



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

MAY 18-22, 2025

NORFOLK

VIRGINIA

Speakers



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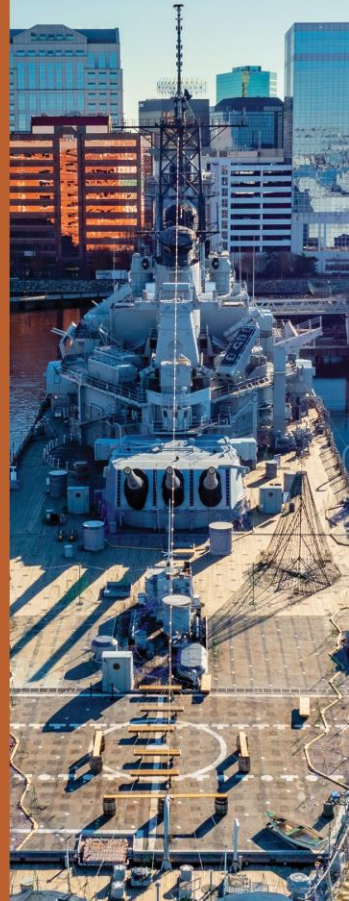


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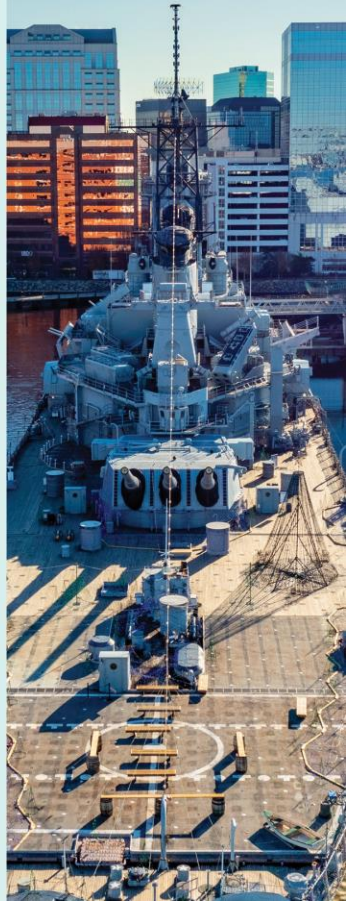
DAMN THE TORPEDOES – Full Speed Ahead!

Armaments for Enforcing Support Orders



Session Description

States and Tribes have many armaments at the ready for enforcing support orders locally. Most of those “weapons” are at the ready on intergovernmental cases as well. However, how they are utilized can vary State to State and State to Tribe based on common practice and State/Tribal law. And that is just talking about IV-D cases. When it comes to non-IV-D cases, your warship’s fire power may be limited. Come learn about how enforcement tools can best be utilized, and sometimes restricted, depending on case status. Be ready to share best practices with your intergovernmental allies.



IV-D Weapons

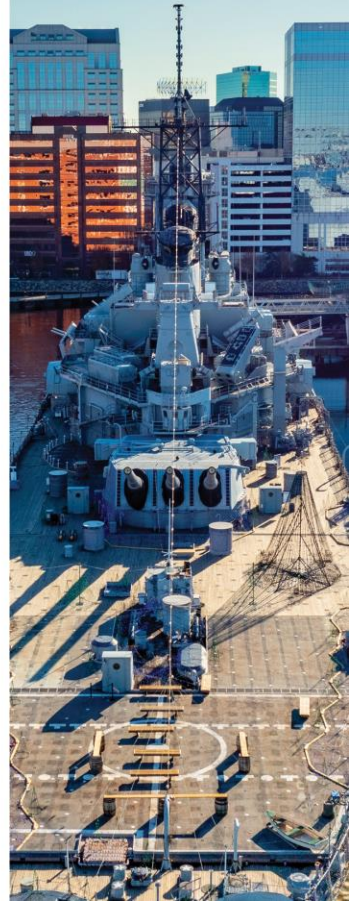


Administrative One-State Weapons

- Your State has issued a support order, and the payor has failed to pay. What weapons does your office have to hopefully bring about compliance?
- Look to use the most readily available weapon...
 - Direct Income Withholding Orders

