

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



December 23, 2004

CSS LETTER: 04-31

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

SUBJECT: UPDATED CHILD SUPPORT COMPLIANCE REVIEW GUIDE AND
FORMS (REPLACES AND SUPERSEDES CSS LETTER 04-08)

This letter formally transmits the federal fiscal year (FFY) 2005 edition of the Child Support Compliance Review Guide and Forms. This guide applies to quarterly compliance reviews conducted during FFY 2005.

The review guide is updated annually to reflect changes in regulations, policies, and/or procedures affecting the compliance review. However, the review guide does not contain all Child Support Program requirements and is not intended to replace the regulations or other formally issued program policies and instructions.

State legislation, Assembly Bill (AB) 738 (Chapter 308, Statutes of 2003), codified existing State requirements pertaining to the child support program and memorialized in statute the Quality Assurance and Performance Improvement (QAPI) program. The assessment of program compliance is incorporated into QAPI and is an integral part of the overall effort to improve program performance. AB 738 also reduced the reviews of individual local child support agencies (LCSAs), using a representative sample of cases, from occurring annually to at least once every three years for those LCSAs found in compliance with program requirements. LCSAs out of compliance are reviewed every year until they are in compliance.

Under QAPI, each LCSA shall conduct a quarterly review of program compliance, using a "scaled down" sample of cases. In an effort to maximize LCSA resources, the compliance reviews are coordinated with quarterly data reliability reviews, using the same sample of cases.

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

This review process is designed to meet federal requirements for an annual self-assessment of compliance with child support program requirements, set out in federal regulations at 45 CFR 308. In addition, compliance is also a requirement for eligibility for State incentive funding.

The compliance review process has been refined to better assist LCSAs in maintaining compliance with federal and State requirements, but it remains consistent with the process used in prior years. The following is a summary of changes from the previous year.

The current compliance review process, as outlined in this review guide, is designed to meet both State and federal mandates described above. LCSAs are reviewed to determine compliance with mandates in effect during the review period. Although changing from an annual to a quarterly process, the basic methodology remains the same as in previous reviews.

Changes in Compliance Review:

1. Reviews will be conducted on a quarterly basis, using the same sample of cases drawn for quarterly data reliability reviews. The samples will include at least 25 cases for LCSAs having a caseload under 10,000 and at least 50 cases for all other LCSAs, except those currently out of compliance, who must review a larger statistically valid sample.
2. The review period will continue to be one year, but that year will move forward with each subsequent quarterly review. The following chart illustrates this change:

REVIEW ID	REVIEW PERIOD
Q404	Oct 1, 2003 – Sep 30, 2004
Q105	Jan 1, 2004 – Dec 31, 2004
Q205	Apr 1, 2004 – Mar 31, 2005
Q305	Jul 1, 2004 – Jun 30, 2005

3. The Q404 review is used to generate statewide findings that will be summarized for inclusion in the federally required self-assessment report; therefore, all LCSAs will participate in the Q404 review.
4. The Q404 review will include all review components – case review, expedited process and program administration. Subsequent quarterly reviews will only include the case review component.

5. LCSAs achieving an overall case review score of 90 percent or greater in a quarterly review will be exempt from subsequent quarterly reviews, until the Q405 review. Other compliance definitions remain the same.

Changes in Case Review:

1. Establishment and Modification Component:
 - a. Question CA04 has been separated into two questions. CA04 pertains to interviewing the custodial parent (CP) in 10 business days.
 - b. Question CA05 pertains to completing the case intake process within 20 calendar days.
2. Enforcement Component:
 - a. Question CC03 has been changed to a two part question:
Part A: Question remains the same
Part B: Refers to recording a lien when the CP resides in California and the noncustodial parent (NCP) resides in another state.
 - b. Question CC11 is a new question. It pertains to preparing and submitting a lien for recordation 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
3. Collections and Distribution Component:
 - a. Questions CD08 refers to issuing an IRS payment within 30 calendar days from collection and CD09 have been added to address nonassistance cases with a tax intercept that involves a joint return (injured spouse). In these cases, the LCSA has up to six months from the offset notification to issue a payment.
4. Interstate Component:
 - a. The questions have been reduced to two categories (Interstate-Initiating and Interstate-Responding).
 - b. Questions CE06 and CE07 have been removed as they are no longer required.
 - c. Question CE09, which has been renumbered to CE07, now has two parts:
Part A: The date the NCP moved to another county
Part B: The date the LCSA completed all the following:
 1. transfer the case to the new county
 2. notify the initiating state and
 3. notify the California Central Registry

- d. Question CE10, renumbered to CE08, also has two parts:
 - Part A: The date NCP located in another state.
 - Part B: The date the LCSA completed the following:
 - 1. notify the initiating state of the NCP's new location
 - 2. return documentation to initiating state or central registry in the state where the NCP is located and
 - 3. notify the California Central Registry of the case transfer
- 5. Medical Support Component:
 - a. Question CF01 now reads "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?"
 - b. Question CF02 is no longer a three part question. It pertains to the LCSA serving the NCP with form CSS 4330, which includes written notification to return the form to the LCSA within 20 days.
 - c. Question CF03 pertains to the LCSA serving the employer with form CSS 4333, which includes written notification to return the form to the LCSA within 30 days.
 - d. Question CF04 pertains to the LCSA serving the employer the National Medical Support Notice (NMSN) within 2 business days if employee information was received by the State Directory of New Hires (SDNH) or serving the employer within 15 calendar days from when the information is received if the source is from other than SDNH.
 - e. Question CF05 pertains to the LCSA terminating the NMSN within ten days of obtaining documentation that medical support was no longer applicable.
 - f. Question CF06 pertains to the LCSA notifying the CP, NCP and NCP's employer that the NMSN was terminated.
 - g. Question CF07 pertains to the LCSA transmitting all required information to the California Department of Health Services (DHS) within 10 business days of securing the information, using DHS Form 6110.
 - h. Question CF08 pertains to notifying DHS of any changes to health insurance coverage within 10 business days, using DHS Form 6110.
 - i. Question CF09 pertains to the LCSA forwarding health insurance coverage information to the CP within 10 business days of receipt.
 - j. Question CF10 (latest required action) is added.

Changes in Expedited Process:

In measuring compliance in Expedited Process, August 2003 will be used as the base month.

Changes in Program Administration:

1. The Case Transfer and Complaint Resolution Tracking System components remain administrative.
2. Two new components are added to this section and will be considered administrative. They are:
Co-Locate: Are the LCSAs meeting requirements for co-locating staff in welfare intake offices?
Interim Compromise of Arrears Program (I-COAP): Have the LCSAs implemented I-COAP?
These components are designated "state only", as they are not required components in the federal self-assessment process. However, failure to meet the requirements will result in the LCSA submitting a Program Improvement Plan(PIP).

The internet-based review tool, Compliance Review Tool for Child Support (CRTCS), will continue to be used for recording the results of the review process.

As in the past, Quality Assurance Branch (QAB) staff are available to provide ongoing assistance to LCSA reviewers. Questions regarding the compliance review process may be directed to your QAB analyst by telephone or by electronic mail at firstname.lastname@dcss.ca.gov.

Sincerely,

/s/Sandra Poole

SANDRA O. POOLE
Deputy Director
Child Support Services Division

Enclosure

Q404 CHILD SUPPORT COMPLIANCE REVIEW GUIDE & FORMS

For reviews designated as Q404, Q105, Q205 and Q305



California Department of Child Support Services
Quality Assurance Branch

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Background

A Performance Standards Model for the Child Support Program in California was first established by Chapter 1647 Statutes of 1990 (AB 1033). This legislation established a process of annual compliance reviews of the county family support divisions' administration of the Child Support Program and provided for corrective action and program improvement to address findings of noncompliance. The reviews were designed to meet federal audit criteria, as well as applicable state and federal program regulations and requirements. Provisions of the legislation tied county compliance to eligibility for state incentive payments, based on a percentage of distributed collections credited to each county. Initial reviews under this model were conducted in 1991 and have continued each year.

AB 1033 expired June 30, 1998 and was replaced by Chapter 404, Statutes of 1998 (SB 1410), making permanent the requirement for the annual compliance reviews and corrective action/program improvement. A new incentive program was established with eligibility again tied to compliance. Statutory language is contained in Family Code Section 17702.

At the federal level, 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. This replaces the federal triennial program audits, which have been discontinued. Section 342 of the PRWORA established the self-assessment requirement and mandates a report of the results of the reviews 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 45 CFR 302 & 303. Also, 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 Part 308 and implements the guidelines into regulation.

State legislation, Chapter 308, Statutes of 2003 (AB 738) added statutory language to establish a new State initiative to the Child Support Program, the Quality Assurance and Performance Improvement (QAPI) program. The assessment of program compliance has been incorporated into QAPI and is an integral part of the overall effort to ensure program compliance and improve program compliance. AB 738 also altered language addressing the compliance reviews in that reviews of individual LCSAs, using a representative sample of cases, are reduced from at least annually to at least once every three years for those LCSAs found in compliance. Local child support agencies (LCSAs) found out of compliance are reviewed every year until they are in compliance.

Under QAPI, the intent is to conduct a quarterly compliance review (QCR) in each LCSA, using a "scaled down" sample of cases and combining the process with data reliability reviews, using the same sample of cases. LCSAs with fewer than 10,000 cases will review a sample of at least 25 cases and the remaining LCSAs will review at least 50 cases. An exception is that LCSAs found out of compliance in the case review portion in the previous year's review will be required to review a statistically valid sample of cases for the first quarterly review.

The results of this review will also be used to determine statewide compliance for purposes of meeting the federal self-assessment requirement.

LCSAs which score 90 percent or greater in a quarterly case review will be exempt from the requirement to conduct reviews for the remaining quarters. Otherwise, LCSAs will be subject to the same requirements for corrective action and program improvement as in previous reviews.

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 - b. Question CC11 is a new question. It pertains to preparing and submitting a lien for recordation 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.
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 - a. Questions CD08 refers to issuing an IRS payment within 30 calendar days from collection and CD09 have been added to address nonassistance cases with a tax intercept that involves a joint return (injured spouse). In these cases, the LCSA has up to six months from the offset notification to issue a payment. Question CD07 now includes part B and C, which addresses nonassistance cases with a tax intercept that involves a joint return (injured spouse). In these cases the LCSA has up to six months from the offset notification to issue a payment
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 - a. The questions have been reduced to two categories (Interstate-Initiating and Interstate-Responding).
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 - d. Question CE10, renumbered to CE08, also has two parts:
Part A: The date the NCP is located in another state.
Part B: The date the LCSA completed the following:
 1. notify the initiating state of the NCP's new location
 2. return documentation to the initiating state or central registry in the state where the NCP is located and
 3. notify the California Central Registry of the case transfer

5. Medical Support Component:
 - a. Question CF01 now reads “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?”
 - b. Question CF02 is no longer a three part question. It pertains to the LCSA serving the NCP with form CSS 4330, which includes written notification to return the form to the LCSA within 20 days.
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 - i. Question CF09 pertains to the LCSA forwarding health insurance coverage information to the CP within 10 business days of receipt.
 - j. Question CF10 (latest required action) is added.

Changes in Expedited Process:

In measuring compliance in Expedited Process, August 2003 will be used as the base month.

Changes in Program Administration:

The Case Transfer and Complaint Resolution Tracking System components remain administrative.

