



**ERICSA 62ND ANNUAL
TRAINING CONFERENCE & EXPOSITION**

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NORFOLK

VIRGINIA

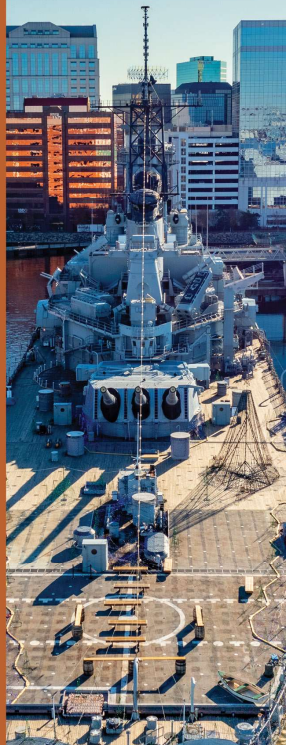
Intermediate Intergovernmental

Speakers: Irene Curran, IL DHFS
Ethan C. McKinney, AWS SLG
Moderator: Petrina Travers, Ramsey County, MN



Session Description

You already know the basics of UIFSA. So what comes next? While saying the name of the course three times fast might be difficult, the materials covered don't have to be. Join us for a discussion about analyzing and determining what needs to be done first when working an intergovernmental case, controlling order and continuing exclusive jurisdiction (CEJ), intergovernmental regulations, two-state actions vs one-state actions, establishment including longarm jurisdiction, registration, interstate enforcement, modifications, UIFSA forms, customer service and communications, federal intergovernmental tools, central registries, differing states' policies and laws, as well as common problems in intergovernmental case processing and tips for correcting them.



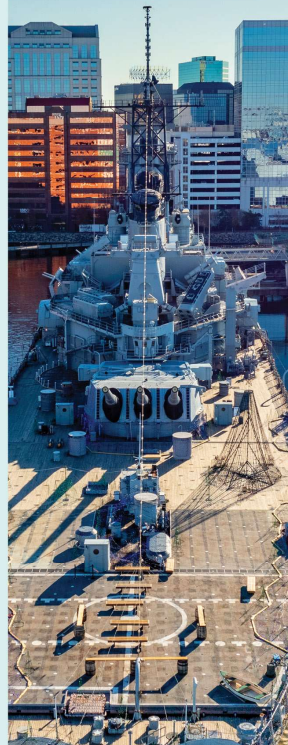
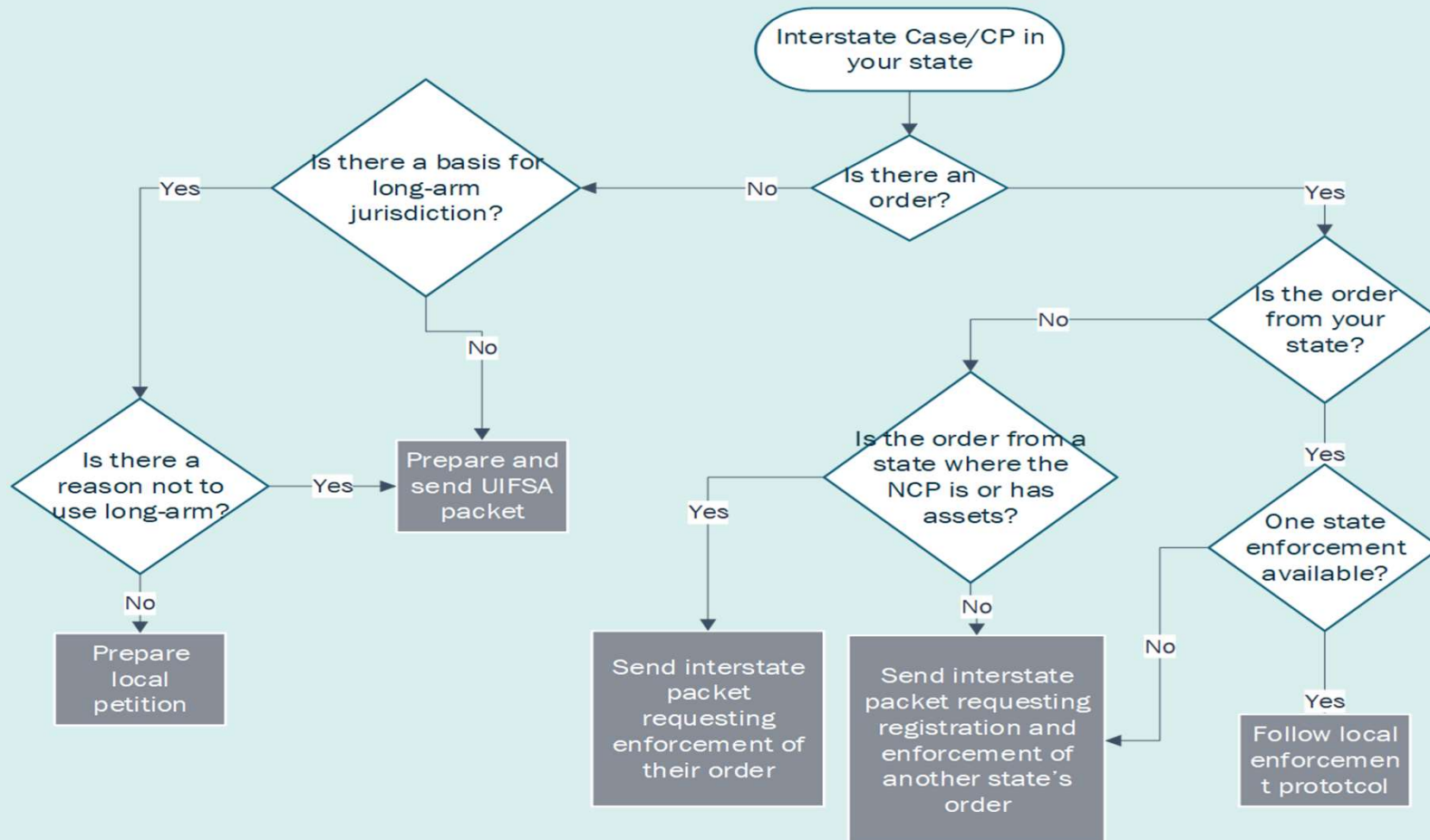
What to do first