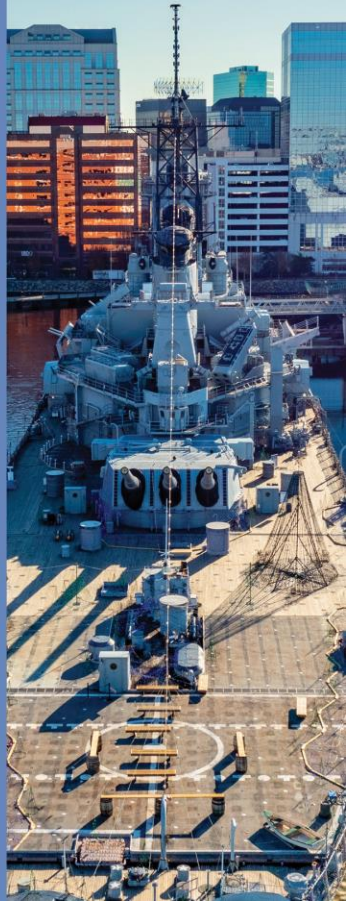


Get the Courts Involved...



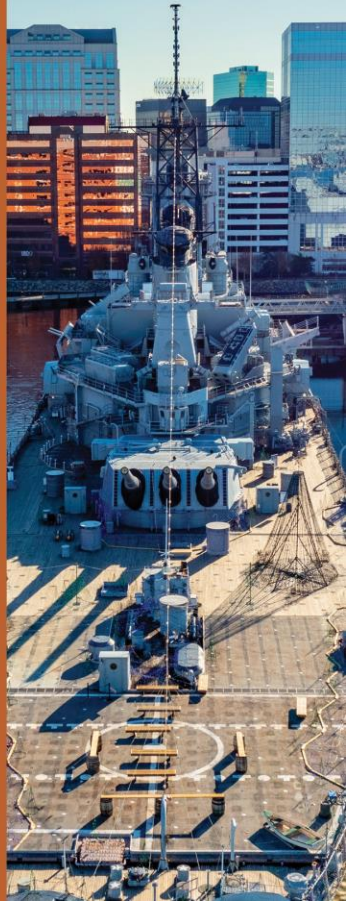
Civil Contempt One State vs. Two State

- The One-State Civil contempt process is not subject to full faith and credit like a judgment debt, so you cannot have another tribunal enforce your contempt. The enforcing tribunal will apply their substantive law for enforcing.
- Remember: Each State does not do business as your State does. You cannot force another State to handle cases like yours would.
- Ditto for Tribes!



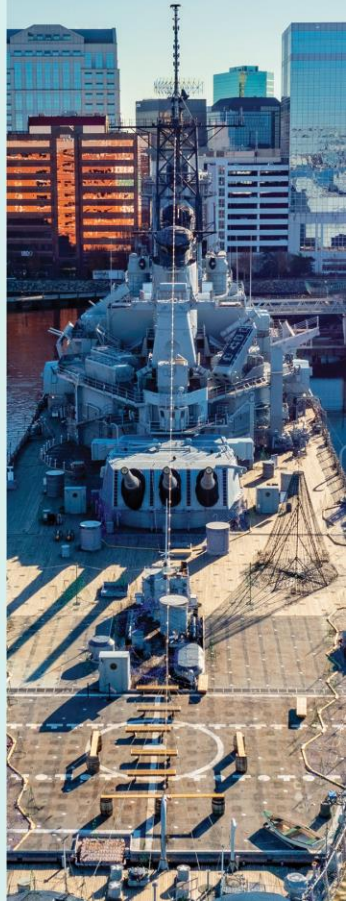
604 – Choice of Law

(c) A responding tribunal of this state shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this state.