A new component had been added to this section, addressing whether LCSAs are meeting requirements for co-locating staff in welfare intake offices.

Compliance Review Tool for Child Support (CRTCS):

Sample lists used for the review are those generated for the quarterly data reliability reviews as well. The internet-based review tool, CRTCS, was adapted for recording the results of both review processes and will continue to be used. Some changes have been made to improve ease of its utilization.

This Compliance Review Guide is intended to provide guidance to the California Department of Child Support Services (DCSS) and the 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 CRTCS.

Reviews are generally conducted by LCSA staff and verified by DCSS. In rare cases, DCSS may conduct the review directly.

Reviews are conducted following the end of each quarter, as case samples are drawn and loaded into CRTCS. Exact dates are determined by DCSS and LCSAs are generally allowed six weeks to complete the review and submit findings to DCSS.

Review Requirement References:

In each of the quarterly compliance reviews, the LCSA 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)
- ◆ 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, forms and form instructions will also be accessible through CRTCS, which will be updated and available for each review period. New requirements from adopted 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 compliance).

Part I: Case Review

The DCSS and LCSA 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. If DCSS staff are conducting the review, for each case found out of compliance, a Case Review Finding Verification form is completed by the DCSS reviewer(s) describing the problem. LCSA staff conducting a self-review may also use the form as an option. Also, during the self-review monitoring process, for each case where the findings differed from the LCSA reviewer(s), the DCSS reviewer(s) completes a similar feedback form. Either of these feedback forms 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. The establishment or modification of a support order or the registration of a foreign order. (Does not include establishment of paternity only.)
2. 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 an 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. It does not apply to the same action, unless that action is required to be repeated. This provision applies to the Establishment/Modification, Enforcement, Interstate and Medical Support review components.

Procedures for Reviewing Cases Involved in Intercounty Transfer: A transfer case being reviewed in a sending LCSA will be subject to appropriate review components until the LCSA is allowed to close it. A transfer case in a receiving LCSA must be treated as a referral of a new case and is subject to case review requirements. For purposes of the review, it is evaluated the same as any other case, with appropriate actions determined by the status of the case.

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:

- ◆ A case the compliance reviewer had personally worked during the review period.
- ◆ A case in which the compliance reviewer previously had direct involvement as a line supervisor during the review period.
- ◆ A case involving individuals who are relatives or friends of the compliance reviewer.
- ◆ A case for which the compliance reviewer was subject to disciplinary action as a result of case handling and processing.
- ◆ A case where, 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



NOTE: For the Q404 Review, a sample of cases for each LCSA is derived from the annual Audit Case Listing, generated for federal audit purposes. For subsequent quarterly reviews (Q105, Q205 and Q305) samples will be obtained from the consortia systems.

Standard statistical methods are used to select random samples, which encompass all types of cases existing in LCSA caseloads during the review period. The DCSS will make the actual sample case selections and notify each LCSA of the cases subject to review. These lists are preloaded 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 first three letters of 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. They 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.

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Face Sheet Entry

Sample Review #: X X 404

COMPLIANCE	
Assistance	<input type="checkbox"/>
Non-Assistance	<input type="checkbox"/>
Combination	<input type="checkbox"/>

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"/> Interstate Initiating	<input type="checkbox"/> Foster Care
<input type="checkbox"/> MNO	<input type="checkbox"/> Interstate Responding

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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMPLIANCE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Provide brief overview of case

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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 nonapplicable (“U”). The comment should be as brief as possible, but still convey the reason for the response. It is important for monitoring purposes that notations are made in the comment section to support the responses indicated. Remember to also provide a brief overview of the case in Part D of the Case Review Face Sheet. (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 Provisions. However, the Latest Required Action Provision is subjective and the reviewer can override “no” answers except in the Enforcement component when “no” answers cannot be overridden for the first seven case requirements. When 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. Please 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 Criteria begins on page 15 in the Establishment/Modification component.)

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COMPLIANCE

Establishment/Modification Review Form

CA01	[]	<p>If a support order was established or modified or a foreign order was registered during the review period, did it:</p> <p>a) contain a provision for a wage assignment and medical support;</p> <p>b) follow the statewide formula for determining support; and</p> <p>c) include an amended judgment, if applicable:</p> <p>(Notwithstanding Provision)</p> <p>Comments:</p>
CA02	[]	<p>If a support petition was dismissed by the court (not at the LCSA request), did the LCSA document the reasons and if it was determined that a future petition was needed, was a support order sought at the time? (Notwithstanding Provision)</p> <p>Comments:</p>
CA03	[]	<p>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 days?</p> <p>Date locate confirmed:</p> <p>Date service of process completed:</p> <p>Elapsed days: (60 calendar days)</p> <p>Was the CP informed in writing of the results?</p> <p>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 days?</p> <p>Date locate confirmed:</p> <p>Date service of process completed:</p> <p>Elapsed days: (90 calendar days)</p> <p>Comments:</p>

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 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:

CA05 [] 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:

CA06 [] If location of the NCP/alleged father 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 days?

Date locate became necessary:

Date of locate action:

Elapsed days: (75 calendar days)

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

Comments:

CA07 [] If the NCP/alleged father is not located within the initial 75 days and sufficient identifying information is available, did the LCSA continue to access appropriate locate sources quarterly?

Comments:

COMPLIANCE Establishment/Modification Review Form (continued)

CA08 [] Was new information which may have assisted in locating the NCP or NCP's assets/earnings, acted upon immediately (in no more than 75 days)?

Date(s) new information received:

Date(s) new information acted upon:

Elapsed days (75 calendar days)

Comments:

CA09 [] To gather information necessary to pursue paternity and establish an order, did the LCSA:

- ◆ interview the CP; and
- ◆ use Form AG 107 "Paternity Questionnaire", or
- ◆ Form CS 870 "Attestation Statement" (if applicable); or
- ◆ otherwise obtain/receive pertinent documentation.

Comments:

CA10 [] If applicable, did the LCSA prepare and transmit the "Referral to Local Child Support Agency" Form CW 371, to the county welfare department as notice that the CP failed to cooperate?

Comments:

CA11 [] Did the LCSA conduct screening for family violence and provide the CP and NCP (in person or by mail) the "Child Support Domestic Violence Questionnaire" (Form CSS 2142)?

Comments:

CA12 [] If the LCSA mailed the "Domestic Violence Cover Letter #1" (Form CSS 2140) and "Child Support Domestic Violence Questionnaire" (Form CSS 2142), 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:

COMPLIANCE

Establishment/Modification Review Form (continued)

CA13 []

LATEST REQUIRED ACTION

Does the "Latest Required Action" provision (pertaining to time frames) apply to this component? (Answer either "yes" or "U.")

If yes, explain:

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.
- ◆ An order is established during the review period.
- ◆ A foreign support order is registered during the review period.
- ◆ No order exists, but the NCP has been identified.
- ◆ A putative father is located or an alleged father is excluded.

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 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 or CA11 is answered “no.” (Answer only “Yes” or “U”)




NOTE: If an LCSA’s pursuit of an order is dismissed by the court, the LCSA does not lose consideration for the Notwithstanding Provision. It is applied by answering question CA02.

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.
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 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 (other than Medi-Cal); or 2. There is an arrears only order or an order reserving judgment.
D	<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> </div> <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>
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. (FC17430[c])

QUESTION CA02 should be answered if the support petition was dismissed during the review period. If the court dismisses a petition for a support order without prejudice, the LCSA must at the time of dismissal, examine the reasons for dismissal, determine when it would be appropriate to seek an order in the future and seek a support order at that time. (45 CFR 303.4 [e]; MPP 12-106.3)

QUESTION CA03 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 days of receiving information from the CP or 90 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 12106.1; FC Section 17401, effective 9/28/00)

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 CA04 and QUESTION CA05 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 nonFederal 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 Section 112100(e). (22 CCR Section 112140, effective 9/10/01)
B	The LCSA must within 20 calendar days of receipt of referral or application establish a case record which shall contain: <ol style="list-style-type: none"> 1. All documents regarding the case; 2. All relevant facts and dates; and 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 Section 112130(a), formerly MPP 12-103.2)
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; 2. Solicit any necessary information from any other relevant sources if appropriate; and 3. Initiate verification of the information obtained (if appropriate). (22 CCR Section 112130(c), formerly MPP 12-103.2)

QUESTIONS CA06 THROUGH CA08 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 Section 110413, formerly MPP 12-101). Location efforts used as described in MPP 12-302.1(d) 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. (MPP 12-223.1)

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 Section 110413)
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 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 Section 113100 (c)(2), formerly MPP 12-104.3)

QUESTION CA09 should be answered if paternity needs to be established.

COMPLIANCE REQUIREMENTS

A	If paternity is at issue, the LCSA must solicit information (i.e., use the three-part AG 107 form, interview the CP, or form CS 870, interview process, etc.) necessary to pursue establishment of paternity. (45 CFR 303.2 [b][1]; FSD Letters 92-02, 92-19; 22 CCR Section 112100, effective 9/10/01)
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QUESTION CA10 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 Section 112200.

QUESTIONS CA11 AND CA12 relate to the family violence indicator policy.

COMPLIANCE REQUIREMENTS	
A	The LCSA shall screen all CP and NCP for family violence in all new cases opened during the review period, except interstate responding. This screening shall occur during the initial interview as specified in 22 CCR Sections 112100(e) and 112140. (45 CFR 260.52; 22 CCR Section 112300, CSS 01-03, effective 1/25/01).
B	If the LCSA mails the domestic violence cover letter (Form CSS 2140) and “Child Support Domestic Violence Questionnaire” (Form CSS 2142), it must be mailed within 5 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 Section 112300; CSS 01-03, effective 1/25/01).

QUESTION CA13 should be answered “yes” 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 “yes” or “U.”) (Notwithstanding Provision)

Comments:

CB02 [] Was the required review and adjustment process completed within 180 days?

Date process was initiated:

Date completed:

Elapsed days: (180 calendar days)

Comments:

(Blank Intentionally)

Review and Adjustment Compliance Criteria

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.
- ◆ All orders in which there is a request for review must be reviewed if there has been a significant change in circumstances regardless of when the order was last reviewed or adjusted.

The LCSA has a maximum of 180 calendar days from the date it is determined either a review should be conducted or the nonrequesting parent is located, whichever is later, to complete the review and adjustment process. The 180 calendar days begins when the Income and Expense Declaration is received by the LCSA. (45 CFR 303.8[e]; CSS 04-19)

SPECIAL CONSIDERATIONS

“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.



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 “Yes” or “U.”)

