a responsibility of the LCSA when establishing and enforcing a child support obligation. The LCSAs are responsible to ensure that a medical provision is included in every child support order. [45 CFR § 303.31; CSS Letter 11-02; AT-08-08; Federal Register: July 21, 2008 (Volume 73, Number 140)].

NOTE: Senate Bill (SB) 580 (Chapter 103, statutes of 2010) amends Family Code (FC) section 3751(a)(2), section 4061 and section 4063(g)(1). Health insurance is defined as reasonable if the cost does not exceed 5 percent of the obligor's gross income. When applying the 5 percent standard, cost is the difference between self-only & family coverage. Health insurance is deemed unreasonable if the obligor is entitled to a low-income adjustment, unless a court decides otherwise. Previously, health insurance was presumed to be reasonable if it was provided by an employer. Accessible health insurance is defined as coverage that provides services within 50 miles of the supported child's residence. Parents are now required to share uninsured medical expenses in all orders as cash medical support.



QUESTIONS CF01 THROUGH CF03 apply when an existing order DOES NOT contain a provision for health insurance coverage.

COMPLIANCE REQUIREMENTS

A	Identify cases which do not include a provision for medical insurance and where the NCP is having wages withheld for a child support obligation. For those cases identified, the LCSA shall petition the courts to modify those cases to include health insurance coverage for the dependent children. Health insurance is deemed reasonable if the cost does not exceed 5 percent of the obligor's gross income. Health insurance is deemed unreasonable if the obligor is entitled to a low-income adjustment, unless a court decides otherwise. Health insurance is deemed accessible if the coverage provides services within 50 miles of the supported child's residence. In all cash medical support orders parents are to share uninsured medical expenses. [45 CFR § 303.31(b)(4); 22 CCR § 116114(a); FC § 3751 (a)(2); FC § 4061; FC § 4063(g)(1); CSS Letter 11-02]
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B	When the LCSA determines that a support order for current support does not include health insurance coverage, and the NCP's employer is not known, the LCSA must serve the NCP by first class mail, "Health Insurance Information" (DCSS 0054) with written notification to complete and return the form to the LCSA within 20 days of notification. If the NCP's employer is known, the LCSA must serve the employer by first class mail, "Health Insurance Information" (DCSS 0054) with written notification to complete and return the form to the LCSA within 30 days of notification. [45 CFR § 303.30(a)(7); 22 CCR § 116114(a)(2) and (3)]
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QUESTIONS CF04 THROUGH CF09 apply when an existing order DOES contain a provision for health insurance coverage.

COMPLIANCE REQUIREMENTS	
A	The LCSA must serve the employer the NMSN accompanying the wage assignment within two business days of intercept of the new employee information from the National Directory of New Hires (NDNH) or 15 calendar days (if by another source) of the date an employer was known. [45 CFR § 303.32(c)(2); 22 CCR § 116100(c)(1) and (2)]
B	The exception to serving the NMSN is that states are not required to use the NMSN in cases with court or administrative orders that stipulate alternative health care coverage to employer-based coverage. [45 CFR § 303.32(b)]
C	If medical support is no longer enforceable, the LCSA shall terminate the NMSN within 10 days of obtaining: <ol style="list-style-type: none"> 1) An order by the court terminating medical support, or 2) An order for medical support is no longer in effect, or 3) Proof that the child(ren) has died or reached emancipation, or 4) A request in writing from non-welfare CP to cease medical support and enforcement services, or 5) A request in writing from non-welfare CP to close case. [45 CFR § 303.32(c)(7); 22 CCR § 116120(a)]
D	Upon terminating the NMSN as specified in 22 CCR § 116120(a), the LCSA must notify the CP, NCP and NCP's employer. [45 CFR § 303.32(c)(7); 22 CCR § 116120(b)]
E	Update CSE in order to complete all required information within 10 business days of the date health insurance coverage enrollment has been received by the LCSA. [45 CFR § 303.30(b); 22 CCR § 116114(d)]
F	The LCSA shall update CSE within 10 business days of notification when the following has occurred: <ol style="list-style-type: none"> 1) Any health insurance coverage has lapsed, or 2) Any health insurance coverage provider has changed, or 3) Any term of the health insurance coverage has changed, or 4) Any health insurance coverage has been terminated, or 5) Any medical support order or assignment order has been quashed or set aside by court order. [45 CFR § 303.31(b)(5); 22 CCR § 116114(e)]
G	Forward to CP any health insurance policy information received from a Plan Administrator within 10 business days of receipt of information. [22 CCR § 116114(f)]

COMPLIANCE **Case Closure Review Form**

CG01 [] If the child support case was eligible for closure in accordance with case closure provisions, was it closed during the review period?
Comments:

CG02 [] If the child support case was closed, was it closed in accordance with case closure criteria?
Comments:

CG03 [] Was written notice of intent, using required language, sent to the CP, or in an intergovernmental case, the initiating agency prior to closing?
(Exceptions permitted)
Date notice sent:
Date case closed:
Elapsed days: (Minimum 60 calendar days)
Comments:

Blank Intentionally

Case Closure Compliance Criteria

This review form is to be used if during the review period the case was closed or was eligible for closure under 22 CCR § 118203 or EBLAST 10-06.

QUESTIONS CG01 THROUGH CG03 should be answered if a case was closed or was eligible for closure.

SPECIAL CONSIDERATION:

Case closure means that Title IV-D services will no longer be provided. However, case closure does not affect the support order if the order is still current, or arrearages are accrued under the order. Although the LCSA closes a case, a support order that is current remains in effect and arrearage continues to accrue for the life of the order.



NOTE: #1: DCSS issued EBLAST 10-06 notifying the LCSA's that current IV-D cases where limited establishment activities have been initiated can now be closed based on the following criteria:

- *All participants on the IV-D case have only received Medi-Cal benefits-none of the participants have been "cash-aided" at any time in CSE, or*
- *CSE records indicate the IV-D case was opened from a Medi-Cal referral and the IV-D Custodial Party has not independently requested IV-D services, or*
- *A Summons and Complaint (S&C) for medical support has not yet been generated, or was generated and has not yet been filed with the court.*