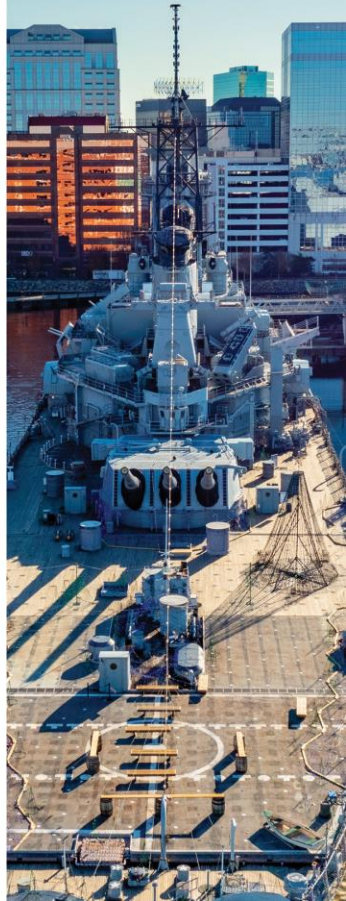
Criminal Non-Support

- Can either file a misdemeanor or felony charge against the payor.
- Things to consider:
 - Is it your State's order?
 - Where is the payee located?
 - How are your court-enforced orders handled? In-house or through a contract with a prosecutor's office?
 - Statute of Limitations



Steps for Felony Non-Support

- Case is presented to a Grand Jury and if Payor is indicted
 - OR a Felony Information is filed with either a summons or a warrant
- Payor is arraigned and appointed counsel if he/she does not have counsel
- Pre-trial (preliminary hearing)
- Plea or trial
- Sentencing
- Post-conviction

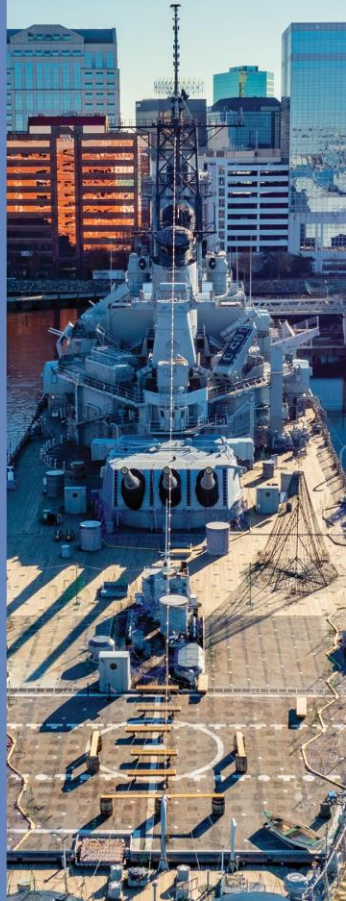


We're Listening...What Do Your Offices Do Regarding Civil Contempt and Criminal Non-Support?



What if the Payor has Assets or Income in Another State?

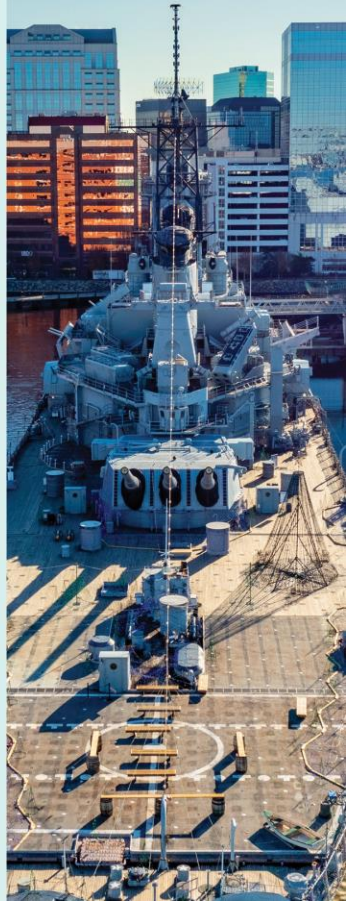
- When assets and income are in the control of another entity such as a bank or employer, you may run into limitations on whether you can utilize a One-State process



Scenario Time!