NOTE: DCSS issued CSS letter 04-09 on May 6, 2004, notifying the LCSAs that they will not be required to comply with the new Review and Adjustment requirements until the implementation of the California Child Support Automation System (CCSAS). In the interim, the LCSAs are only required to meet the conditions as stated in CSS letter 04-09. (22 CCR Section 115500)

(Blank Intentionally)

COMPLIANCE Enforcement Review Form

CC01	[]	<p>If eligible, was the case submitted for IRS/FTB intercept?</p> <p>Comments:</p> <hr/> <hr/> <hr/> <hr/>
CC02	[]	<p>If eligible, was the case submitted for UIB/SDI withholding?</p> <p>Comments:</p> <hr/> <hr/> <hr/> <hr/>
CC03	[]	<p>A) Was a real property lien recorded?</p> <p>County:</p> <p>Date:</p> <p>and/or:</p> <p>B) Was a lien recorded in another state when the CP resides in California, the NCP resides in another state and the LCSA does not request enforcement by another state through the two-state interstate process?</p> <p>State:</p> <p>Date:</p> <p>Comments:</p> <hr/> <hr/> <hr/> <hr/>
CC04	[]	<p>If an employer was known, was a wage assignment sent to the NCP's employer that included:</p> <p>A) Both current support and arrears, if applicable and</p> <p>B) Did the LCSA withhold less than 50 percent of the NCP's disposable earnings for both current support and medical support, if applicable?</p> <p>Comments:</p> <hr/> <hr/> <hr/> <hr/>
CC05	[]	<p>If this case was applicable as of the end of the review period, was it referred to FTB under the 60-day delinquent requirement?</p> <p>Comments:</p> <hr/> <hr/> <hr/> <hr/>
CC06	[]	<p>For enforcement cases in which either the CP or NCP are 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 "Child Support Domestic Violence Questionnaire" (Form CSS 2142)?</p> <p>Comments:</p> <hr/> <hr/> <hr/> <hr/>

COMPLIANCE

Enforcement Review Form (continued)

CC07 [] If the LCSA became aware that the NCP receives Supplemental Security Income/State Supplementary Payments (SSI/SSP) benefits and that 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 became aware of benefits?

Date the motion filed?

Elapsed days: (30 calendar days)

Comments:

CC08 [] Was a collection received during the review period as a result of an enforcement action? (Internal Revenue Service/Franchise Tax Board (IRS/FTB) intercepts excluded) (Answer either "yes" or "U.") (Notwithstanding Provision)

Comments:

CC09 [] If the NCP became delinquent in the payment of current support, or in the case of an ongoing delinquency, if the LCSA located an asset, was either administrative action (enforcement action not requiring service of process) taken within 30 days or legal action (enforcement action requiring service of process) taken (or process served or unsuccessful attempts documented) within 60 days?

Date of delinquency or locate:

Date of action or service of process:

Elapsed number of days:

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:

COMPLIANCE Enforcement Review Form (continued)

CC11 If a lien was required, did the LCSA prepare and submit the lien for recording 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?
 Date money judgment/order received/registered:
 Date lien prepared and submitted:
 Elapsed days: (45 calendar days)
 Comments:

CC12 [] A) If a wage assignment was used as an enforcement action, was the wage assignment served within 2 business days after new employee information was entered into the State Directory of New Hires (SDNH)?
 Date of SDNH 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 SDNH, 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 this case was delinquent at intake was it referred (if applicable) to FTB within 60 calendar days of case opening?
 Date case opened:
 Date referred to FTB:
 Elapsed days: (60 calendar days)
 Comments:

COMPLIANCE **Enforcement Review Form (continued)**

CC14 [] 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:

- ◆ Establish a case record;
- ◆ Solicit necessary information from the CP or other sources (if appropriate);
- ◆ Initiate verification of that information (if appropriate)?

Date of application or referral:

Date intake completed:

Elapsed days: (20 calendar days)

Comments:

CC15 [] 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 days?

Date locate became necessary:

Date of locate action:

Elapsed days: (75 calendar days)

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

Comments:

CC16 [] If the NCP or his/her assets are not located within the initial 75 days and sufficient identifying information is available, did the LCSA continue to access appropriate locate sources quarterly?

Comments:

COMPLIANCE **Enforcement Review Form (continued)**

CC17 [] Was new information which may have assisted in locating the NCP or NCP's assets/earnings, acted upon immediately (within 75 days)?

Date(s) new information received:

Date(s) new information acted upon:

Elapsed days: (75 calendar days)

Comments:

CC18 [] If the LCSA mailed the "Domestic Violence Cover Letter #1" (Form CSS 2140) and "Child Support Domestic Violence Questionnaire" (Form CSS 2142), 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:

CC19 [] LATEST REQUIRED ACTION

Does the “Latest Required Action” provision (pertaining to time frames) apply to this component? (Answer either “yes” or “U.”)

If yes, explain:

(Blank Intentionally)

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 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 FTB under the 60-day delinquent requirement and family violence screening must have been addressed.
- ◆ If family violence screening or 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 technique is used that results in a collection (other than a tax intercept) 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.[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 one through seven 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 “Yes” 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: If all other eligibility requirements are met, LCSAs may submit cases to the integrated database with arrearages below dollar limits, and for IRS cases, if the case will be three months in arrears at the beginning of the new process year.

SPECIAL CONSIDERATION

The DCSS processes all intercept cases through an integrated database (IDB). Because of the IDB, the LCSA can submit less than minimum arrearage and the IDB system will combine the arrearage amounts with any other LCSA's arrearage. If the combined arrearages meet the criteria for submission, the case will be submitted.

COMPLIANCE REQUIREMENTS

- | | |
|---|--|
| A | <p>Procedures for Federal Tax Refund Intercept:</p> <ol style="list-style-type: none"> 1. Submit annually all eligible cases to DCSS for submission to the IRS tax refund intercept program as follows: (45 CFR 303.6(c)(3); MPP 12-702.1; FSDIN 1-35-96) <ol style="list-style-type: none"> a) Have a court order or an order of an administrative process established under state law. (MPP 703.11; FSDIN 1-35-96) b) The amount owed under the order must be at least three months delinquent and not less than \$150 as of January of the process year. (MPP 12-704.131; FSDIN 1-35-96) c) Assistance and foster care arrearage amounts for multiple cases with the same SSN or name should be combined. Assistance, foster care and nonassistance arrearage for cases with the same SSN or name should not be combined. (FSDIN 1-35-96) d) For nonassistance related cases, the support must be owed on behalf of a minor child, and records reviewed to determine if an assistance arrearage exists for the family. (MPP 12-704.141; FSDIN 1-35-96) e) 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 amount of support. (45 CFR 303.72; MPP 12-704.16) f) 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; MPP 12-704.15) 2. 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. (45 CFR 302.60; MPP 12-710.1; FSDIN 1-35-96) |
|---|--|

B	<p>Procedures for State Tax Refund Intercept:</p> <ol style="list-style-type: none"> 1. Use the following minimum criteria for submission of cases for state income tax refund offset. (45 CFR 303.102; MPP 12-703.1; FSD 98-24) 2. Ensure that the amount referred is accurate, has been verified and that assistance and nonassistance arrearage are not combined. (45 CFR 303.102; FSDIN 1-35-96) 3. Annually submit all eligible cases to DCSS for submission to the FTB tax refund intercept program. Eligible cases shall be submitted in a manner and time frame prescribed by DCSS. (MPP 12-702.1)
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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 Unemployment Insurance Benefits (UIB). The DCSS requires withholding of State Disability Insurance (SDI), in addition to UIB [FSD Letter 92-13]. 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.


COMPLIANCE REQUIREMENTS

A	<p>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; FC 17518; FSD Letter 92-02]</p> <ol style="list-style-type: none"> 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. [FSD 92-13] 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; FSD Letter 92-13] <ol style="list-style-type: none"> 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. [FSD Letter 92-13]
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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 by the end of the review period.
4. A CP resides in California and the NCP resides in a state other than California.

COMPLIANCE REQUIREMENTS

- | | |
|----------|--|
| A | <p>The LCSA shall create a real property lien: [45 CFR 302.70 (a)(4) 22 CCR 116139]</p> <ol style="list-style-type: none"> 1. In all intracounty cases and all intercounty/interstate responding cases. [22 CCR Section 116130(c)(1) and (2), formerly MPP 12 603.1; FSD Letter 89-02] 2. In interstate initiating cases only if the obligor is known to have, or is likely to acquire real property interests in California [CCR Section 116130(c)(3), formerly MPP 12-603.14, 12-603.141; FSD Letter 89-02] 3. 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 Section 116130(a), formerly MPP 12-604.1; FSD Letter 89-02] (see NOTE #1 below). 4. If not previously recorded, record each existing order as the case is worked. [FSD Letter 89-02] <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">  </div> <div> <p><i>NOTE #1: For purposes of the review, a lien is not required if there is a \$0 or reserved order. [22 CCR Section 116130(a)]</i></p> <p><i>NOTE #2: Effective January 1, 1996, per AB 554 (Chpt. 583, statutes of 1995), liens are only required to be recorded on new (not modified) orders. Liens shall be recorded:</i></p> <ol style="list-style-type: none"> a) In the county in which the obligor resides. [22 CCR Section 116130(e)(1), formerly MPP 12-605.11, FSD Letter 89-02] 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 Section 116130(e)(2), formerly MPP 12-605.12; FSD Letter 89-02] 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 Section 116130(e)(3), formerly MPP 12-605.13; FSD Letter 89-02] d) In another state, when the CP resides in California and the NCP resides in a state other than California, only if the LCSA does not request enforcement by another state through the two-state interstate process. [22 CCR Section 116130(d)(4)] </div> </div> <ol style="list-style-type: none"> 5. The LCSA shall record one of the following: <ol style="list-style-type: none"> a) An abstract of support judgment. [22 CCR Section 116130(d)(1), formerly MPP 12-606.11] b) An Abstract of Support Judgment (notice of support judgment), Form CA8580 (7/1/03). [22 CCR Section 116130(d)(2); CCP 697.320; FC 4506(c)] c) A certified copy of the support order. [22 CCR Section 116130(d), formerly MPP 12-606.12] d) A notice of lien, Form OMB Control #0970-0153 Expiration date 3/31/04 [CCP Sections 697.320; OCSE-AT-02-01, CSSIN 02-23; 22 CCR Section 116130(d)] |
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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 2 business days after employee information was entered into the State Directory of New Hires (SDNH). 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; FC 5230 (a)(2); 22 CCR Section 116100(a)(2) and (3), formerly MPP 12-224]
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 Section 116100(c)(1)(A)]. Also, the LCSA must send the NCP's employer a notice, which includes the information on Wage and Earnings Assignment Order, Rule 1285.70 or Rule 1299.25. [45 CFR 303.100; FC 5210; 22 CCR Section 116100(b), formerly MPP 12-224]
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; 22 CCR Section 116100, formerly MPP 12-224]
D	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). The LCSA shall serve the wage assignment on the NCP's employer, if known, within 15 calendar days. [45 CFR 303.100; 22 CCR Section 116100, formerly MPP 12-107.2; FSD Letter 92-02; FC 5200 et. seq.]
E	The LCSA shall specify that the total amount withheld for both current support and medical support shall not exceed 50% of the NCP's disposable earnings or the amount indicated on the court order, whichever is less. [45 CFR 303.100(a)(3); 22 CCR Section 116116(b)]

QUESTION CC05 should be answered if the case was applicable for referral to FTB at the end of the review period under the 60-day delinquent requirement. [MPP 12-505; Family Code Section 17500(c)]

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 Sections 112100(e) and 112140. [45 CFR 260.52; 22 CCR Section 112300, CSS 01-03]
B	The LCSA is required to mail to the CP and the NCP a domestic violence cover letter and Child Support Domestic Violence Questionnaire. If a child is in foster care, the forms shall be mailed to both NCPs. [22 CCR Section 112300, CSS 01-03]

QUESTION CC07 should be answered if the LCSA became aware that the NCP is receiving SSI/SSP benefits and the income was used in the calculation of the support order; then the LCSA must file a motion for a modification within 30 calendar days. (45 CFR 581.104(j); CSS 02-15).