COMPLIANCE REQUIREMENTS

A	<p>The LCSA shall close any case that meets at least one case closure criteria: [45 CFR § 303.11(b); 22 CCR § 118203(a)]:</p> <ol style="list-style-type: none"> 1. There is no longer a current support order and no arrearage payments were made in the preceding twelve consecutive months, and assigned and unassigned arrearages are under \$500; or arrearages are unenforceable under state law. Situations to which these criteria apply include, but are not limited to the following: [45 CFR § 303.11(b): 22 CCR § 118203(a)(1)] <ol style="list-style-type: none"> a) Reconciliation of the family or the death of a child. [22 CCR § 118203(a)(1)(A) and (B)] b) Paternity is established and is the only Title IV-D service needed because both parents in a Title IV-A grant are living together. [22 CCR § 118203(a)(1)(C)] c) The child for whom support is sought dies before paternity is established. [22 CCR § 118203(a)(1)(D)]. d) Cases with medical support orders with a specific dollar amount and arrears which accrue under such orders. [22 CCR § 118203(a)(1)(E)] or e) Emancipation of the youngest child. [22 CCR § 118203(a)(1)(F)]
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COMPLIANCE REQUIREMENTS

A cont.	<p>2. NCP or alleged father is deceased and no further action can be taken, including a levy against the estate. [45 CFR § 303.11(b)(2), 22 CCR § 118203(a)(2)] The LCSA shall verify the death of the NCP or alleged father and shall document attempts to identify assets in the estate that could be levied against were unsuccessful. The case closure notice shall include information about possible Social Security Administration death benefits. [22 CCR § 118203(a)(2)(A) and (B)]</p> <p>3. Paternity cannot be established because one of the following: [45 CFR § 303.11(b)(3); 22 CCR § 118203(a)(3)]</p> <ul style="list-style-type: none"> a) The youngest child requiring paternity establishment has reached 18 years of age and there is no pending judicial action to establish the child's paternity. [45 CFR § 303.11(b)(3)(i); 22 CCR § 118203(a)(3)(A)] b) A genetic test or court or administrative process has excluded the alleged father and the custodial party has attested under penalty of perjury that he/she does not know the identity of other individuals who could be the father. [45 CFR § 303.11(b)(3)(ii); 22 CCR § 118203(a)(3)(B)] c) The LCSA, in conjunction with the county welfare department, determines that the child's best interest will not be served by establishing paternity in a case involving incest or forcible rape, or a case where legal proceedings for adoption are pending. [45 CFR § 303.11(b)(3)(iii); 22 CCR § 118203(a)(3)(C)] d) The first or last name of the biological father is unknown and cannot be identified after diligent efforts, including at least one face-to-face interview by the LCSA with the custodial party. Diligent efforts means the LCSA must act on leads the custodial party provides that help identify and locate the biological father, such as the biological father's last known address or employer. The LCSA may conduct the interview by telephone when, to be interviewed face-to-face, the CP would have to travel 60 miles or take time off from work, or the CP is disabled or lacks transportation. [45 CFR § 303.11(b)(3)(iv); 22 CCR § 118203(a)(3)(D)] e) The child was conceived as the result of artificial insemination of a woman other than the donor's wife, and the husband of the woman, if any, did not consent to the insemination. [22 CCR § 118203(a)(3)(E)] <p>4. The LCSA has no knowledge of any of the following: the NCP or alleged father's residence, employment address, earnings and assets are unknown and the LCSA has made quarterly attempts using all locate sources to locate the NCP, all of which have been unsuccessful. Such efforts shall be made over a three year period when there is sufficient information to initiate an automated locate, or over a one year period when there is insufficient information to initiate an automated locate effort.</p> <ul style="list-style-type: none"> a) Sufficient information means the first and last name, and date of birth, and/or social security number of the NCP or alleged father. b) When there is insufficient information, the LCSA shall at least once ask the CP for additional information to assist with identifying or locating the NCP or alleged father. The LCSA shall make every effort to obtain a social security number of the NCP or alleged father using all appropriate sources, including, but not limited to the Department of Justice, Department of Motor Vehicles, Social Security Administration, and the Federal Parent Locator Service." [45 CFR § 303.11(b)(4); 22 CCR § 118203(a)(4)]
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COMPLIANCE REQUIREMENTS

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cont. | <p>5. The NCP cannot pay support for the duration of the child's minority for any of the four reasons stated below and the LCSA determines that no income assets are available to the NCP which could be levied or attached for support. [45 CFR § 303.11(b)(5); 22 CCR § 118203(a)(5)]</p> <ul style="list-style-type: none"> a) The NCP is institutionalized in a psychiatric facility. [22 CCR § 118203(a)(5)(A)] b) The NCP is incarcerated with no chance of parole. [22 CCR § 118203(a)(5)(B); CSSIN 10-08] c) The NCP has a medically verified total and permanent disability with no evidence of support potential or [22 CCR § 118203(a)(5)(C)] d) The NCP receives SSI/SSP and has no other attachable income or assets. [22 CCR § 118203(a)(5)(D)] <p>6a. The NCP lives in a foreign country, other than Mexico, and all of the following apply: [45 CFR § 303.11(b)(6); 22 CCR § 118203(a)(6)(A)]</p> <ul style="list-style-type: none"> a) The NCP is a citizen of that foreign country, and [22 CCR § 118203(a)(6)(A)1] b) The NCP does not work for the U.S. Government or a company which has its headquarters or offices in the United States, and [22 CCR § 118203(a)(6)(A)2] c) The NCP has no reachable domestic income or assets, and [22 CCR § 118203(a)(6)(A)3.] d) California does not have reciprocity with the country. [22 CCR § 118203(a)(6)(A)4.] <p>6b. The NCP resides in Mexico and in addition to a) through c) above, the case is a California-initiated request for reciprocal child support services with Mexico, and at least one of the following apply: [22 CCR § 118203(a)(6)(B)]</p> <ul style="list-style-type: none"> a) Paternity is at issue and California does not have the basis to establish paternity using long-arm jurisdiction specified in FC § 4905, or the use of long-arm jurisdiction to establish paternity is appropriate, but the LCSA is unable to establish paternity, or [22 CCR § 118203(a)(6)(B)1.] b) The NCP's location is not known, or [22 CCR § 118203(a)(6)(B)2.] c) The NCP is not known to be working or the LCSA is unable to determine the NCP's employer, or [22 CCR § 118203(a)(6)(B)3.] d) The LCSA cannot be provided with a photograph of the NCP, or [22 CCR § 118203(a)(6)(B)4] e) The only issue in the case is retroactive support for past public assistance paid. [22 CCR § 118203(a)(6)(B)5] <p>7. The LCSA has provided non-Title IV-D location-only services as requested by the CP, legal guardian, attorney or agent of a child who is not receiving assistance, whether or not such services were successful. [45 CFR § 303.11(b)(7); 22 CCR § 118203(a)(7)]</p> <p>8. The recipient of services who is currently not receiving public assistance under Title IV-A requests closure of a case and there is no assignment for medical support and no assigned arrears. [45 CFR § 303.11(b)(8); 22 CCR § 118203(a)(8)]</p> <p>9. The court determines it would be inappropriate to establish a child support order for a case in which retroactive child support for past assistance paid is the only issue. [22 CCR § 118203(a)(9)]</p> <p>10. There has been a finding of good cause as specified in Welfare and Institutions Code sections 11477.04 or 14008.6 or other exceptions to cooperation with the LCSA and the state or county welfare department has determined that support enforcement may not proceed without risk or harm to the child or caretaker relative. [45 CFR § 303.11(b)(9); 22 CCR § 118203(a)(10)]</p> |
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COMPLIANCE REQUIREMENTS

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cont.

