

Support C Child Support Enforcement Program; Provision of Services in Interstate Title IV-D

Directive #1-89
Issued by:

January 5, 1989
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Administrative Director

The Department of Health and Human Services, Office of Child Support Enforcement has published in the Federal Register the final rules and regulations regarding interstate cases.

This publication revises current regulations at 45 *CFR* 301.1, 302.36, 303.7, 305.20 and 305.32. Under the Title IV-D State Plan, the revised regulations require that states extend to interstate IV-D cases the full range of services available in the state for locating absent parents; establishing paternity; establishing child support obligations; and securing compliance by absent parents with support orders. When implementing these rules and regulations into the child support program, interstate cases should be given the same attention and treatment as intrastate cases. In addition, these regulations require the establishment of a central registry in each state for receiving and monitoring all incoming interstate IV-D cases and revise existing audit criteria to address changes in 45 *CFR* 302.36 and 45 *CFR* 303.7.

In order to familiarize yourself with the new rules and regulations, I have enclosed a copy of the Federal Register dated February 22, 1988 which contains the applicable regulations.

The major revisions that have been mandated by the federal government are outlined in the following paragraphs.

I. Initiating State IV-D Agency Responsibilities:

- a. Paternity
Section 45 *CFR* 303.7(b)(1) mandates that states with long-arm statutes allowing establishment of paternity must use these statutes to establish paternity in appropriate cases. The New Jersey Parentage Act, *N.J.S.A. 9:17-38 et seq.*, provides for the use of long-arm in establishing paternity.
- b. Prompt Referral
As the initiating state, the federal regulations require prompt referral of any interstate IV-D case, including URESA petitions and requests for wage withholding, to the responding state's interstate central registry. Each state has indicated where URESA petitions, requests for wage withholding and all other types of interstate IV-D actions should be sent. For information pertaining to each state's central registry, please refer to the National Roster and Interstate Referral Guide 1988, Interstate Enforcement Information Directory published by the National Child Support Enforcement Association.
- c. Standard Forms
The use of standardized forms has been mandated by the federal government. Section 45 *CFR* 303.7(b), paragraph 3 indicates that a URESA forms package is to accompany URESA petitions. For non-URESA actions, the Interstate Child Support Enforcement Transmittal forms must be used to transmit requests for location,

documentation verification, administrative reviews for federal tax refund offset cases, and wage withholding or state tax refund offset.

The forms and attachments are intended to replace cover letters and include all necessary information a responding state would need to initiate action on a case.

Information pertaining to the availability of the various forms can be obtained from the Department of Human Services, Division of Public Welfare, attention: Joe Melillo, (609) 588-3799.

d. Providing Additional Information

Section 45 *CFR* 303.7(b)(4) requires that the initiating agency provide the responding agency or central registry with any requested additional information within 30 days of receipt of the request or notify the responding state when the information will be provided by submitting an updated form or a computer-generated replica of the form, and any necessary documentation.

e. Change of Case Status

It is important that the responding state be notified of any changes in the status of a case within 10 days of receipt by the initiating state of the change. For those counties that are live on ACSES, this notification will automatically be generated by the computer. Non-ACSES counties should begin implementing this procedure immediately as per Section 45 *CFR* 303.7(b)(5).

f. Status Update

Section 45 *CFR* 303.7(b)(6) mandates that the appropriate county agency in the initiating state's Family Court/Intake Unit/Probation Department is to contact the IV-D agency in the responding state for a status update on any case not in payment status, if 90 days has elapsed since the last contact with the responding state IV-D agency.

II. Responding State IV-D Agency Responsibilities:

a. Location

Several of the regulations deal with specific time frames covering interstate enforcement and case processing. Section 45 *CFR* 303.7(c)(4) requires the responding state's Family Court/Intake Unit to complete certain actions within 60 days of receipt of the forms and documentation on the case from the central registry located at the Administrative Office of the Courts (AOC).

If personal service cannot be obtained at the address provided in the original documents from the initiating state, Section 45 *CFR* 303.7(c)(4)(i) requires that the appropriate local office do an in-state location search. This will avoid needless delays which occur when cases are returned to the initiating state because of inadequate location information. Section 45 *CFR* 303.7(c)(4)(ii) requires that the responding state's Family Court/Intake Unit should also notify the IV-D agency in the initiating state of the necessary additions or corrections needed to process the case. Every effort to proceed with a case by remedying faulty documentation or accepting

documentation not in the usual form required by state or local rules should be made, as long as the substantive requirements are met. The federal regulations clearly specify at 45 *CFR* 303.7(c)(5) that any new information received on a case regarding the location of the obligor should be conveyed to the initiating state and central registry within 10 days. This includes cases where the obligor has been located in another jurisdiction within the state or in another state. Please take the necessary steps to incorporate this regulation regarding location efforts into the local child support program.

b. Payments

Probation bookkeeping departments will be affected by Section 45 *CFR* 303.7(c)(7) paragraph iv, which mandates that payments should be forwarded to the initiating state no later than 10 days after the collection of a support payment. All support checks that are forwarded to the initiating state should include sufficient information to identify the case as well as the responding state's identifying code. The date of receipt should also be included on the check.

c. Notice of Hearing

Section 45 *CFR* 303.7 paragraph (c)(8) specifies that the responding state's Family Court/Intake Unit/Probation Department is to notify the initiating state's IV-D agency in advance of any formal hearing which may result in establishment or modification of a support order. New Jersey's policy is to give 14 days advance notice. By closely adhering to this regulation, the initiating state will be kept informed of the status of the case.

d. Case Closing

Another issue addressed in the Federal Register is case closing. The new regulations specify in section 45 *CFR* 303.7(c)(10) that the Family Court/Intake Unit/Probation Department is to notify the central registry (AOC) when a case is closed. Once a support order is established, the blue case tracking card should follow the case throughout processing. Therefore, if the case is transferred or closed, the blue card should be returned to the AOC, Child Support Enforcement, URESA, Interstate Income Withholding Unit where the action will be recorded and a new card, if necessary, will be issued. The same procedure would apply for Interstate Income Withholding cases.

III. Payment and Recovery of Costs in Interstate Cases

Section 45 *CFR* 303.7(d) sets forth clear policy on responsibility for payment of costs in interstate IV-D cases, as well as the authority for states to recover costs of providing services.

In actions to establish paternity, section 45 *CFR* 303.7(d)(2) now places the payment for blood testing on the initiating state. In addition, if paternity is established in the responding state, the responding state must petition the court for payment of costs by the absent parent, and, if costs of blood

testing are recovered from the absent parent, then the initiating state must be reimbursed.

IV. Conclusion

The intent of the new regulations is to improve the efficiency and effectiveness of the processing of interstate IV-D cases, thereby increasing the effectiveness of the Child Support Enforcement Program. It is expected that these regulations will result in increased interstate activity and doubled interstate collections.

The effective date for these rules and regulations was February 22, 1988, except for the requirements of 45 *CFR* 302.36(b), 45 *CFR* 303.7(a) and 45 *CFR* 305.32(f) concerning central registries, which became effective August 22, 1988. If your county has not implemented all of the new regulations into your child support program, please take the necessary steps to do so now.

Any further questions or inquiries regarding the new rules and regulations in interstate enforcement should be directed to the Probation Division of the AOC.

EDITOR-S NOTE

The only change has been the omission of the name of the person to contact at the Administrative Office of the Courts.