QUESTION CC08 should be answered if a collection, other than an FTB/IRS intercept, is received during the review period as a result of an enforcement action. (45 CFR 303.6[c][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.

COMPLIANCE REQUIREMENTS	
A	Taking any appropriate enforcement action (except income withholding and Federal and State income tax refund offset) unless service of process is necessary 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 and enforcement action taken within no later than 60 calendar days of identifying a delinquency or other support related non-compliance with the order of location of the NCP, whichever occurs later. [45 CFR 303.6[c][2])

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 Section 116130(a)]

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

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 were located, 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, the delinquency occurs when the accumulated unpaid support totals an amount equal to or exceeding one month's support.

Enforcement attempts must include as many of the following actions as are appropriate and necessary: [MPP 12-107.2]

- ◆ Delinquency letter with specific language (first 30 days only)
- ◆ Civil or criminal contempt proceedings
- ◆ Wage assignment and garnishment
- ◆ 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)
- ◆ Application to utilize United States District Courts
- ◆ Application for collection by the Secretary of the Treasury
- ◆ Any other collection or enforcement process authorized by state or federal law (for example the Program Save Our Children (PSOC), see CSS 01-13)

COMPLIANCE REQUIREMENTS	
A	If service of process is not necessary, take appropriate enforcement actions (except income tax refund offset) within no more than 30 calendar days of identifying a delinquency or other support related noncompliance with the court order, or locating the NCP, whichever occurs later. [45 CFR 303.6(c)(2); MPP 12-107.22]
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 actions must be taken within no more 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); MPP 12-107.23]
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]
D	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 2 business days after new employee information was entered into the SDNH. [45 CFR 303.100(e)(2); 22 CCR Section 116100(c)(2); LCSA 02-18]

QUESTION CC13 should be answered if the case was delinquent at intake, and applicable for referral to FTB within 60 calendar days of case opening. [Family Code Section 17500]

QUESTION CC14 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 Section 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
 - (2) all relevant facts and dates
 - (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
 - (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
 - (2) solicit any necessary information from any of the relevant sources if appropriate
 - (3) initiate verification of the information obtained (if appropriate)

QUESTIONS CC15 THROUGH CC17 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 Section 110550]

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-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 Section 113100(b), formerly 45 CFR 303.3(b)(3)]
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 social security number 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 Section 113100(c)(2), formerly MPP 12-104.3]
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 92-19]
D	Additional locate action requirements are contained in 22 CCR Section 113100.

QUESTION CC18 relates to the family violence indicator policy.

COMPLIANCE REQUIREMENTS
If the LCSA mailed the domestic violence cover letter and Child Support Domestic Violence Questionnaire, it must have been mailed within 5 days of first locating the CP or NCP. If a child is in foster care, the forms shall be mailed to both CP and NCP. [22 CCR Section 112300, effective 9/10/01; CSS 01-03, effective 1/25/01]

QUESTION CC19 should be answered "yes" 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])

COMPLIANCE Collections and Distribution Review Form

CD01 [] Did the LCSA obtain and record the legal date of collection (LDOC) of the payments?

Comments:

CD02 [] Were payments received from an NCP with more than one case allocated correctly?

Comments:

CD03 [] For a current assistance case, did the LCSA notify the county welfare department of the amount collected on the current obligation within 10 business days of the end of the month in which the support was received by the LCSA?

Comments:

CD04 [] Did the LCSA notify the county welfare department when it learned that a support payment was paid directly to and retained by a current assistance CP?

Comments:

CD05 [] For a current assistance case, were the disregard, pass-on (Federal Foster Care case only), and/or excess payments issued correctly and timely?

Comments:

CD06 [] Were payments distributed correctly, based on the payment source and distribution hierarchy?

Comments:

COMPLIANCE

Collections and Distribution Review Form (continued)

CD07 [] In nonassistance cases, were payments paid to the family or interstate initiating agency within 2 working days after the date of receipt?

Date of receipt:

Date payment made to family:

Elapsed days: (2 working days)

Comments:

CD08 [] In nonassistance cases, if a payment due to the family was an IRS intercept, did the LCSA issue the payment within 30 calendar days from the date of collection?

Date of collection:

Date payment made to family:

Elapsed days: (30 calendar days)

Comments:

CD09 [] In nonassistance cases, if a payment due to the family was based on a tax intercept involving a joint IRS return, did the LCSA issue payment within 6 months from notification of offset?

Date of notification of offset:

Date payment made to family:

Elapsed days: (6 months)

Comments:

Collections and Distribution Compliance Criteria

This review form is to be used if any child support was collected at any time during the review period.

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

Definitions

Business Day

(or working day): A day that the LCSA office is open for business.

Collection Month:

The month in which the support payment is received by the LCSA.

Date of Collection:

The date that the support payment is initially received by a Title IV-D agency or employer, depending on the payment source, as follows:

Noncustodial Parent Payment (cash, check, or money order) – The date that the payment is initially received by the LCSA making the collection.

Intercept Payments (IRS, FTB, or Lottery) – The date the payment is identified in the title of the transfer report.

Liens – The date the payment is received by the LCSA initially making the collection.

UIB – The date the benefit is issued to the NCP, which is identified on the transfer report.

Wage withholding – The date the payment is withheld from the NCP's wages by the employer. The employer provides this date.

(If the employer does not provide this date, the LCSA shall reconstruct the legal date of collection by: contacting the employer to obtain it, or comparing the actual amounts collected with the pay schedule specified in the court order or comparing the employer's pay cycle, as reflected on the Order/Notice to Withhold Income from Child Support in lines 15a-d (CSS Letter 02-13).

Definitions

Writs/till taps – The date that the payment is received by the LCSA after the period for appealing the action has expired.

Intercounty payments – The date is contingent upon the payment source in the California county initially making the collection.

Interstate payments - The date is contingent upon the payment source in the responding jurisdiction initially making the collection.

Postdated checks – The date the payment is posted by the LCSA initially making the collection.

- Date of receipt:** The date that the LCSA receives the support payment.
- Allocation:** The first step in the distribution process to apportion a support payment between more than one case.
- Regular payments:** All collections received, regardless of payment sources, except IRS tax intercepts.
- Disbursement:** The actual dispensing or paying out of a collection.
- Distribution:** The application of monies to specific accounts to determine the appropriate disbursement of monies.
- Case status:** Aid status, either currently receiving assistance, formerly received assistance, or never received assistance.
- Aid:** Assistance payments to former recipients of AFDC, and/or recipients of CalWORKs, KinGAP or Foster Care.

Current Assistance Case – A Title IV-D case that is currently receiving aid under CalWORKs, KinGAP or Foster Care.

Former Assistance Case – A Title IV-D case that in the past received aid under AFDC, CalWORKs, and/or Foster Care.

Never Assistance Case – A Title IV-D case that is not currently and has never in the past received AFDC, CalWORKs, KinGAP or Foster Care.

Mixed Status Case – A Title IV-D case where one or more of the children in the case have a different aid or nonaid status, either currently or in the past.

- Current support payment:** The amount of support collected that meets or partially meets the court-ordered support obligation for the current month.

Definitions

Disregard:	Up to the first \$50 of a current support collection made on behalf of a current assistance case receiving CalWORKS aid.
Excess:	The amount of support that exceeds the Unreimbursed Assistance Pool.
Pass-on:	The amount by which the current support collection exceeds the current assistance paid in the same month in a Federal Foster Care case.
Unreimbursed Assistance Pool (UAP):	The total cumulative amount of aid paid to the family assistance unit for AFDC, CalWORKs, KinGAP or Foster Care programs which have not been repaid by the recoupment of collections of assigned current support or arrearages. The UAP must also be reduced by any state optional payments (disregards and pass-on payments) paid to the current assistance family.
Arrearage:	The unpaid support payments for past periods owed by a parent who is obligated to pay by court order.
Assigned:	The rights to support payments have been turned over to the state (and the county) as a condition of receiving aid.

Conditionally Assigned Arrears – The arrearages that were temporarily assigned while the family received aid, but the temporary assignment has ended because the family is no longer receiving aid. These arrears are normally unassigned and paid to the family if collected from a source other than an IRS tax intercept. However, when collections are received from the IRS tax intercept these arrears are conditionally assigned and will be used to reimburse aid paid.

Never Assigned Arrears – Arrearages that have never been assigned to the state in never assistance cases. Never assigned arrears are also the arrearages in former assistance cases that accrued after the family's most recent period of aid ends.

Permanently Assigned Arrears – Unpaid support that is assigned to the state as of September 30, 1998 and the unpaid support that accrues on or after October 1, 1998, while the family is receiving aid.

Temporarily Assigned Arrears – The unpaid support that accrues after October 1, 1998 and before the period the family receives aid (preassistance arrears), and any unassigned arrears that accrued before October 1, 1998, when the family goes on aid after October 1, 1998. These arrearages are not permanently assigned. The temporary assignment ends when the family stops receiving aid and these arrears then become categorized as *conditionally assigned arrears*.

Definitions

Unassigned During Assistance Arrears – Unpaid support in former assistance cases that accrued while the family was receiving aid (permanently assigned arrearages) but which exceeded the total UAP.

Unassigned Preassistance Arrears – Unpaid support in former assistance cases that accrued before the family was receiving aid (temporarily assigned arrearages) and which exceeded the total UAP.

Futures: Collections that are received from and credited to a noncustodial parent that are in excess of the current support obligations and no arrearages exist.

Compliance Requirements

QUESTION CD01: Did the LCSA obtain and record the legal date of collection (LDOC) of the payment?

The legal date of collection for various types of payments is included in the definition of “date of collection” above [MPP 12-101(d)(1)(A)]. This question should be answered “yes” or “no” for all collections reviewed, even those in which the LDOC is the same as the date of receipt. (45 CFR 302.51[a][4])

QUESTION CD02: Was the payment received from a NCP with more than one case allocated correctly?

When the LCSA receives a collection from or on behalf of an NCP with more than one case in the county, the payment shall be either applied to one specific case and distributed within the case based on the case status, or allocated between multiple cases depending upon the payment source and distributed within each case based on the case status. The allocation rules based upon payment sources are in (45 CFR 303.100(a)(5); MPP 12-415.111)

Also for NCPs with multiple cases, the allocation rules require the LCSA to prorate regular (nonIRS) collections, first to satisfy all current support obligations, then to satisfy arrearages. IRS intercept collections are allocated first to certified assigned arrears, then to certified unassigned arrears. The allocation methodology for determining each case’s share of the allocation is in MPP 12-415.12.

After the allocation of each case’s share of a payment, support is applied based on the distribution hierarchy for the case status (see question CD06 below).

QUESTION CD03: For a current assistance case, did the LCSA notify the county welfare department of the amount collected on the current obligation within 10 business days of the end of the month in which the support was received by the LCSA?

Within 10 business days of the end of the month in which the support is received by the LCSA, the LCSA must inform the county welfare department of the amount of the collection which represents payment on the required support obligation for the month. [MPP 12-108.1]

QUESTION CD04: Did the LCSA notify the county welfare department when it learned that a support payment was paid directly to and retained by a current assistance CP?

The LCSA must notify the county welfare agency whenever it discovers that directly received payments are or have been retained by a current assistance recipient [MPP 12-225.1]

QUESTION CD05: For a current assistance case, was the disregard, and/or excess payment issued correctly and timely?