11. Except as specified in subparagraph (c), the LCSA is unable to contact the non-Title IV-A recipient of services over 60-calendar days despite attempts to contact the recipient of services both by phone and first class letter, sent to the last known address and after using the Department of Motor Vehicles and other locate sources to locate the recipient of services.
 - a) The 60-day period shall begin the date the contact letter is mailed to the last known address of the recipient of services.
 - b) A LCSA shall not mail the notice of case closure until 60 days have elapsed from the date the contact letter was mailed to the recipient of services and all responses from queried locate sources have been received indicating no new information is available that would allow the case to remain open.
 - c) When the recipient of services is a CP and a LCSA has a child support collection that needs to be distributed to the CP, the LCSA shall attempt to locate the CP for six months, applying the same requirements and locate sources for locating NCPs, before the case qualifies for closure under this criterion.
 - d) Medically Needy Only cases shall not be closed under this closure criterion. The LCSA shall contact the county welfare department for assistance in locating the recipient of services. [45 CFR § 303.11(b)(10); 22 CCR § 118203(a)(11)]
12. The non-Title IV-A recipient of services, except a Medically Needy Only recipient, is uncooperative and all of the following apply: [45 CFR § 303.11(b)(11); 22 CCR § 118203(a)(12)]
 - a) The LCSA documents the circumstances of noncooperation in the case file, and
 - b) An action by the recipient of services is essential for the next step in providing child support services, and
 - c) The LCSA shall explain the incident(s) of noncooperation to the recipient of services, in writing, and shall warn the recipient of services that further noncooperation may result in case closure, and
 - d) Noncooperation shall include any action or inaction by the recipient of services that is essential for the next step in providing Title IV-D services, including but not limited to:
 - 1) Continuing to accept direct child support payments, and/or
 - 2) Failing to attend hearings, and/or
 - 3) Refusing to sign forms, and/or
 - 4) Refusing to report private attorney actions.
13. The recipient of services has moved to another county or state and both a) and b) apply: [22 CCR § 118203(a)(13)]
 - a) The recipient of services has applied for service in another county or state.
 - b) The LCSA documents in the case file that contact was made with the other county or state to confirm that the recipient of services has applied for services in the other county or state, or in the case of an intercounty transfer, to confirm that the case has been transferred.
 - c) In addition to a) and b), when there are assigned arrears, the case shall not close until one of the following occurs:
 - 1) The assigned arrears are collected.
 - 2) The case can be closed under another closure criterion.
 - 3) The responsibility for collecting the assigned arrears is transferred to another jurisdiction.

COMPLIANCE REQUIREMENTS

<p>A cont.</p>	<p>14. A LCSA documents failure by an initiating agency to take an action which is essential for the next step in providing Title IV-D services. [45 CFR § 303.11(b)(12); 22 CCR § 118203(a)(14)]</p> <p>a) If California is the responding state and a LCSA needs additional information to process an Intergovernmental case, the LCSA shall send to the initiating state a notice requesting the initiating state to provide the information within 30 days, or provide a response within 30 days as to when the information will be provided.</p> <p>1) If the information or notice of when information will be provided is not received by the responding LCSA after 30 days from mailing the request specified in (a) above, the responding LCSA shall notify the initiating state that the case will be closed in 60 days.</p> <p>2) The responding local child support agency shall also send a copy of the closure notification to the initiating state’s central registry with a notation requesting any assistance the central registry can provide the initiating state’s Title IV-D agency in obtaining information necessary to keep the case open.</p> <p>b) The case shall be closed after 60 days have elapsed from the date of mailing the closure notice specified above, if the initiating state does not provide the information needed to process the Intergovernmental case or a response stating when the information will be provided.</p> <p>c) When the initiating state requests case closure and does not provide the case closure criterion, or provides a case closure criterion that is inconsistent with 22 CCR §§ 118203(a)(1) through (13) and (15), the LCSA shall send the initiating state a written notice of intent to close the case in 60 days, unless the initiating state provides a case closure criterion that is consistent with 22 CCR §§ 118203(a)(1) through (13) and (15). After 60 days, if the initiating state does not provide the appropriate case closure criterion, the case shall be closed as specified in (b).</p> <p>15. A Title IV-D case is erroneously opened and both of the following apply:</p> <p>a) No Title IV-D services can be appropriately provided for the case, and</p> <p>b) There is clear and complete documentation in the case file explaining why the case was erroneously opened and why no Title IV-D services can be provided. [22 CCR § 118203(a)(15)]</p> <p>16. The initiating agency has notified the responding state that the initiating state has closed its case under § 303.7(c)(11); § 303.11(b)(13), and</p> <p>17. The initiating agency has notified the responding state that its intergovernmental services are no longer needed § 303.11(b)(14).</p>
<p>B</p>	<p>The LCSA shall notify the recipient of services, or in an intergovernmental case meeting the criteria for closure under 45 CFR § 303.11(b)(12), the initiating agency, in writing of the LCSA’s intent to close the case. A written notice of case closure shall be mailed to the last known address of the recipient of services, or the initiating agency, 60 calendar days prior to closing the case pursuant to 22 CCR §§ 118203(a)(1) through (6) and (11) through (14). [45 CFR § 303.11(b)(12); 45 CFR § 303.11 (c);22 CCR § 118203(b)]</p> <p>1. Written notice shall not be provided for cases closed under 22 CCR §§ 118203(a)(7) through (10) and (15).</p> <p>2. The written notice of intent to close a case shall include the following:</p> <p>a) The reason the case is closed.</p> <p>b) The circumstances under which the case may be reopened.</p> <p>c) Whom to contact to apply for possible Social Security benefits for cases closed under subsection 22 CCR § 118203(a)(2).</p>

COMPLIANCE REQUIREMENTS

B
cont.