- Determine what needs to be done
 - Consider a one-state process whenever possible to eliminate the involvement of a second state
- When two-state is necessary
 - Gather all available information before sending it to a second state
- Know what you are requesting before you forward the request to another state
 - Ensure that the other state can do the action you are requesting
 - Review the IRG and the federal OCSS Forms Matrix to determine what the other state requires



Interstate Decision Making Tree

Does not include modification steps and assumes the NCP is located



Initiating Jurisdiction



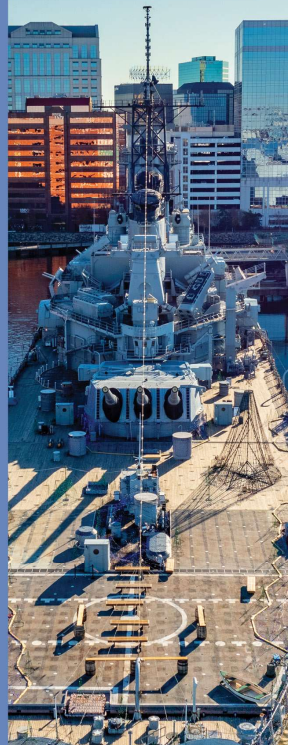
Preparing the Packet

- Identify which federal forms you must complete and send to the other state
 - Fill out all forms as completely as possible
 - Verify address and employment information before sending the case to the other state
 - Originals, notarizations and certified copies are no longer necessary
 - Exception – one certified copy of the order for registration requests



UIFSA Forms

- Child Support Agency Confidential Information
- Child Support Locate Request
- Declaration in Support of Establishing Parentage
- General Testimony
- Letter of Transmittal Requesting Registration
- Notice of Determination of Controlling Order
- Personal Information Form for UIFSA §311
- Child Support Agency Request for Change of Support Payment Location Pursuant to UIFSA §319
- CSE Transmittal #1 – Initial Request
- CSE transmittal #1 – Acknowledgment
- CSE Transmittal #2 – Subsequent Actions
- CSE Transmittal #3 – Request for Assistance
- Uniform Support Petition



Next Steps

- Send all new requests to the other state's Central Registry
 - CSE Transmittal #1 – Acknowledgment
 - Provides contact information that you can input into your system
 - Follow-up and request updates from the appropriate local county/regional office
 - Review the IRG and QUICK and local contact lists for contact information if necessary