The LCSA is responsible for ensuring that all distribution amounts are proper and the time frames are met for completing the welfare distribution process and disbursing disregard, pass-on 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 and KinGAP assistance case, the LCSA shall authorize up to \$50 of a collection as a *disregard payment*. In a Federal Foster Care case (but not a nonFederal Foster Care 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 2 business days from the date the payment was received by the LCSA.
2. Beginning April 1, 2000, pass-on payments were discontinued except in Federal Foster Care 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; MPP 12-425(a)(1)]

QUESTION CD06: Was the payment distributed correctly, based on the payment source and distribution hierarchy?

The priority for distribution of collections depends on the case status and the payment source, either regular or IRS intercept. The distribution hierarchy is in MPP 12-420. (45 CFR 302.51)

QUESTION CD07: In nonassistance cases, were payments paid to the family or interstate initiating agency within 2 working days after the date of receipt? (45 CFR 302.32(b)(1); MPP 12-108.8)

QUESTION CD08: In nonassistance cases, where any payments due to the family were an IRS intercept, did the LCSA issue the payment within 30 calendar days from the date of collection? (45 CFR 303.72(h)(5); MPP 12-108.9)

QUESTION CD09: In nonassistance cases, where past-due support is based on a tax intercept involving a joint IRS return, did the LCSA issue payment to the family within 6 months from notification of offset? (45 CFR 303.72[h][5])

When the LCSA disburses collections made on behalf of cases not currently receiving CalWORKs, KinGAP or foster care, any payments due to the former assistance and never assistance family shall be paid within 2 business days from the date of receipt by the LCSA (MPP 12-108.8). The only exceptions to the 2 business days payment are IRS intercept payments, which payment must be issued within 30 calendar days from the date of collection or where past-due support is based on a tax intercept involving a joint IRS return, payment must be issued within 6 months from notification of offset. [45 CFR 303.72(h)(5)]

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COLLECTIONS AND DISTRIBUTION WORKSHEET - Instructions

Heading: Enter Case Review Number, amount of current obligation, whether arrears are owed, and case status (current assistance, former assistance, or never assistance).

The worksheet is designed to track one payment on one page.

Receipt #: Enter the receipt number or other control number needed to track the payment through the various screens to answer the review questions.

Indicate the source of the payment (wage assignment, UIB, NCP payment, etc.). You may use whatever abbreviation your computer system uses to identify payment sources.

Amount of payment refers to the total amount received. Amount credited to this case may be the same as the amount of payment or may be less if the payment is allocated between 2 or more cases. Enter the amount actually credited.

Indicate the part of the amount credited which was applied to current support, interest, and/or arrears.

The remaining entries relate directly to the review questions. For example, the information requested to the right of the box labeled CD01 is needed to answer question 1 in the Collections and Distribution component. Please refer to the questions to determine how to complete the worksheet.

Note that CD02 asks for the “amount to be allocated.” This is the amount that *should* have been allocated to this case when the payment was divided between 2 or more cases. Compare this to the actual amount credited by the LCSA to determine compliance. Because of problems rounding to the nearest dollar, this amount may vary slightly from the amount actually credited to this case and still be correct.

Question CD04 is not related to any payment actually received by the LCSA and is therefore not included on the worksheet.

COLLECTIONS & DISTRIBUTION WORKSHEET		
Review Period October 1, 2003 through September 30, 2004		
Case Review #	[] Current Assistance (CA)	
Current Obligation \$ _____	[] Former Assistance (FA)	
Arrears ? [] Yes [] No	[] Never Assistance (NA)	
Review Criteria		Payment
Review Q's	Receipt #	
	Source	
	Amount of Payment	
	Amount Credited to this case	
	Amount to :	
	Current Interest Arrears	
CD01	Date received	
	LDOC	
CD02	# Multiple cases	
	Amount to be allocated	
CD03	CA: Date IV-A notified	
	Elapsed days	
CD05	Date of Disregard	
	Elapsed days	
	Date of Excess/Pass-on	
	IV-A distribution date	
	Elapsed days	
CD06	Correct Hierarchy?	
CD07 or CD08 or CD09	Date payment sent to family	
	Elapsed days	

IRS COLLECTIONS - COLLECTIONS AND DISTRIBUTION HIERARCHY		
CURRENT ASSISTANCE CASES*	FORMER ASSISTANCE CASES*	NEVER ASSISTANCE CASES*
ARREARAGES <i>PERMANENTLY ASSIGNED (For welfare distribution)</i> <div> <u>INTEREST</u> 1. CHILD/FAMILY SUPPORT 2. MEDICAL SUPPORT 3. SPOUSAL SUPPORT </div> <div> <u>PRINCIPAL</u> 4. CHILD/FAMILY SUPPORT 5. MEDICAL SUPPORT 6. SPOUSAL SUPPORT </div>	ARREARAGES <i>PERMANENTLY ASSIGNED (For welfare distribution)</i> <div> <u>INTEREST</u> 1. CHILD/FAMILY SUPPORT 2. MEDICAL SUPPORT 3. SPOUSAL SUPPORT </div> <div> <u>PRINCIPAL</u> 4. CHILD/FAMILY SUPPORT 5. MEDICAL SUPPORT 6. SPOUSAL SUPPORT </div>	ARREARAGES <i>NEVER ASSIGNED ARREARAGES (Pay to family)</i> <div> <u>INTEREST</u> 1. CHILD/FAMILY SUPPORT 2. MEDICAL SUPPORT 3. SPOUSAL SUPPORT </div> <div> <u>PRINCIPAL</u> 4. CHILD/FAMILY SUPPORT 5. MEDICAL SUPPORT 6. SPOUSAL SUPPORT </div>
<i>TEMPORARILY ASSIGNED (For welfare distribution)</i> <div> <u>INTEREST</u> 7. CHILD/FAMILY SUPPORT 8. MEDICAL SUPPORT 9. SPOUSAL SUPPORT </div> <div> <u>PRINCIPAL</u> 10. CHILD/FAMILY SUPPORT 11. MEDICAL SUPPORT 12. SPOUSAL SUPPORT </div>	<i>CONDITIONALLY ASSIGNED (For welfare distribution)</i> <div> <u>INTEREST</u> 7. CHILD/FAMILY SUPPORT 8. MEDICAL SUPPORT 9. SPOUSAL SUPPORT </div> <div> <u>PRINCIPAL</u> 10. CHILD/FAMILY SUPPORT 11. MEDICAL SUPPORT 12. SPOUSAL SUPPORT </div>	
	<i>UNASSIGNED PRE ASSISTANCE ¹ (Pay to family)</i> <div> <u>INTEREST</u> 13. CHILD/FAMILY SUPPORT 14. MEDICAL SUPPORT 15. SPOUSAL SUPPORT </div> <div> <u>PRINCIPAL</u> 16. CHILD/FAMILY SUPPORT 17. MEDICAL SUPPORT 18. SPOUSAL SUPPORT </div>	
	<i>UNASSIGNED DURING ASSISTANCE ² (Pay to family)</i> <div> <u>INTEREST</u> 19. CHILD/FAMILY SUPPORT 20. MEDICAL SUPPORT 21. SPOUSAL SUPPORT </div> <div> <u>PRINCIPAL</u> 22. CHILD/FAMILY SUPPORT 23. MEDICAL SUPPORT 24. SPOUSAL SUPPORT </div>	
	<i>NEVER ASSIGNED (Pay to family)</i> <div> <u>INTEREST</u> 25. CHILD/FAMILY SUPPORT 26. MEDICAL SUPPORT 27. SPOUSAL SUPPORT </div> <div> <u>PRINCIPAL</u> 28. CHILD/FAMILY SUPPORT 29. MEDICAL SUPPORT 30. SPOUSAL SUPPORT </div>	

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NON-IRS COLLECTIONS - COLLECTIONS AND DISTRIBUTION HIERARCHY		
CURRENT ASSISTANCE CASES*	FORMER ASSISTANCE CASES*	NEVER ASSISTANCE CASES*
A. CURRENT SUPPORT <i>(For welfare distribution)</i> 1. CHILD/FAMILY SUPPORT 2. MEDICAL SUPPORT 3. SPOUSAL SUPPORT	A. CURRENT SUPPORT <i>(Pay to family)</i> 1. CHILD/FAMILY SUPPORT 2. MEDICAL SUPPORT 3. SPOUSAL SUPPORT	A. CURRENT SUPPORT <i>(Pay to family)</i> 1. CHILD/FAMILY SUPPORT 2. MEDICAL SUPPORT 3. SPOUSAL SUPPORT
B. ARREARAGES <i>PERMANENTLY ASSIGNED (For welfare distribution):</i> <u>INTEREST</u> <u>PRINCIPAL</u> 4. CHILD/FAMILY SUPPORT 7. CHILD/FAMILY SUPPORT 5. MEDICAL SUPPORT 8. MEDICAL SUPPORT 6. SPOUSAL SUPPORT 9. SPOUSAL SUPPORT <i>TEMPORARILY ASSIGNED (For welfare distribution)</i> <u>INTEREST</u> <u>PRINCIPAL</u> 10. CHILD/FAMILY SUPPORT 13. CHILD/FAMILY SUPPORT 11. MEDICAL SUPPORT 14. MEDICAL SUPPORT 12. SPOUSAL SUPPORT 15. SPOUSAL SUPPORT	B. ARREARAGES <i>NEVER ASSIGNED (Pay to family):</i> <u>INTEREST</u> <u>PRINCIPAL</u> 4. CHILD/FAMILY SUPPORT 7. CHILD/FAMILY SUPPORT 5. MEDICAL SUPPORT 8. MEDICAL SUPPORT 6. SPOUSAL SUPPORT 9. SPOUSAL SUPPORT <i>CONDITIONALLY ASSIGNED (Pay to family):</i> <u>INTEREST</u> <u>PRINCIPAL</u> 10. CHILD/FAMILY SUPPORT 13. CHILD/FAMILY SUPPORT 11. MEDICAL SUPPORT 14. MEDICAL SUPPORT 12. SPOUSAL SUPPORT 15. SPOUSAL SUPPORT <i>UNASSIGNED PRE ASSISTANCE¹ (Pay to family)</i> <u>INTEREST</u> <u>PRINCIPAL</u> 16. CHILD/FAMILY SUPPORT 19. CHILD/FAMILY SUPPORT 17. MEDICAL SUPPORT 20. MEDICAL SUPPORT <i>PERMANENTLY ASSIGNED (For welfare distribution):</i> <u>INTEREST</u> <u>PRINCIPAL</u> SUPPORT SUPPORT 23. MEDICAL SUPPORT 26. MEDICAL SUPPORT 24. SPOUSAL SUPPORT 27. SPOUSAL SUPPORT <i>UNASSIGNED DURING ASSISTANCE² (Pay to family):</i> <u>INTEREST</u> <u>PRINCIPAL</u> SUPPORT SUPPORT 29. MEDICAL SUPPORT 32. MEDICAL SUPPORT 30. SPOUSAL SUPPORT 33. SPOUSAL SUPPORT C. FEES AND COSTS 34. FEES/COSTS INTEREST PRINCIPAL 35. FEES/COSTS D. FUTURES 36. FUTURES (Pay to family)	B. ARREARAGES <i>NEVER ASSIGNED (Pay to family):</i> <u>INTEREST</u> <u>PRINCIPAL</u> 4. CHILD/FAMILY SUPPORT 7. CHILD/FAMILY SUPPORT 5. MEDICAL SUPPORT 8. MEDICAL SUPPORT 6. SPOUSAL SUPPORT 9. SPOUSAL SUPPORT C. FEES AND COSTS <u>INTEREST</u> <u>PRINCIPAL</u> 10. FEES/COSTS 11. FEES/COSTS D. FUTURES 12. FUTURES (Pay to family)
C. FEES AND COSTS <u>INTEREST</u> <u>PRINCIPAL</u> 16. FEES/COSTS 17. FEES/COSTS		
D. FUTURES (Hold for future distribution)		

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COMPLIANCE Interstate Review Form

INTERSTATE-INITIATING CASES

CE01 [] When appropriate, did the LCSA attempt to use the “long-arm” statute to establish paternity?