3. When the case is eligible for closure pursuant to 22 CCR § 118203(a)(1) because the parents have reconciled, consequently the family is ineligible for public assistance, and there are no arrears assigned to the state, the LCSA shall mail the written notice of case closure to both the custodial party and noncustodial parent. The notice shall state the following:
 - a) The case is closed because the family has reconciled, and
 - b) Title IV-D services shall be terminated.
4. The case shall be kept open if the recipient of services responds to the closure notice with information that could lead to the establishment of paternity, a support order or enforcement of an order. [45 CFR § 303.11(c)]
5. The case shall remain open if contact is reestablished with the recipient of services in the instance of 22 CCR § 118203(a)(11). [45 CFR § 303.11(c)]
6. A case shall be reopened at a later date if a non-Title IV-A former recipient of services requests that the case be reopened and can provide information that could lead to the establishment of paternity or a support order or enforcement of an order. When a non-Title IV-A former recipient of services requests resumption of Title IV-D services, the recipient of services shall complete a new application package. [45 CFR § 303.11(c); 22 CCR § 118203(c)]
7. The LCSA shall retain closed Title IV-D case records for a minimum of four years and four months from the date of closure, unless otherwise specified. Summary criminal history information shall be disposed of in accordance with record disposal requirements specified in 22 CCR § 111460. [45 CFR § 303.11(d); 22 CCR § 118203(d)]
8. When Title IV-D cases are closed, LCSAs shall evaluate the case to determine whether it is appropriate to release, remove, rescind or terminate establishment and enforcement activities initiated against the obligor. Release, removal, rescission or termination includes, but is not limited to:
 - a) Dismissal of Summons and Complaint, and/or
 - b) Termination of income withholding orders and NMSN, and/or
 - c) Removal of obligor's name and social security number from intercepts, and/or
 - d) Release of personal and real property liens, and/or
 - e) Substitution of payee. [22 CCR § 118203(e)]
9. When a recipient of services has a family violence indicator, the LCSA shall obtain from the recipient of services a substitute address, when necessary for releasing, removing, rescinding or terminating establishment and enforcement actions, and shall not disclose the whereabouts of the recipient of services and the affected child(ren) unless ordered to do so by a court of competent jurisdiction after proper notice and hearing. [22 CCR § 118203(e)(4)]

Part II: Expedited Process Review

The measurement of compliance with expedited process requirements, as specified by regulations 45 CFR § 303.101(b)(2), 308.2(h); MPP § 12-106.2, 12-109 and 12-211; FSD 95-03 will be completed by Quality Assurance Staff (QAS). The following instructions were used to extract the PGM-004: "Expedited Process Compliance Report" in CSE on September 30, 2012:

- a) Log onto CSE and "click" on the "Documents" Global Tab.
- b) "Click" on the "Report Category Search" drop down box.
- c) From the "Reports Category" drop down box, "click" "Program Monitoring."
- d) From the "Report Subcategory" drop down box, "click" "Compliance" then "click" "Search."
- e) Select PGM-004 "Expedited Process Compliance Report" hyperlink.
- f) Select the applicable LCSA from the drop down box and enter 2011 for the FFY, then "click" "Generate."
- g) Search for the PGM-004 "Expedited Process Compliance Report" requested. Once the status is COMPLETED, "click" on the "PDF" hyperlink to view the "Expedited Process Compliance Report" or "click" on the "CSV" hyperlink to view the "Cases out of Compliance."

The requirement is that 75 percent of the cases must be completed within 6 months and 90 percent within 12 months, leaving not more than 10 percent that may exceed 12 months.

QAS will record the results in CRTCS on the Expedited Process Tabulation Form (in CRTCS) and LCSAs need to include the results in the "Letter of Findings," with either a finding of in compliance or out of compliance. If there are fewer than 11 cases for the month of September 2011, the LCSA will be considered in compliance in the Expedited Process Review, but will be encouraged to take voluntary corrective action if the percentage scores are below the required standard.

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Part III: Program Administration

In the Program Administration section there are six components. The Required Notices, Case Application, Declarations of Paternity and Closed Case Retention involve federal requirements and are considered compliance areas for purposes of the compliance review. Failure to meet the minimum requirement of any one of these components will result in a finding of noncompliance and will require a corrective action plan. The remaining two components, Co-Locate and COAP, involve state requirements that are considered “administrative.” A finding of noncompliance of any one of these components will not affect the overall compliance result and will require a program improvement plan to correct the noncompliance.

REQUIRED NOTICES QUESTIONNAIRE

PART 1 MONTHLY STATEMENT OF COLLECTIONS AND DISTRIBUTION

As a result of the combined federal requirements and Barnes vs. Anderson lawsuit, statements and notices must be sent to all custodial parties (CP) when there is either a collection or distribution of support during the month.

REFERENCES: 45 CFR § 302.54[a][1]; Barnes v. Anderson et al., First Amended Permanent Injunction and Judgment, No. CIV-S-90-0579, filed December 14, 1998; 22 CCR § 119184; CSS Letter 05-26; CSSIN Letter 07-04

REQUIREMENTS:

- A. The notices must be sent within 45 calendar days from the end of the statement period when there is either a collection or distribution of support during the period covered by the statement.
- B. DCSS has elected to use the date of receipt as the legal date of collection for all payments, including employer withheld payments once it is received at the State Disbursement Unit (SDU).
 - 1. The Child Support Enforcement (CSE) system will issue the “Monthly Statement of Collections and Distribution” (DCSS 0281), dated (08/04) and “Notice Regarding Monthly Statement of Collection and Distribution” (DCSS 0279), dated (08/04).
- C. The notices must be sent to both assistance and non-assistance recipients of IV-D services unless a collection and/or distribution has not occurred during the month. The notices must be sent to former assistance recipients who were also recipients of Title IV-D services, even if they are no longer receiving Title IV-D services unless a collection or distribution has not occurred during the month, the assignment is no longer in effect and there are no longer any assigned arrearages. Notices do not need to be sent to foster care IV-D or responding UIFSA cases.

REQUIRED NOTICES QUESTIONNAIRE – continued

- D. Notices sent out between October 1, 2011 to July 31, 2012, include the following:
1. The “date of receipt” must be used and shown under “Payments Collected by the DCSS.”
 2. The explanation of why a CP did not receive a disregard must be one of the following:
 - a) “The collection dated _____ came from a federal income tax refund. Under federal law, tax refund money can only be used to pay past due child support and is applied first to repayment of CalWORKs previously paid to you.”
 - b) “There is no order for current support to be paid by the noncustodial parent. When no current support is ordered, no disregard can be paid to you. Support collected on an order for past due support or arrears only cannot be used to pay a disregard.”

As of August 1, 2012, which reflect the July 2012 statements, the “Monthly Statement of Collections and Distribution” (DCSS 0281) will be revised to include the following:

1. The “date of receipt” must be used and shown under “Payments Collected by the DCSS.”
2. The explanation of why a CP did not receive a disregard must be one of the following:
 - a) “There is no order for current support for which a collection has been received.”
 - b) “According to federal law, some collections received can be applied to repay CalWORKs previously paid to you. If this type of collection was received the collection date will appear here: [Dates are shown]”

REVIEW QUESTIONS: To determine if the CSE fulfilled the above requirements, please respond to the following questions:

- 1) Were the “Monthly Statement of Collections and Distribution” (DCSS 0281), to meet the Barnes vs. Anderson lawsuit requirements, and “Notice Regarding Monthly Statement of Collection and Distribution” (DCSS 0279) notices issued by CSE?