Differing State Policies and Laws

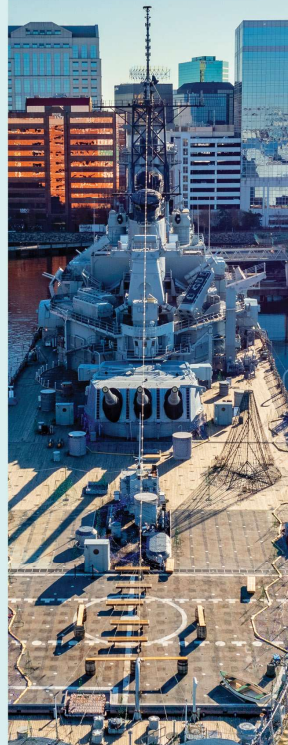
- Policies
 - Caretaker cases
 - Foster care cases
 - Arrears only cases
 - TANF arrears
 - Retroactive arrears
- Laws
 - Emancipation
 - Statute of limitations
 - Interest



Which State's Laws Apply

Issuing State	Enforcing State
Amount of Support	Remedies available (e.g., driver's license, professional license suspension)
Duration of Support	Judicial registration or administrative enforcement
Interest rate, if any	
Nature of the order (e.g., stepdown, flat/fixed, per child)	
What counts as support (e.g. \$\$)	

- Statute of limitations for enforcing arrears is governed by law of issuing state or enforcing state, whichever is longer.



Tips for Completing Documents

- Reconcile arrears on all documents
- Pay close attention to case type (i.e., TANF, Medical Only)
- Provide a recent, verified address for the obligor
- Request correct action (i.e., Collection of Arrears Only)
- Provide your direct contact information
- Provide email address



Responding Jurisdiction



Central Registry

- Every state is federally mandated to have one
 - CFR § 303.7(b)
- Responsible for:
 - Receiving incoming intergovernmental cases
 - Responding to inquiries
 - Code of Federal Regulations: CFR §303.7(b)(1 - 4)



Central Registry Timeframes

Within ten working days of receipt of an intergovernmental IV-D case, the central registry must (45 CFR §303.7(b)(2)):

- Review the request for completeness;
- Forward the case for location services or appropriate agency for processing;
- Acknowledge receipt of the case and request any missing documentation; and
- Inform the initiating agency where the case was sent for action.
- If documentation is incomplete, forward the case for any action that can be taken pending necessary action by the initiating agency.



Central Registry Timeframes (cont.)

- Within five working days of receiving a status request for a case status review, the central registry must (45 CFR §303.7(b)(4)):
 - Respond to the request, and
 - Provide assistance



Common Problems

- Missing documents
- Locate not recently verified
- Address and/or Employment information is old
- Other information is incomplete or inaccurate
- If local or “optional” forms are needed, explain these to the initiating jurisdiction



Barriers with Incoming Cases

- Family Violence
- Action requested inaccurate
- ALL orders not included
 - Modifications
 - COLAs



Status Requests

- Status requests may be sent in one of the following ways:
 - CSE Transmittal #2 – Subsequent Actions
 - Email
 - Telephone
 - CSENet
 - ~~FAX~~
- Central Registries must respond to initiating agencies within five working days of receipt of a status request – 45 CFR §303.7(b)(4)



Customer Service

- Initial referrals – contact the Central Registry within 30 days (**CFR §303.7(b)(2)** requires the Central Registry to complete their review within 10 working days)
- Follow-up status requests – contact the local county/regional agency
 - If unable to obtain a response, contact the Central Registry
 - Responding jurisdiction sends all correspondence through the initiating jurisdiction
 - Parties should contact their child support agency within their respective state



Communicating with Another State

- Follow a “hierarchy”
- Utilize various communication tools
 - Transmittals
 - Email
 - Telephone calls
- Federal tools
- Call centers vs. direct contact
- Have one good contact – Be other State’s one good contact



Evidentiary Rules



Evidence and Discovery

UIFSA § 210, 316 – 318

- When jurisdiction over a non-resident is obtained, the tribunal may:
 - obtain evidence,
 - provide for discovery, and
 - elicit testimony through use of the same "information route" provided for two-state proceedings



Special Rules of Evidence and Procedure

UIFSA § 316

(e) Documentary evidence transmitted from outside this state to a tribunal of this state by telephone, telecopier, or other means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this [act], a tribunal of this state shall permit a party or witness residing outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A tribunal of this state shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.



Special Rules of Evidence and Procedure (cont.)

Official Comment

- The intent throughout these subsections is to eliminate by statute as many potential hearsay problems as possible in intergovernmental litigation, with the goal of providing each party with the means to present evidence, even if not physically present.
- Do your courts routinely conduct telephonic or virtual hearings?
- Does the out of state party go into a local agency or do they participate at home?



Communications Between Tribunals

UIFSA § 317

- A tribunal of this state may communicate with a tribunal outside this state in a record or by telephone, electronic mail, or other means, to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding.
- A tribunal of this state may furnish similar information by similar means to a tribunal outside this state.