Comments:

CE02 [] A) When did the LCSA determine that this is an interstate case and when was all the necessary information needed to process this case received?
Date(s) information received:

B) When was the case referred to the responding state’s central registry?
Date(s) of referral:

Elapsed days: (20 calendar days)

Comments:

CE03 [] A) When did the LCSA receive a request for additional information from the responding state?
Date request received:

B) When did the LCSA provide information to responding state, or notify the responding state the information would be provided?
Date information provided:

Elapsed days: (30 calendar days)

Comments:

CE04 [] A) When did the initiating LCSA receive new information on the case?
Date information received:

B) When was the information forwarded to the responding state?
Date information forwarded:

Elapsed days: (10 business days)

Comments:

COMPLIANCE Interstate Review Form (continued)

INTERSTATE-RESPONDING CASES

NOTE: Interstate cases are subject to the same time frames and notice requirements as in-state cases. Interstate initiating cases must meet additional requirements as specified in that section of this form.

CE05 [] After determining it was appropriate to request a review of a child support order in another state, did the LCSA send the request for review to that state within 20 calendar days of receipt of sufficient information to conduct the review?

Date sufficient information was received for review/adjustment:

Date review request sent:

Elapsed days: (20 calendar days)

Comments:

CE06 [] A) When did the LCSA receive the appropriate interstate documentation from the initiating state requesting services?

Date:

B) When did the LCSA provide the requested services/information or request additional information from the initiating state to proceed?

Date:

Elapsed days: (75 calendar days)

Comments:

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?
Transfer the case to the new county?

Date:

Notify the initiating state?

Date:

Notify the California Central Registry?

Date:

Elapsed days: (10 business days)

Comments:

COMPLIANCE

Interstate Review Form (continued)

CE08 []

A) When did the LCSA receive information that the NCP was located in a state other than California?

Date:

B) By what date did the LCSA complete all of the following three steps?

Notify the initiating state of the NCP's new location?

Date:

Return documentation to initiating state or central registry in the state where the NCP is located?

Date:

Notify the California Central Registry of the case transfer?

Date:

Elapsed days: (10 business days)

Comments:

CE09 []

LATEST REQUIRED ACTION

Does the "Latest Required Action" provision (pertaining to time frames) apply to this component? (Answer either "yes" or "U.")

If yes, explain:

(Blank Intentionally)

Interstate Compliance Criteria

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

1. the “long arm” statute has or should have been used; or
2. initiating or responding activities have, or should have, occurred.

The PRWORA requires all states to enact the Uniform Interstate Family Support Act of 1996 (UIFSA) effective January 1, 1998. UIFSA replaces the previous uniform act, the Uniform Reciprocal Enforcement of Support Act (URESAs); UIFSA is the law currently governing interstate child support enforcement in California. (FSD Letter 97-16)

SPECIAL CONSIDERATIONS

The initiating jurisdiction is defined as the jurisdiction in which the applicant for support resides. The responding jurisdiction is defined as the place where the NCP or respondent petitioner resides. The “long arm” statute for paternity provides that a person who has sexual intercourse in this state submits to the jurisdiction of the courts of this state for an action brought with respect to a child who may have been conceived by that act of intercourse. (FSD Letter 92-02)

The long arm provision has been expanded under UIFSA. Family Code Section 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 Section 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 interstate 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 interstate case begins with the receipt of information necessary to process the case. (45 CFR 303.7[b][2]; 22 CCR Chapter 7, formerly MPP 12-104.4)

The date of receipt of the request is now defined as the date the requesting party’s complete current income and expense information is provided to the LCSA. (CSS 04-19)

“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, the case is considered in compliance (Answer only “Yes” 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: UIFSA has introduced a new concept to interstate cases. That is, if an order already exists in another state, California should NOT establish a new one. LCSAs must consider whether that other state has “continuing exclusive jurisdiction” (CEJ) before it may modify that order in California even to add medical. If multiple orders already exist, then a 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 our “long-arm” jurisdiction 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), then the time frame requirements for handling interstate cases do not apply.

QUESTIONS CE01 THROUGH CE04 relate to establishing Interstate-Initiating cases.

COMPLIANCE REQUIREMENTS

A	Use the “long arm” statute authority to establish paternity whenever appropriate. [45 CFR 303.7(b)(1); 22 CCR Section 117200(a), formerly MPP 12-226.1; FSD Letter 92-02] (See Special Considerations for expansion of “long-arm” provisions under UIFSA.)
B	Within 20 calendar days of determining that the NCP is in another state, and if appropriate, receipt of any necessary information needed to process the case, refer the case to the responding state’s central registry for action including interstate petition (or a computer generated replica), request for location, document verification, administrative reviews in IRS tax refund offset cases, wage assignment in child support cases. (See NOTE #3 above regarding direct income withholding.) [45 CFR 303.3(b)(4) & CFR 303.7(b)(2); 22 CCR Section 117400(d)(1), formerly MPP 12-104, 12-226.2]
C	Within 30 calendar days of receipt of request for additional information, provide all requested information or notify the responding state when the information will be provided. This can be accomplished by submitting an updated review form or a computer-generated replica of the form containing the same information and all necessary additional documentation. [45 CFR 303.7(b)(3)(4); 22 CCR Section 117400(d)(2), formerly MPP 12-226.2; FSD Letter 92-02]
D	Within 10 working days of receipt of new information on a case, notify the child support agency in the responding state by submitting an updated review form and all necessary documentation. [45 CFR 303.7(b)(5); 22 CCR Section 117400(d)(3), formerly MPP 12-226.2; FSD Letter 92-02]

QUESTIONS CE05 THROUGH CE08 relate to Interstate-Responding cases.

COMPLIANCE REQUIREMENTS	
A	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 in the case, 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(b)(6); 22 CCR Section 117403(a)(b)(c); FSD Letters 93-22, 94-02; CSS 04-19]
B	<p>Within 75 calendar days of receipt of an interstate request from the central registry the LCSA must: (45 CFR 303.7(c)[4]; 22 CCR Section 117500(b), formerly MPP 12-226.3)</p> <ul style="list-style-type: none"> a) Provide requested/needed locate services b) Request the initiating state to provide all necessary additional documentation or information c) Process the case to the extent possible, pending receipt of additional information
C	<p>Within 10 business days of locating the NCP in another county in California the LCSA must have completed all of the following: [45 CFR 303.7(c)(5); 22 CCR Section 117502(a), formerly MPP 12-226.3; FSD Letter 92-02]</p> <ul style="list-style-type: none"> a) Transfer the case to the appropriate jurisdiction b) Notify the initiating state and c) Notify the California Central Registry of the transfer
D	<p>Within 10 business days of locating the NCP in a different state, the LCSA must have completed all of the following: [45 CFR 303.7(c)(6); 22 CCR Section 117502(b), formerly MPP 12-226.3; FSD Letter 92-02]</p> <ul style="list-style-type: none"> a) Notify the initiating state of the NCP's new location 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. c) Notify the California Central Registry where the case has been sent.

QUESTION CE09 should be answered "yes" 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])

(Blank Intentionally)

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: Where 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 form CSS 4330, along with written notification to complete and return the form to the LCSA within 20 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 form CSS 4333, along with written notification to complete and return the form to the LCSA within 30 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 State Directory of New Hires (SDNH), did the LCSA serve the employer the National Medical Support Notice (NMSN) within 2 business days?

Date of SDNH entry:

Date NMSN served:

Elapsed days: (2 business days)

B) If new employer information was received from a source other than the SDNH, 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 medical support was no longer applicable, did the LCSA terminate the NMSN within 10 days of obtaining documentation under the provisions of 22 CCR Section 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 Section 116120?

Comments:

CF07 [] If medical insurance information was secured, was all required information transmitted to the California Department of Health Services (DHS) on DHS Form 6110 within 10 business days of date health insurance information was received by the LCSA?

Date information was received by the LCSA:

Date DHS 6110 sent to DHS:

Elapsed days: (10 business days)

Comments:

CF08 [] Was DHS notified of any lapse, change, or termination of the health insurance coverage on DHS 6110 within 10 business days of the date the LCSA received notification?

Date notification received by LCSA?

Date DHS 6110 sent to DHS?

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:

CF10 [] LATEST REQUIRED ACTION

Does the “latest required action” provision (pertaining to timeframes) apply to this component? (Answer either “yes” or “U.”)

If yes, please explain:

(Blank Intentionally)

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 ADJUSTED order; or
3. If there is no provision in the existing current support order for medical support; or
4. If an order was established prior to the review period, but no actions were taken to enforce the medical support provision; or
5. An order for health insurance coverage only is requested.

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. (22 CCR Section 110336 & 110337)

Activities to obtain and enforce health insurance coverage for dependent children must occur in all cases referred by the IV-A Agency (assistance, foster care and MNO cases), as well as all nonassistance cases. Medical support activities are a responsibility of the LCSA when establishing and enforcing a child support obligation.



NOTE #1: The February 9, 1999 Federal Register (Vol. 64, No. 26) issued a change which requires the Secretary to issue regulations requiring State agencies to petition for inclusion of medical support in a child support order whenever health care coverage is available to the noncustodial parent at reasonable cost except as specified by 45 CFR 303.31 (b)(1). Therefore, nonIV-A applicants or recipients of services under 45 CFR 302.33 no longer have the option, in receiving IV-D services, to refuse the inclusion of health insurance coverage in the order.



NOTE #2: Health insurance includes dental and vision coverage. (22 CCR Section 110336)

“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. (Answer this question “Yes” or “U”) (45 CFR 308.2[c][3])



NOTE #3: 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 cannot be applied.

QUESTIONS CF01 THROUGH CF09 relate to all cases meeting any of the five requirements from the previous page.