_____YES _____NO

- 2) Was the “Monthly Statement of Collections and Distribution” (DCSS 0281) notice sent out within 45 calendar days from the end of the statement period?

_____YES _____NO

- 3) Did the “Monthly Statement of Collections and Distribution” (DCSS 0281) notice contain all the required elements?

_____YES _____NO

<p>PART II REQUIREMENT TO NOTIFY PARENTS OF THEIR RIGHT TO REQUEST A REVIEW OF THEIR CURRENT SUPPORT ORDER</p>
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REFERENCE: 45 CFR § 303.8(b); 308.2(f)(3); 22 CCR § 115503

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above requirements, please respond to the following questions:

- 4) Was the “Notice of Mandatory Review-TANF” (DCSS 0639) sent to both the custodial and noncustodial parties in current assistance cases (opened for three years or more) notifying them of the mandatory review?

_____YES _____NO

- 5) Was the “Review & Adjustment Notice” (DCSS 0282) sent to both the custodial and noncustodial parties in a current nonassistance order?

_____YES _____NO

- 6) Explain the procedure:

- 7) Conclusion: State whether the LCSA met or did not meet the requirement by the end of the review period. (FOR USE BY THE REVIEWER)

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CASE APPLICATION QUESTIONNAIRE

Applications for child support services must be made readily accessible to the public and are now available on-line through the DCSS public website. The Statewide On-Line Application (SOLA) is the single online application process approved by DCSS. If a request is made in person the LCSA must provide an application to the individual or send the application within no more than five working days of a written request. Also, LCSAs must accept applications and open cases for all appropriate referrals from the county IV-A Agency or from other LCSAs when receiving an ex-parte transfer and order for a UIFSA responding case and from other state agencies when receiving a UIFSA responding case. To ensure that this is routinely done, the LCSA must have procedures in place.

REFERENCE: 45 CFR § 303.2(a), 22 CCR § 112100 & 112110

REQUIREMENTS: The LCSA will ensure that:

- ❖ Applications for child support services are readily accessible to the public.
- ❖ Applications are provided and accepted on the day they are requested in person or within five working days of a telephone or written request.
- ❖ Information describing available services, the applicant’s rights and responsibilities, the State’s fees and, cost recovery and distribution policies must accompany all applications for services and must be provided to Welfare, Medicaid and Title IV-E Foster Care applicants or recipients within no more than five working days of referral to the IV-D agency.
- ❖ Referrals (from the county welfare agency, the court, or other LCSAs based on an ex-parte transfer and order and other IV-D state agencies) are accepted on the day they are received.
- ❖ SOLA applications are available online via the DCSS public website.
- ❖ SOLA transmits data to the Statewide On-Line Application Repository (SOLAR) the day it is submitted. SOLAR will retain the application for one month after the final processing date of application.
- ❖ Applications submitted via SOLA are processed the date the referral was submitted.

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above requirements, please respond to the following questions:

1) Does the LCSA have procedures in place to ensure that applications are accessible to the public and are provided within 5 working days of the written or telephone request?

_____ YES _____NO

2) Does the LCSA accept referrals and applications as filed on the day they are received?

_____ YES _____NO

3) Does the LCSA access the “Statewide On-Line Application Repository” (SOLAR) to process applications received electronically?

_____ YES _____NO

CASE APPLICATION QUESTIONNAIRE - continued

4) Does the LCSA use the following forms for the case intake process?

_____YES _____NO

Non-Welfare (Non- IV-A) Applications

FORM NUMBER	FORM NAME
DCSS 0064	Notice of Child Support Services Program Child Support Services Program Notice (196)
DCSS 0095	Confidential Paternity Questionnaire
DCSS 0057	Application for Support Services (Cover)
DCSS 0373	Simplified Application for Child Support Services
DCSS 0069	Child Care Verification
DCSS 0053	Visitation Verification
DCSS 0569	Declaration of Support Payment History
DCSS 0054	Health Insurance Information
DCSS 0055	Request for Support Services
DCSS 0049	Family Violence Questionnaire (Cover)
DCSS 0048	Family Violence Questionnaire
FL 150	Income and Expense Declaration

Welfare (IV-A) Referrals

FORM NUMBER	FORM NAME
CA 2.1 Q	Support Questionnaire
DCSS 0063	Attestation Statement
CW 371	Referral to Local Child Support Agency
DCSS 0049	Family Violence Questionnaire (Cover)
DCSS 0048	Family Violence Questionnaire

5) Does the LCSA provide the "Notice of Child Support Services Program" (DCSS 0064) that includes the following information with the application?

- a) Available services
- b) The applicant's rights and responsibilities
- c) Fees and cost recovery procedures
- d) Distribution policies

_____YES _____NO

6) Does the LCSA provide the above information within 5 working days for cases referred from the IV-A Agency?

_____YES _____NO

7) Conclusion: State whether the LCSA met or did not meet the requirement by the end of the review period. (FOR USE BY THE REVIEWER)

DECLARATIONS OF PATERNITY IN CHILD SUPPORT CASES QUESTIONNAIRE

Federal regulations require that for IV-D cases needing paternity establishment, the IV-D agency must first determine if a voluntary acknowledgement has been recorded in the statewide database in accordance with 45 CFR § 303.5(g)(8) before proceeding to file for paternity establishment or administrative process. In addition once the IV-D agency matches a case with a voluntary acknowledgment recorded in the state database, it must then use that acknowledgement to seek a support order.

REFERENCE: 45 CFR § 303.5(g) & (h) CSS Letter 02-11

REQUIREMENTS:

- ❖ The LCSA must review the statewide Paternity Opportunity Program (POP) database of filed declarations of paternity prior to filing a Summons and Complaint.
- ❖ The LCSA must recognize that a filed voluntary declaration of paternity is a legal establishment of paternity.
- ❖ Failure to adopt and follow this policy will result in a finding of noncompliance.

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above requirements, please respond to the following questions.

- 1) In all IV-D cases where paternity is at issue, did the LCSA review the statewide POP database for a voluntary acknowledgement of paternity prior to filing a Summons and Complaint with the court system?

_____YES _____NO

- 2) Does the LCSA follow policy and practice to recognize that a filed voluntary declaration of paternity obviates the need for a legal establishment of paternity through the courts?