Assistance with Discovery

UIFSA § 318

- A tribunal of this state may request a tribunal outside this state to assist in discovery; and
- Upon request, may compel a person over which it has jurisdiction to respond to a discovery order issued by a tribunal outside this state.



Duration of Support

- **UIFSA § 611(c)** – Provides the original timeframe for support is not modifiable unless the law of the issuing state provides for its modification.
- **UIFSA § 611(d)** – Specifically provides and makes it clear that the law of the state with the initial controlling order governs the duration of the support obligation.



Physical vs. Legal Residence

- Official comments to UIFSA state that proof that neither individual nor the child continue to reside in the issuing state is made directly in the responding tribunal.
- But what does “reside” as used in UIFSA mean? There is a split in the appellate courts as to what the drafters meant when using the term “reside”.



Enforcement



Enforcement Jurisdiction

Which state has jurisdiction to enforce?

- After an order is entered, the forum state has jurisdiction to enforce against the debtor, even if the debtor lives outside of the forum state
- Extradition/rendition (Criminal contempt/criminal nonsupport)
- Civil contempt is not subject to full faith and credit like a judgment debt, so you cannot have another tribunal enforce your contempt – the clock starts over in the state where the order is registered



Enforcement Jurisdiction (cont.)

- When assets and income are in control of another entity (e.g., bank, employer) and you seek third-party withholding/garnishment or lien/levy/attachment action, you:
 - Serve the entity with the asset or income in the other state if the entity does business in your state (check with the Secretary of State or other appropriate office); or
 - Start a two-state action in the state of the asset or where income is derived



Enforcement Decision Making

Who is in charge of enforcement decisions?

- If the controlling order state is enforcing, that state may take all actions, including local enforcement, one-state interstate enforcement, and registration for enforcement
- If the order is registered in another (responding) state, the responding state takes over primary enforcement actions, even when the forum state could continue to enforce (e.g., the initiating state would terminate an IWO if a responding state takes over enforcement duties); the responding state issues the appropriate IWO; IJ submits for federal tax offset



Enforcement Decision Making (cont.)

Is the CP state currently faced with another state's order?

- If yes, CP state can register the order and enforce in CP state
- OR, CP state can initiate to responding state where NCP has income and/or assets through a registration action
- Has the NCP state assumed enforcement control through registration of a controlling order in its state?
 - If yes, that state takes over all enforcement that is within the jurisdiction of the enforcing state/tribunal
 - The requesting state with a controlling order may request limited assistance from any state with assets



One-State Considerations

Your child support office receives a new case and the NCP resides outside your state. What actions should you take?

- CSE workers should know how to assist the CP in understanding if a support case falls under one-state processing.
- Know the criteria that allows you to meet the processing standards.
- Explain the pros and cons to the CP in keeping the case local or creating an intergovernmental case.
- Consider creating a checklist to aid in determining whether to file a one-state action.



Benefits and Limitations of Direct Income Withholding

Benefits

- Faster
- Enforcement stays within your control

Limitations

- If obligor is a job hopper or self-employed
- If there's an open IV-D case in another state



Limited Services – 45 CFR 303.7

Provision of Services in Intergovernmental IV-D Cases

Identifies and implements procedures for cooperating with 12 limited services requests. **CFR § 303.7(a)(8)**

- Copy of support orders and payment records
- Assistance with service of process
- Assistance with genetic testing
- Assistance with teleconference hearings
- Assistance with administrative review
- Assistance with discovery
- High-volume automated administrative enforcement in interstate cases under section 466(a)(14) of the Act
- Assistance with a lien
- Financial data
- Other
- Provide remittance ID
- Payment forwarding



Limited Services (cont.)

- States involved in a limited services request are identified as either the “Requesting State” or the “Assisting State.”
- Applies to state IV-D agencies, not to courts.
- Contact the other state Central Registry and/or local agency to confirm whether or not the limited service request can be performed.



Tips For Effective One-State Processing

- Maintain open and regular communications
- Facilitate telephonic testimony
- Utilize CSENet Quick Locate to secure asset and employment information on NCP
- Review QUICK when the NCP has multiple cases
- Use two-state UIFSA when enforcement becomes an issue, or if direct communication with the NCP, direct income withholding, or Quick Locate are not successful
 - Registration for enforcement only



Tips For Effective Enforcement Processing

- Advise responding state to stop IWO and close case before issuing your own IWO.

CFR § 303.7(c)(12)

- Responding state must stop its IWO and close its case within 10 days of notification.