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. [45 CFR 303.31(b)(4); 22 CCR Section 116114(a)]
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, CSS 4330 and 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, CSS 4333 and written notification to complete and return the form to the LCSA within 30 days of notification. (45 CFR 303.30-31; 22 CCR Sections 116114[a][2][3];116116[a][3])
C	The LCSA must serve the employer the National Medical Support Notice accompanying the wage assignment 2 business days new employee information was received from the State Directory of New Hires(SDNH) or 15 calendar days of the date an employer was known. (45 CFR 303.32[c][2]; 22 CCR Section 116116[c])
D	If medical support is no longer applicable, the LCSA shall terminate the NMSN within 10 days of obtaining: 1)an order by the court terminating medical support 2)an order for medical support is no longer in effect 3)proof that the child(ren) has died or reached emancipation 4)a request in writing from the nonwelfare CP to cease medical support and enforcement services 5)a request in writing from nonwelfare CP to close case [45 CFR 303.32[c][7]; 22 CCR Section 116120(a)]
E	Upon terminating the NMSN as specified in 116120(a) the LCSA must notify the CP, NCP and NCP's employer. [45 CFR 303.32[c][7]; 22 CCR Section 116120(b)]
F	Complete all required information on DHS Form 6110 within 10 business days of the date health insurance coverage enrollment has been received. [45 CFR 303.31[b][7] 22 CCR Section 116114(d)]
G	The LCSA shall update and forward DHS Form 6110 to DHS within 10 business days of notification when the following has occurred: 1)any health insurance coverage has lapsed 2)any health insurance coverage provider has changed 3)any term of the health insurance coverage has changes 4)any health insurance coverage has been terminated 5)any medical support order or assignment order has been quashed or set aside by court order. [45 CFR 303.31[b][8]; 22 CCR Section 116114(e)]
H	Forward to CP any health insurance policy information received from a Plan Administrator within 10 business days of receipt of information. [45 CFR 308.2[c][3]; 22 CCR Section 116114(f)]

QUESTION CF10 should be answered "yes" 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])

COMPLIANCE**Case Closure Review Form**

CG01 [] If the child support case was closed, was it closed in accordance with case closure guidelines?

Comments:

CG02 [] Was written notice of intent, using required language, sent to the CP prior to closing? (Exceptions permitted)

Date notice sent:

Date case closed:

Elapsed days: (Minimum 60 calendar days)

Comments:

CG03 [] If the child support case was eligible for closure under the provisions of 22 CCR Section 118203, was it closed during the review period?

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 Section 118203.

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 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.

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 Section 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 Section 118203(a)(1)] <ol style="list-style-type: none"> a) Reconciliation of the family or the death of a child. [22 CCR Section 118203(a)(1)(A) and (B)] b) Paternity is established and is the only Title IV-D service provided because both parents in a Title IV-grant are living together [22 CCR Section 118203(a)(1)(C)]; c) The child for whom support is sought dies before paternity is established. [22 CCR Section 118203(a)(1)(D)]; d) Cases with medical support orders with a specific dollar amount and arrears which accrue under such orders. [22 CCR Section 118203(a)(1)(E)]; or e) Emancipation of the youngest child. [22 CCR Section 118203(a)(1)(F)] 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 Section 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 Section 118203(a)(2)(A) and (B)] 3. Paternity cannot be established because one of the following: [45 CFR 303.11(b)(3); 22 CCR Section 118203(a)(3)] <ol 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 Section 118203(a)(3)(A)]
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COMPLIANCE REQUIREMENTS

A
cont.

- 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 Section 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. [45CFR 303.11(b)(3)(iii); 22 CCR Section 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 Section 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 Section 118203(a)(3)(E)]
4. The LCSA has no knowledge of any one of the following: the NCP's 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.
- 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 Section 118203(a)(4)]
5. The NCP cannot pay support for the duration of the child's minority for any of the three 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 Section 118203(a)(5)]
- a) The NCP is institutionalized in a psychiatric facility. [22 CCR Section 118203(a)(5)(A)]
 - b) The NCP is incarcerated with no chance of parole. [22 CCR Section 118203(a)(5)(B)]
 - c) The NCP has a medically verified total and permanent disability with no evidence of support potential. [22 CCR Section 118203(a)(5)(C)]
 - d) The NCP receives SSI/SSP and has no other attachable income or assets. [22 CCR Section 118203(a)(5)(D)]
- 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 Section 118203(a)(6)(A)]
- a) The NCP is a citizen of that foreign country. [22 CCR Section 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. [22 CCR Section 118203(a)(6)(A)2.]

COMPLIANCE REQUIREMENTS

A cont.	<ul style="list-style-type: none"> c) The NCP has no reachable domestic income or assets; [22 CCR Section 118203(a)(6)(A)3.] d) California does not have reciprocity with the country. [22 CCR Section 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 Section 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 Section 4905, Family Code, or the use of long-arm jurisdiction to establish paternity is appropriate, but the LCSA is unable to establish paternity. [22 CCR Section 118203(a)(6)(B)1.] b) The NCP's location is not known. [22 CCR Section 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. [22 CCR Section 118203(a)(6)(B)3.] d) The LCSA cannot be provided with a photograph of the NCP. [22 CCR Section 118203(a)(6)(B)4.] e) The only issue in the case is retroactive support for past public assistance paid. [22 CCR Section 118203(a)(6)(B)5.] <p>7. The LCSA has provided nonTitle 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 Section 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 Section 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 Section 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 Section 118203(a)(10)]</p> <p>11. Except as specified in subparagraph (c), the LCSA is unable to contact the nonTitle 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.</p> <ul style="list-style-type: none"> 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 Section 118203(a)(11)]
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COMPLIANCE REQUIREMENTS

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cont.

12. The nonTitle 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 Section 118203(a)(12)]
 - a) The LCSA documents the circumstances of noncooperation in the case file.
 - b) An action by the recipient of services is essential for the next step in providing child support services.
 - 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.
 - 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.
 - 2) Failing to attend hearings.
 - 3) Refusing to sign forms.
 - 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 Section 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.
14. A LCSA documents failure by an initiating state in an interstate case 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 Section 118203(a)(14)]
 - a) If California is the responding state and a LCSA needs additional information to process an interstate case, that 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 shall be provided.
 - 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.
 - 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.
 - 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 interstate case or a response stating when the information will be provided.

COMPLIANCE REQUIREMENTS

A cont.	<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 Sections 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 Sections 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> <ol style="list-style-type: none"> No Title IV-D services can be appropriately provided for the case. 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 Section 118203(a)(15)]
B	<p>The LCSA shall notify the recipient of services 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 60 calendar days prior to closing the case pursuant to 22 CCR Section 118203(a)(1) through (6) and (11) through (14). [45 CFR 303.11(c); 22 CCR Section 118203(b)]</p> <ol style="list-style-type: none"> Written notice shall not be provided for cases closed under 22 CCR Section 118203(a)(7) through (10) and (15). The written notice of intent to close a case shall include the following: <ol style="list-style-type: none"> The reason the case is closed. The circumstances under which the case may be reopened. Whom to contact to apply for possible Social Security benefits for cases closed under subsection [22 CCR Section 118203(a)(2).] When the case is eligible for closure pursuant to Section 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: <ol style="list-style-type: none"> The case is closed because the family has reconciled. Title IV-D services shall be terminated. 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. The case shall remain open if contact is reestablished with the recipient of services in the instance of 22 CCR Section 118203(a)(11). 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 Section 118203(c)]

COMPLIANCE REQUIREMENTS

B cont.	<p>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 Section 111460. [45 CFR 303.11(d); 22 CCR Section 118203(d)]</p> <p>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:</p> <ul style="list-style-type: none">a) Dismissal of Summons and Complaintb) Termination of income withholding orders and National Medical Support Noticesc) Removal of obligor's name and social security number from interceptsd) Release of personal and real property liense) Substitution of payee [22 CCR Section 118203(e)] <p>9. When a recipient of services has a family violence indicator, a 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 Section 118203(e)(4)]</p>
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Part II: Expedited Process

The measurement of compliance with expedited process requirements, as specified by regulations [45 CFR 303.101[b][2]; MPP 12-106.2, 12-109 and 12-211; FSD 98-04] will be completed as follows:

- a) Obtain the expedited process log or record for the month of August 2003. This should list all cases entering expedited process during that month.
- b) Track these cases forward for one year to determine the date of disposition for each. The requirement is that 75 percent must be completed within 6 months and 90 percent within 12 months, leaving not more than 10 percent that may exceed 12 months.
- c) Record the results on the Expedited Process Tabulation Form (in CRTCS) and include the results in the review report, with a finding of either compliance or noncompliance.
- d) If there are fewer than 11 cases for the month of August 2003, the LCSA will be considered in compliance in Expedited Process, but will be encouraged to take voluntary corrective action if the percentage scores are below the required standard.

Expedited Process Tabulation Form Instructions: For those cases included on the August 2003 Expedited Process Tabulation Form page 85, calculate the elapsed time between the service of process dates and disposition dates.

Review Month	Enter month reviewed (from IV-D expedited process case log)
Page ____ of ____	Enter number of pages used to record expedited process case time frames
IV-D Case Number	Enter the LCSA case number (last four digits only)
Date of Service of Process	Enter the date the NCP was served
Date of Disposition	Enter the date of disposition
Completed Disposition Time Frames	Enter a check mark in applicable column(s) to indicate when action in a case reached disposition within the expedited process time frames. For any case where a check is placed in the 6-month column, also check the 12-month column
Subtotal	Enter appropriate count in each column
Total	On last page only—enter total count of all subtotaled pages
Grand Total	On last page only—enter total count of the three total columns
Percentage	On last page only—enter appropriate calculated percentages from the grand total amount for the three columns using the following: <div> <u>6 mo. column</u> = % <u>12 mo. column</u> = % <u>>12 months column</u> = % GRAND TOTAL GRAND TOTAL GRAND TOTAL </div>
LCSA is considered to be	On last page only—enter, via check mark, appropriate compliance status of LCSA's expedited process time frames

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Part III: Program Administration

In the Program Administration Section there are seven components. The first four (Required Notices, Case Application, Safeguard Activity, and Declarations of Paternity) involve federal requirements and are, therefore, compliance areas for purposes of the compliance review. That is, the LCSA's 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 three (Case Transfer, Complaint Resolution Tracking System, and Co-Locate) involve state requirements only and are considered "administrative;" that is, a finding of noncompliance in either will not affect the overall compliance result, but will require a program improvement plan to correct the noncompliance.

REQUIRED NOTICES QUESTIONNAIRE

PART 1
MONTHLY STATEMENT OF COLLECTIONS AND DISTRIBUTIONS

REFERENCES: 45 CFR 302.54[a][1]; 22 CCR Section 119184, effective 5/29/02

REQUIREMENTS: As a result of the Barnes vs. Anderson lawsuit and federal requirements, the LCSAs are required to send notices monthly to CPs who are assistance and nonassistance recipients of IV-D services if a payment or distribution has occurred during the month.

- 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. Each LCSA shall issue a "Monthly Statement of Collections and Distribution," CS 916, dated (03/02), and "Notice of Important Information:," CS 917, dated (03/02) to each custodial party who is a recipient of child support services.
- C. The notice must be sent to both assistance and nonassistance recipients of IV-D services. Notices do not need to be sent to foster care IV-D cases or responding UIFSA cases. For intercounty cases, the LCSA that distributes the collection must send a notice. The notice 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 no collection is made in the month, the assignment is no longer in effect and there are no longer any assigned arrearages.
- D. The notices are to include the following:
 - 1. The Date of Collection must be used and shown under "collections to LCSA." For wage assignment payments, the legal date of collection is the date the employer withheld the payment from the NCP's paycheck. If no data is available, the LCSA must reconstruct that date by contacting the employer or comparing actual amounts collected with the pay schedule specified in the court order or comparing the employer's pay cycle, as reflected on the Order/Notice to Withhold Income for Child Support in lines 15a-d (CSS 01-13).