_____YES _____NO

- 3) Conclusion: State whether the LCSA met or did not meet the requirement by the end of the review period. (FOR USE BY THE REVIEWER)

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CLOSED CASE RETENTION QUESTIONNAIRE

Federal law requires IV-D agencies to retain closed child support case records for a minimum of three years from the date of case closure.

REFERENCE: 45 CFR § 303.11(d); 22 CCR § 111450 and 118203(d);
CSS Letter No. 01-16

REQUIREMENTS:

- ❖ 45 CFR § 303.11(d) requires IV-D Agencies to retain all records for closed child support cases for a minimum of three years in accordance with 45 CFR part 74.
- ❖ 45 CFR part 74 provides descriptions of records and requirements for accessing records.
- ❖ If any litigation, claim, financial management review, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.
- ❖ The California Code of Regulation requires the IV-D agency to retain closed case records for four years and four months from the date of case closure; however, for the purpose of the federal self-assessment, LCSA's are to respond according to the federal requirement.

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above federal requirements, please respond to the following question.

- 1) Are all records for closed cases retained by the LCSA either electronically or by hard copy for a minimum of three years from the date of closure, unless otherwise specified?

_____YES _____NO

- 2) Conclusion: State whether the LCSA met or did not meet the requirement by the end of the review period. (FOR USE BY THE REVIEWER)

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CO-LOCATE QUESTIONNAIRE – ADMINISTRATIVE (State Requirement)

As a condition of eligibility for aid paid each applicant or recipient shall cooperate with the county welfare department and the LCSA.

REFERENCE: Welfare & Institutions (W&I) Code § 11477(b)(1)

REQUIREMENTS:

- ❖ State law requires the IV-A applicant to cooperate with the county welfare department and the LCSA in establishing the paternity of the child of the applicant or recipient born out of wedlock.
- ❖ State law requires the IV-A applicant to cooperate with the county welfare department and the LCSA in establishing, modifying, or enforcing a support order with respect to a child of the individual for whom aid is requested or obtained.
- ❖ The LCSA shall have staff available, in person or by telephone, at all county welfare offices and shall conduct an interview with each applicant to obtain information necessary to establish paternity and establish, modify or enforce a support order at the time of the initial interview with the welfare office.

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above requirements, please respond to the following question.

- 1) Does the LCSA have staff available in person or by telephone at the county welfare office(s) to conduct interviews with each applicant to obtain information necessary to establish paternity and establish, modify or enforce a support order at the time of the initial interview?

_____YES _____NO

- 2) Conclusion: State whether the LCSA met or did not meet the requirement by the end of the review period. (FOR USE BY THE REVIEWER)

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**COMPROMISE OF ARREARS PROGRAM (COAP) QUESTIONNAIRE -
ADMINISTRATIVE (State Requirement)**

In 2003, state legislation required DCSS to establish a collection enhancement program to compromise child support arrears owed to California. Pursuant to this legislation, DCSS developed the Compromise of Arrears Program (COAP). This program became permanent July 1, 2008. COAP is a collection enhancement process in which LCSAs may accept offers from Non-Custodial Parents (NCPs) to compromise arrears and interest owed to the government in excess of \$500. NCPs must meet certain eligibility criteria in order to be approved for a compromise. There are currently two processes in place for LCSAs administering the COAP program. For NCPs who owe \$5,000 or more in governmental arrears debt and only have one open child support case in California, there is an option to repay the approved repayment in either a lump sum or a repayment plan for up to a maximum of three years. LCSAs utilize a web-based automated system to determine the compromise and repayment based on information provided by the NCP regarding current income, assets, expenses, etc. For NCPs who owe between \$501-\$4,999 and/or have multiple open child support cases, the manual process allows for a compromise of arrears in exchange for a single lump sum payment. The COAP Quick Reference Guides provide details regarding how the program is to be administered by LCSAs to ensure statewide uniformity and to ensure compromises are being made in the best interest of the state.

REFERENCE: FC § 17560; CSS Letter 04-07; CSS Letter 04-32;
CSS Letter 05-18, CSS Letter 06-20; Quick Reference Guides;
Compromise of Arrears Policy and Procedures 9th Edition-August
2011

REQUIREMENTS:

- ❖ The LCSA shall provide outreach to targeted NCPs identified as potential candidates for the COAP to provide them with information and encourage them to apply.
- ❖ The LCSA shall provide the appropriate application forms to the targeted NCPs and other NCPs who request applications and provide assistance with completion if necessary.
- ❖ The LCSA shall process the application upon receipt of all necessary supporting documentation.
- ❖ The LCSA shall track payments to determine if NCP is in compliance with the Compromise agreement.
- ❖ The LCSA shall ensure that arrears are properly reduced if the required payments are made by the NCP.

(COAP) QUESTIONNAIRE - ADMINISTRATIVE (State Requirement) - continued

REVIEW QUESTIONS: To determine if the LCSA fulfilled the above requirements, please respond to the following questions.

- 1) Is the LCSA ensuring that staff is following DCSS policy, procedures and instructions regarding COAP?
 YES NO

- 2) Did the LCSA perform outreach to targeted NCPs for COAP as specified in the Compromise of Arrears Quick Reference Guides and the COAP Policy and Procedure Manual?
 YES NO

- 3) Did the LCSA provide the appropriate application forms to targeted NCPs for COAP and provide assistance in completing these forms, if requested?
 YES NO

- 4) Did the LCSA process the applications for COAP received from NCPs wanting to compromise their arrears?
 YES NO

- 5) Did the LCSA appropriately reduce arrears in the compromised cases according to the executed agreement?
 YES NO

- 6) Did the LCSA appropriately track scheduled repayments and appropriately reduce arrears in the compromised cases according to the executed agreement?
 YES NO

- 7) Conclusion: State whether the LCSA met or did not meet the requirement by the end of the review period. (FOR USE BY THE REVIEWER)

Through CRTCS, LCSA reviewers are to document compliance reviews by including:

- Overall and specific case review findings, and
- Expedited Process Review findings, and
- Program Administration findings.