CFR § 303.7(d)(9)

- Responding state and initiating state can reach an alternate agreement. CFR § 303.7(d)(9)



Timeframes



Important Intergovernmental Timeframes

General Responsibilities:

- Within 30 working days of receiving a request, provide any order and payment record information requested by a State IV-D agency for a controlling order determination and reconciliation of arrearages, or notify the State IV-D agency when the information will be provided. **CFR § 303.7(a)(6)**
- Notify the other agency within 10 working days of receipt of new information on an intergovernmental case. **CFR § 303.7(a)(7)**



Important Intergovernmental Timeframes

Central Registry:

- Within 10 working days of receipt of an intergovernmental IV-D case, the central registry must complete all required actions. **CFR § 303.7(b)(2)**
- The central registry must respond to inquiries from initiating agencies within 5 working days of receipt of the request for a case status review. **CFR § 303.7(b)(4)**



Initiating State Timeframes

- Within 20 calendar days of determining that a case must be made into a two-state interstate case, refer any intergovernmental IV-D case to the appropriate State Central Registry, Tribal IV-D program, or Central Authority. [CFR § 303.7\(c\)\(4\)](#)
- Within 30 calendar days of receipt of the request for information, provide the responding agency with an updated intergovernmental form and any necessary additional documentation, or notify the responding agency when the information will be provided. [CFR § 303.7\(c\)\(6\)](#)
- Notify the responding agency within 10 working days of case closure that the initiating State IV-D agency has closed its case, and the basis for case closure. [CFR § 303.7\(c\)\(11\)](#)



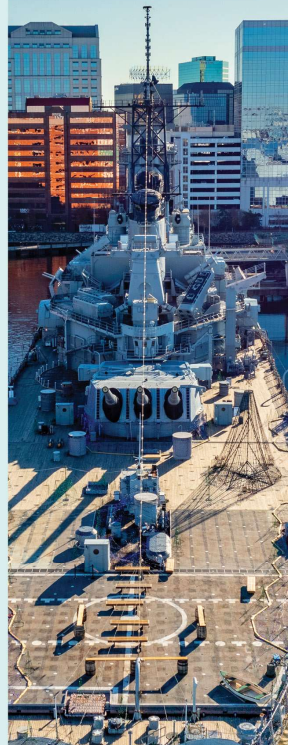
Responding State Timeframes

- Within 75 calendar days of receipt of an intergovernmental form and documentation from its central registry, provide location services and/or request additional documentation. **CFR § 303.7(d)(2)**
- Within 10 working days of locating the noncustodial parent in a different State, the responding agency must return the forms and documentation, including the new location, to the initiating agency, or, if directed by the initiating agency, forward/transmit the forms and documentation to the central registry in the State where the noncustodial parent has been located and notify the responding State's own central registry where the case has been sent. **CFR § 303.7(d)(3)**



Responding State Timeframes (cont.)

- Within 10 working days of locating the noncustodial parent in a different political subdivision within the State, forward/transmit the forms and documentation to the appropriate political subdivision and notify the initiating agency and the responding State's own central registry of its action. **CFR § 303.7(d)(4)**
- Within 10 working days of receipt of instructions for case closure from an initiating State agency, stop the responding State's income withholding order or notice and close the intergovernmental IV-D case. **CFR § 303.7(d)(9)**



Points of Interest



Points of Interest

- Paternity when CP is not the mother
 - Complete Declaration in Support of Establishing Parentage
 - Notarized statement from CP
- Voluntary Acknowledgment of Paternity vs. birth certificate
 - Constitutes legal proof of paternity
- Change of Payee/Beneficiary
 - Varies from state to state
 - Administrative in some states while judicial in others



Points of Interest (cont.)

- Redirection of Payments vs. Enforcement vs. Payment Forwarding
 - Payments originally sent directly to CP and are now sent to an SDU
 - Originally sent to one SDU and now sent to a new SDU
 - Transmittal #1 vs. Transmittal #3
- Enforcement and forward payments
 - Varies from state to state
 - Use for administrative action requests



Points of Interest (cont.)

- Certified copies of orders
- Registration for Modification Only – NCP filing
- Confidentiality forms
- Arrears calculations
 - State with controlling order determines the balance
- Telephonic testimony
 - Varies from state to state, although now mandatory
 - Valuable tool in intergovernmental cases



Contact Information

Ethan C. McKinney, JD

Child Support Leader

AWS, State and Local
Government

ethmck@amazon.com

574-876-9488

Irene Curran, JD

Deputy Administrator

Field Operations, Child Support
Services, IL DHFS

irene.curran@Illinois.gov

312-814-4250