REQUIRED NOTICES QUESTIONNAIRE - continued

2. The explanation 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."

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

- 1) Did the LCSA use CS 916 (Monthly Statement of Collections and Distribution) and CS 917 (Important Information Sheet) to comply with the monthly Barnes Notice?
_____YES _____NO
- 2) Did the LCSA meet the most recent deadline for issuing the monthly notice?
_____YES _____NO
- 3) Did the notice contain all the required elements?
_____YES _____NO

PART II
REQUIREMENT TO NOTIFY PARENTS OF THEIR RIGHT TO REQUEST A
REVIEW OF THEIR CURRENT SUPPORT ORDER

REFERENCE: 45 CFR 303.8[b][1]; 22 CCR Section 115500; effective 5/5/03

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

- 4) Does the LCSA have a procedure to notify parents every three years of their right to request a review of their current support order?
_____YES _____NO
- 5) Explain the procedure:
- 6) Conclusion: State whether the LCSA met or did not meet the requirements for both notices by the end of the review period. (FOR USE BY THE REVIEWER)

CASE APPLICATION QUESTIONNAIRE

Applications for child support services must be made readily accessible to the public. The LCSA must provide an application when an individual makes a request in person or send an application within no more than 5 working days of a written request. Also, LCSAs must accept applications and open cases for all appropriate referrals from the county IV-A Agency and from other LCSAs. To ensure that this is routinely done, the LCSA must have procedures in place.

REFERENCE: 45 CFR 303.2(a), 22 CCR Sections 112100 and 112110;
effective 2/14/02

REQUIREMENTS: The LCSA will ensure that:

- ◆ Applications for child support services are readily accessible to the public.
- ◆ Applications are provided on the day they are requested in person or within 5 working days of a telephone or written request for one.
- ◆ Information describing available services, the applicant's rights and responsibilities, and the State's fees, 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 5 working days of referral to the IV-D agency.
- ◆ Applications are accepted on the day they are received.
- ◆ Referrals (from the county welfare agency, the court, or other LCSAs) are accepted on the day they are received.

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

CASE APPLICATION QUESTIONNAIRE - continued

- 3) Does the LCSA use the following forms for the case intake process:
- CS 196 Child Support Services Program Notice
 - CS 870 Attestation Statement
 - CSS 2101 Application for Support Services
 - CSS 2103 Information Regarding the Application for Support Services
 - CSS 2105 Child Care Verification
 - CSS 2107 Visitation Verification
 - CSS 2109 Declaration of Support Payment History
 - CSS 2111 Health Insurance Information
 - CSS 2115 Request for Support Services
 - CSS 2142 Child Support Domestic Violence Questionnaire
- _____YES _____NO
- 4) Does the LCSA provide 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
- 5) Does the LCSA provide the above information within 5 working days for cases referred from the IV-A Agency?
- _____YES _____NO
- 6) Conclusion: State whether the LCSA met or did not meet the requirement by the end of the review period. (FOR USE BY THE REVIEWER)

SAFEGUARD ACTIVITY REPORT (SAR) QUESTIONNAIRE

Federal law requires an annual SAR to be prepared by each LCSA as a condition of receiving federal tax return information. These safeguards are designed to ensure the confidentiality of IRS data and prevent its unauthorized use. LCSAs must prepare a SAR and make it available for the compliance review process.

REFERENCE: IRS Section 6103[p][4]; FSDIN I-64-98

REQUIREMENTS:

- ◆ Federal law requires an annual SAR be prepared by each recipient agency of tax information.
- ◆ (Publication 1075 is to inform all agencies of the Internal Revenue Service (IRS) safeguards for protecting federal tax return information.)
- ◆ Safeguards must be in place at the state and LCSA levels as a condition of receiving federal tax return information.
- ◆ The safeguards are designed to ensure the confidentiality of IRS data and prevent its unauthorized use in accordance with Internal Revenue Code (IRC) Section 6103 (p)(4).
- ◆ Each LCSA must prepare an annual SAR and make it available for the state to review during the compliance review process.

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

- 1) Does the LCSA have a SAR to comply with FSDIN I-64-98?

_____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)

DECLARATIONS OF PATERNITY IN CHILD SUPPORT CASES QUESTIONNAIRE

Federal and State 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 303.5(g)(8) before proceeding to file for paternity establishment or administrative process. In addition to this regulation the Federal Register (45 CFR Parts 301-305, Volume 56, Number 246, dated 12-23-94) states, in part, that 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, effective 5/3/02

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 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 Paternity Opportunity Program (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)

CASE TRANSFER QUESTIONNAIRE – ADMINISTRATIVE (State Requirement)

To ensure consistent statewide implementation of the revised duplicate case transfer policy, LCSA compliance with the following requirements is necessary. An administrative verification that the prescribed procedures were followed and/or the review of a sampling of cases from the LCSAs duplicate case list will determine if the LCSA met the requirements. This is an administrative component; that is, a finding of noncompliance, as described below, will not affect the overall compliance review result, but will require a program improvement plan addressing actions to be taken to achieve compliance.

REFERENCE: CSS 02-18, effective 6/6/02; CSS 02-21, effective 11/1/02;
CSS 04-19, effective 8/26/04

REQUIREMENTS:

- ❖ The LCSA must designate staff to serve as the LCSA's case transfer coordinator.
- ❖ Cases must be properly transferred using a standardized case transfer package (by the sending LCSA), in accordance with the revised case transfer policy.
- ❖ The LCSA must forward a complete Case Transfer Financial Summary Package (includes an accounting of arrears, interest and a calculation of the UAP), as applicable.
- ❖ The sending LCSA shall calculate the UAP balance, if any, by ensuring that all recoupment amounts are subtracted from the cumulative UAP.
- ❖ The sending LCSA shall close the case when the receiving LCSA acknowledges the case transfer.

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

- 1) Does the LCSA's sample duplicate case report comply with all the above requirements as stated in CSS Letters 02-18, 02-21 and 04-19?
_____YES _____NO
- 2) Is the LCSA following the revised duplicate case transfer procedures?
_____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)

**COMPLAINT RESOLUTION TRACKING SYSTEM QUESTIONNAIRE –
ADMINISTRATIVE (State Requirement)**

The DCSS required the establishment of a uniform complaint resolution process within the LCSA, to ensure uniform complaint handling and resolution. LCSAs are under obligation to acknowledge complaints made by recipients of services and take certain specific actions within required time frames. Under this component, LCSAs are to certify whether they are in compliance with the requirements of this process. This is an administrative component; that is, a finding of noncompliance, as described below, will not affect the overall compliance review result, but will require a program improvement plan addressing actions to be taken to achieve compliance.

For each complaint received by the LCSA, actions must be taken to resolve it, or refer it to another appropriate jurisdiction, within no more than 30 days (unless extended by the director). Complaints are to be discussed with the complainant and s/he is to be notified of the result.

REFERENCE: 22 CCR Sections 120101-120105

REQUIREMENTS:

- ❖ The LCSA reviewer will need to review up to the last twenty (20) complaints (initially received by the LCSA) during the review period.
- ❖ If there are fewer than 20 complaints, review them all.
- ❖ If at least 75 percent of the complaints meet all three requirements, the questions can be answered “yes”. If not, the LCSA has not met the requirements and must pursue program improvement.

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

- 1) Are complaints resolved (or referred to another appropriate jurisdiction) within 30 days (or 60 days, if extended)?
 _____YES _____NO
- 2) In the process of attempting to resolve complaints, do LCSA investigators discuss the complaint with the complainant?
 _____YES _____NO
- 3) Are complainants properly notified of the results of the investigation, the actions to be taken, and the complainant’s right to pursue a state hearing?
 _____YES _____NO
- 4) Conclusion: State whether the LCSA met or did not meet the requirement by the end of the review period. (FOR USE BY THE REVIEWER)

CO-LOCATE QUESTIONNAIRE - ADMINISTRATIVE (State Requirement)

State law requires the LCSA to cooperate with the county welfare office in that the LCSA shall have staff available in person or by telephone at all county welfare office(s) to conduct an interview with the applicant for assistance.

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

REQUIREMENTS:

- ❖ State law requires the LCSA to cooperate with the county welfare department in establishing the paternity of the child of the applicant or recipient born out of wedlock.
- ❖ State law requires the LCSA to cooperate with the county welfare department 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 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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Through CRTCS, LCSA reviewers are to document compliance reviews by including:

- ◆ Overall and specific case review findings
- ◆ Expedited Process 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 and Program Administration, the IN BOX is checked. If the LCSA is out of compliance in Case Review, Expedited Process 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 Findings	The appropriate expedited process findings for the LCSA are obtained from the Expedited Process Tabulation Form.
Program Admin. Findings	The conclusions from the seven Program Administration questionnaires are automatically entered.

COMPLIANCE REVIEW SUMMARY

County: COUNTY NAME

Starting
Period: Q403Ending
Period: Q403

	IN	OUT
OVERALL COMPLIANCE		

CASE REVIEW FINDINGS			
TOTAL CASES REVIEWED	CASES IN COMPLIANCE	CASES OUT OF COMPLIANCE	PERCENTAGE
XX	XX	X	XX.X

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

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

PROGRAM ADMINISTRATION FINDINGS		
COMPONENT	REQUIREMENTS	
	MET	NOT MET
1. REQUIRED NOTICES	X	
2. CASE APPLICATION	X	
3. SAFEGUARD ACTIVITY REPORT	X	
4. DECLARATIONS OF PATERNITY IN CHILD SUPPORT CASES	X	
5. CASE TRANSFER (ADMINISTRATIVE)	X	
6. COMPLAINT RESOLUTION TRACKING SYSTEM (ADMINISTRATIVE)	X	
7. CO-LOCATE (ADMINISTRATIVE)	X	

Part II: Writing the Report

State-review LCSA Compliance Review Report: In rare situations where the review is conducted by DCSS staff, in that findings will be recorded in CRTCS. The LCSA will have the opportunity to review and respond to the findings before they become final. The DCSS reviewers will review the LCSAs comments and incorporate them into the findings as appropriate, then issue the final report.

Self-review LCSA Compliance Review Report: After self-review LCSAs have completed the review they are to submit a letter of findings to DCSS with the results. The LCSA Director **must** sign reports prepared by LCSA reviewers.

As most of the report detail is available from CRTCS, LCSAs need only submit a report narrative consisting of the following:

Compliance Review Report Format
<ol style="list-style-type: none">1) A brief summary highlighting the overall findings and areas of major significance.2) Describe any case problems, i.e., transfer cases, inaccurate case identification, misplaced case records, etc.3) Number of cases reviewed (that is, cases with at least one review component applicable), number of cases with no review components applicable and number of cases not found.4) Conflict of interest statement and explanation of the handling of conflict cases, if any.

Monitoring Report

For the self-review LCSAs, DCSS staff may conduct a monitoring review to ensure the required review procedures were followed. This includes reviewing the LCSA's report, conducting a monitoring visit, if necessary, and provide the LCSA with a written monitoring report addressing the LCSA's report of findings. This will provide a formal notice of compliance or noncompliance to the LCSA.

If the monitoring review finds the LCSA report is inaccurate or insufficient in determining compliance, DCSS may require the LCSA to reconduct all or part of the review, or may elect to reconduct all or part of the review directly. (MPP 12-202 et seq.)

Compliance Definitions

The annual compliance review process is used to evaluate LCSA 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 review sections.

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 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 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/corrective action process.

The following chart illustrates the results of various findings:

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 Program Improvement Plan (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 Corrective Action Plan (CAP) is required in response to a finding of noncompliance in the total compliance finding.

Statistical Significance

There are 2 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 2 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 section, compliance is measured using those cases entering Expedited Process during the month of August 2003, 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 Expedited Process, 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 101.)