Part I: Compliance Review Summary Instructions and Form

Overall Compliance	If the LCSA is in compliance in Case Review, Expedited Process Review and Program Administration, the IN BOX is checked. If the LCSA is out of compliance in Case Review, Expedited Process Review or Program Administration, the OUT BOX is checked.
Case Review Findings (by total case compliance)	“Total Cases Reviewed,” is the combined total of Assistance, Nonassistance and Combination cases. (DOES NOT INCLUDE THE “NO FORMS” COLUMN)
	“Cases In Compliance,” is the combined totals of the “Yes” columns for Assistance, Nonassistance and Combination cases. (DOES NOT INCLUDE THE “NO FORMS” COLUMN)
	“Cases Out of Compliance,” is the combined totals of the “NO” columns for Assistance, Nonassistance and Combination cases. (DOES NOT INCLUDE THE “NO FORMS” COLUMN)
	<p>“Percentage,” is the computed percentage of the cases in compliance using the following formula:</p> $\frac{\text{CASES IN COMPLIANCE}}{\text{TOTAL CASES REVIEWED}} = \text{PERCENTAGE}$ <p> <i>NOTE: The total reviewed only includes cases for which at least one review component was applicable.</i></p>
Case Review Findings by Component	The totals from the Case Review Tabulation Forms are computed automatically and reflect each component.
	The number of cases in compliance (YES).
	The number of cases not in compliance (NO).
	The total number of cases (TOTAL OF YES and NO).
	<p>The number of cases in compliance (YES) is divided by the number of cases reviewed (TOTAL):</p> $\frac{\text{YES}}{\text{TOTAL}} = \text{PERCENTAGE}$
	The appropriate boxes are automatically checked if a PIP or CAP is required for that component.
Expedited Process Review Findings	The appropriate Expedited Process Review findings for the LCSA are obtained from the Expedited Process Tabulation Form.
Program Admin. Findings	The conclusions from the six Program Administration questionnaires are automatically entered.

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COMPLIANCE REVIEW SUMMARY

County: COUNTY NAME

Starting Period: Q412

Ending Period: Q412

	IN	OUT
OVERALL COMPLIANCE		

CASE REVIEW FINDINGS			
TOTAL CASES REVIEWED	CASES IN COMPLIANCE	CASES OUT OF COMPLIANCE	PERCENTAGE

CASE REVIEW FINDINGS BY COMPONENT						
	YES	NO	TOTAL	Percentage	PIP	CAP
A. ESTABLISHMENT/MODIFICATION						
B. REVIEW AND ADJUSTMENT						
C. ENFORCEMENT						
D. COLLECTIONS & DISTRIBUTION						
E. INTERGOVERNMENTAL						
F. MEDICAL SUPPORT						
G. CASE CLOSURE						

EXPEDITED PROCESS FINDINGS			
SIX-MONTH PERCENTAGE	12-MONTH PERCENTAGE	REQUIREMENTS	
		MET	NOT MET

PROGRAM ADMINISTRATION FINDINGS		
COMPONENT	REQUIREMENTS	
	MET	NOT MET
1. REQUIRED NOTICES		
2. CASE APPLICATION		
3. DECLARATIONS OF PATERNITY IN CHILD SUPPORT CASES		
4. CLOSED CASE RETENTION		
5. CO-LOCATE (ADMINISTRATIVE)		
6. COAP (ADMINISTRATIVE)		

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Part II: Writing the Report

The Case Review and Expedited Process Review are conducted by DCSS QAS staff. The findings are entered in CRTCS. The LCSA will have the opportunity to review and respond to the findings before they become final. DCSS reviewers will review the LCSA’s comments and incorporate them into the findings as appropriate. The LCSA will need to complete a Letter of Findings using the template provided below.

Q412 Letter of Findings Template

Date _____

Michael Yahner, Branch Chief
 Department of Child Support Services
 Policy & Program Initiatives Branch
 P.O. Box 419064, MS 210
 Rancho Cordova, California 95741-9064

Dear Mr. Yahner:

The following is (name of LCSA here) DCSS’ letter of findings for the Q412 Compliance Review covering the period October 1, 2011 through September 30, 2012.

Case Review

(Name of LCSA here) DCSS had an overall score of _____ percent for the case review component. (Note: LCSAs will be notified once the case reviews are completed and entered into CRTCS. At that time, LCSAs can retrieve their case review scores from CRTCS in order to complete their letter of findings.)

Expedited Process Review

Cases	6 Months (75%)	12 Months (90%)	Over 12 Months (<10%)
Grand Total			
Percentage			

Program Administration

(Name of LCSA here) DCSS met all requirements in the Program Administration component with the exception of the Required Notices questionnaire.*

*Note: The State will complete the corrective action plan for this component as it is due to a CSE-related issue.

(If the LCSA failed to meet any other requirements in the Program Administration component, please state above. Please delete all items in “red.”)

Sincerely,

(Name of LCSA Director), Director
 (Name of LCSA here) DCSS

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Part I: Compliance Definitions

The annual compliance review process is used to evaluate LCSAs' compliance with federal and state requirements. Findings associated with the review in general and with the specific review sections and components are categorized in the following compliance levels:

Overall Compliance: The LCSA is deemed to be in overall compliance for the review if it is in compliance (see compliance definition below) in all three parts of the compliance review-Case Review, Expedited Process Review and Program Administration.

Substantial Compliance: In the total case review findings and in each case review component, with the exception of Case Closure, the LCSA is deemed in substantial compliance if greater than 80 percent of the cases reviewed meet all applicable requirements. For Case Closure, the LCSA will be deemed in substantial compliance if at least 90 percent of the cases meet all applicable requirements. (Administrative questions are excluded from compliance requirements).

Marginal Compliance: In the total case review findings and in each case review component, with the exception of Case Closure, the LCSA is deemed in marginal compliance if at least 75 percent, but not more than 80 percent of the cases reviewed meet all applicable requirements. For Case Closure, the LCSA will be deemed in marginal compliance if at least 75 percent, but less than 90 percent of the cases meet all applicable requirements.

Compliance:

- ◆ In the Case Compliance Criteria section, it is used to refer to the status of a case meeting all applicable component criteria.
- ◆ In the Expedited Process Review section, it refers to the LCSA meeting case disposition requirements.
- ◆ In the Program Administration section, it means the LCSA met component requirements.
- ◆ It is also used in general reference to a LCSA in overall compliance status.

Out of Compliance (Noncompliance): In the Case Review section, the LCSA is deemed out of compliance, or there is a finding of noncompliance, if less than 75 percent of the cases reviewed meet all of the applicable requirements. This is subject to the statistical validity tests described below. In the Expedited Process Review section, the LCSA is out of compliance if it does not meet both minimum standards of compliance. In the Program Administration section, the LCSA is out of compliance if it does not meet the minimum requirements for each component. If the LCSA is found out of compliance, it must complete the program improvement and corrective action process.

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Part II: Definition of Program Improvement Plan and Corrective Action Plan (PIP/CAP)

Program Improvement and Corrective Action is a process used to respond to findings of noncompliance, identify errors and causes, develop and implement solutions, and to monitor and evaluate the effectiveness of the actions taken.

Part III: Program Improvement and Corrective Action Process

The PIP/CAP process has been organized into six steps: development, submission, implementation, evaluation, certification of compliance and verification. (MPP 12-203, 12-204)

Development: In the development process, the results of the case review summary will determine the type of action needed. If the LCSA is out of compliance in any of the following, Case Review, Expedited Process Review or Program Administration, corrective action will be required. If the LCSA is in compliance overall, program improvement may be required if the case review findings include marginal scores or below (refer to Case Review Compliance Chart), or if the LCSA does not meet the requirements in one of the administrative questionnaires in the Program Administration component.

If corrective action is necessary, it will be either “prospective” or “retrospective.” Prospective corrective action is always required and identifies measures the LCSA will take to prevent the error from occurring in the future. Retrospective corrective action applies to situations where case errors can be corrected by taking appropriate action. It may or may not be required, depending on whether errors are correctable. If so, the plan must include a methodology and time table for correcting the errors, with quarterly milestones. The date of implementation and completion also needs to be included in both CAPs and PIPs.

Submission: Once the PIP/CAP has been prepared it should be submitted to DCSS, preferably with the review report, but not later than 30 calendar days of the review report becoming final. If a CAP includes a quarterly milestone report, it needs to be submitted by the 15th day after the end of each calendar quarter. The LCSA will have no more than one year from the finding to complete the PIP/CAP.

Implementation: A PIP/CAP can be implemented at any time. The LCSA should be correcting or taking action to correct the problem as soon as one is discovered. Early corrective action is encouraged to prevent errors from occurring in the future.

Evaluation: Corrective action must be fully implemented and run a minimum of 30 days. The success of the CAP must be evaluated, possibly by reviewing a sample of cases or actions.

Certification of Compliance: Once the LCSA is confident the actions taken under the CAP have corrected the problem, a certification of compliance should be submitted, describing the evaluation process and results.

Verification: Once the certification of compliance is received, DCSS staff will review the information to ensure the outlined process is working and the problem has been corrected. If the information is inaccurate or insufficient in determining compliance, DCSS may require a field verification to determine compliance with the CAP.

The following chart illustrates the compliance categories and the results of various findings:

CASE REVIEW COMPLIANCE CHART		
TOTAL BY COMPLIANCE	FINDINGS BY COMPONENT*	COMPLIANCE RESULT**
Greater than 80% Substantial Compliance	Greater than 80%	None
	Between 75% - 80%	None
	Less than 75%	Program Improvement Plan
Between 75% - 80% Marginal Compliance	Greater than 80%	None
	Between 75% - 80%	Program Improvement Plan
	Less than 75%	Program Improvement Plan
Less than 75% Out of Compliance	Greater than 80%	None
	Between 75% - 80%	Program Improvement Plan
	Less than 75%	Corrective Action Plan

* For substantial compliance in Case Closure, the LCSA must have at least 90 percent of the cases meet all applicable requirements. For marginal compliance in Case Closure, the LCSA must have at least 75 percent, but less than 90 percent of the cases meet all applicable requirements.

**A PIP is always required for a marginal compliance finding in Case Closure, but for the other case review components, a marginal finding requires a PIP when there is a finding of noncompliance or marginal compliance in the case compliance component.

A CAP is required in response to a finding of noncompliance in the total compliance finding.

The following are suggested samples for use in completing the program improvement and corrective action process.

INSTRUCTIONS: For a CAP, complete questions 1 through 7. For a PIP, complete questions 1 through 6. For a CAP with retrospective correction action and the quarterly milestone report, complete questions 1 through 9.

Corrective Action Plan
Program Improvement Plan
For the Review Period _____

COUNTY _____
COMPONENTS _____
SUBCOMPONENTS # _____

NOTE: Please use a separate form for each component. If there are several subcomponents within a component, and the cause and solutions are the same, counties can combine on one form.

1. Identify the specific finding.
2. List and describe the cause(s) for the finding(s).
3. List and describe the proposed solution(s) considered to address the cause(s) listed above.
4. Identify the selected solution(s) and provide rationale for selection.
5. Describe how the county will implement the solution(s) and include a completion date for each solution listed in section 4.
6. Describe the method (including frequency) to be used to measure and evaluate the effectiveness of each solution.
7. If corrective action is in progress, provide the date the action was implemented and the status to date. If corrective action has been completed, provide the number of cases completed, the date of completion, and the compliance percentage level attained.

SECTIONS 8 AND 9 SHOULD ONLY BE COMPLETED IF RETROSPECTIVE CORRECTIVE ACTION (CASE CORRECTION) IS APPLICABLE.

8. For this component and/or subcomponent, estimate the number of cases not in compliance at the end of the review period. Describe the methodology used to arrive at the estimate.
9. Of the total number of cases identified in section 8, provide the number of cases that will be corrected each quarter and the date of completion. If retrospective corrective action has been in progress for three months or more, please complete and submit a Retrospective Corrective Action Quarterly Milestone Report with all appropriate information.

NOTE: If retrospective corrective action has been completed, please provide the following:

- a) Methodology used, and
- b) Total number of cases identified, and
- c) Total number of cases completed and date of completion, and
- d) List of cases corrected.

Signature: _____
Title: _____
County: _____
Date: _____

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Date

DCSS Address

RE: CERTIFICATION OF COMPLIANCE REVIEW YEAR (____)

Dear XXX:

XXX County certifies that it has completed implementation of its Corrective Action Plan and is in compliance. The results of our evaluation are as follows:

Component	Universe	# Excluded	(Sample) # of Cases Reviewed	Evaluation of Results		
				Cases In	Cases Out	Compliance %

Case Number	Beginning Date	Ending Date	Action Taken	Days Elapsed	In	Out

If you have any questions, please call me at _____.

Signature of LCSA Director

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Part IV: Statistical Significance

There are two statistical significance tests that can be applied to case review findings:

1. In order for a valid judgment to be made, at least 11 cases must have been reviewed. For purposes of the review, this applies to two areas:
 - a) In the Case Review section, compliance is determined by the total number of cases in compliance compared to the total applicable for review, which will always be greater than ten cases. Because of this, the individual components need not be tested for statistical validity, even if the number of cases in a component is fewer than 11.
 - b) In the Expedited Process Review section, compliance is measured using those cases entering Expedited Process during the month of September 2011. It is possible there will be fewer than 11 cases applicable in some smaller LCSAs. For purposes of the review in those circumstances, the LCSA will be considered in compliance in the Expedited Process Review, but will be encouraged to take voluntary corrective action if the percentage scores are below the required standard.
2. In the Case Review section, a statistical test of confidence may need to be applied before the results can be considered valid if the score is slightly below 75 percent. If the results are validated, the LCSA is found out of compliance and a CAP is required. If the results do not pass the significance test, the LCSA is considered to be in marginal compliance for purposes of the review and a PIP may be required (see chart on page 100).