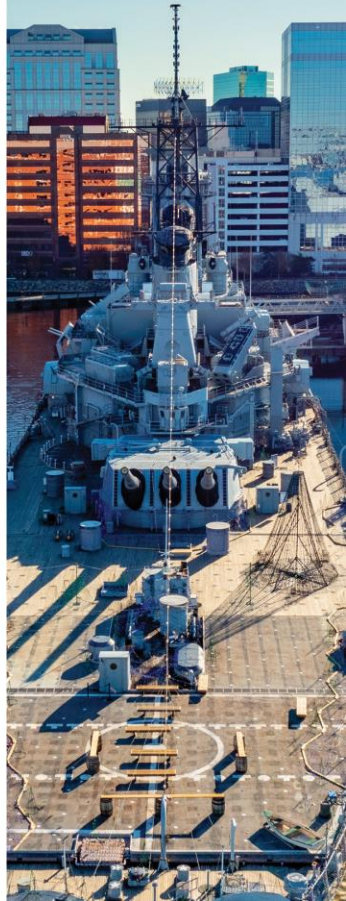


- Fresh off a disappointing finish to the season, The Swift-Kelce union falls apart.
- Eight months later and Taylor gives birth to a healthy baby boy.
- Travis had since retired.
- Taylor obtains a support order in Tennessee where all parties were residing.
- Travis then moves to Virginia to pursue commercial fishing.
- TN sends a petition to VA requesting registration and enforcement. Travis has a bank account with Virginia National Bank.
- What options does VA have?
- What if the Virginia National Bank would honor a withholding order from TN?
- Would the answers be the same if there was a Tribe involved? (Tribes say, leave us out of this!)



CFR 303.7(d)(1) – Provisions of Services in Intergovernmental IV-D Cases

- (d) Responding state IV-D agency responsibilities.
Upon receipt of a request for services from an initiating agency, the responding state IV-D agency must:
 - (1) Accept and process an intergovernmental request for services, regardless of whether the initiating agency elected not to use remedies that may be available under the law of that jurisdiction.



Limited Services 45 CFR 303.7

Identifies and implements procedures for cooperating with 12 limited services requests (45 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

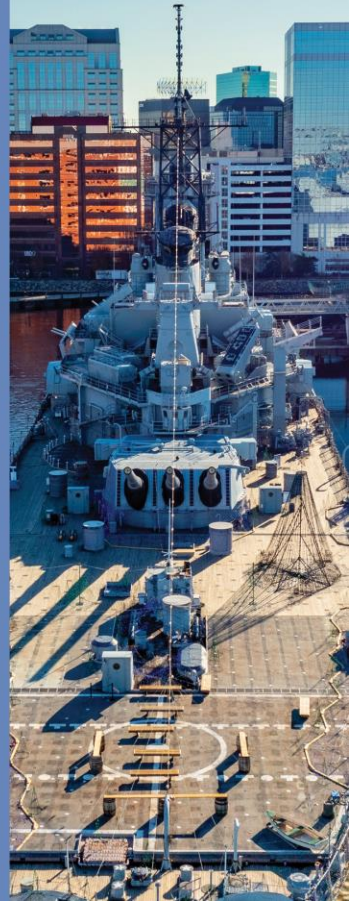


Other Enforcement Armaments

- Direct income withholding & EIWO
- Interstate Lien

<https://www.acf.hhs.gov/css/form/administrative-subpoena-and-notice-lien-forms-instructions>

- Multistate Financial Institution Data Match (MSFIDM)
- Direct Unemployment Insurance Income withholding
 - 14 jurisdictions: GA, IN, LA, MA, MI, MN, NY, ND, OH, PA, PR, TN, VI, and WI



- **Child Support Lien Network (CSLN)**

<http://childsupportliens.com>

- Personal Injury claims and real property
- 29 states

- **FIDM**

<https://www.acf.hhs.gov/css/training-technical-assistance/financial-institution-data-match-overview>

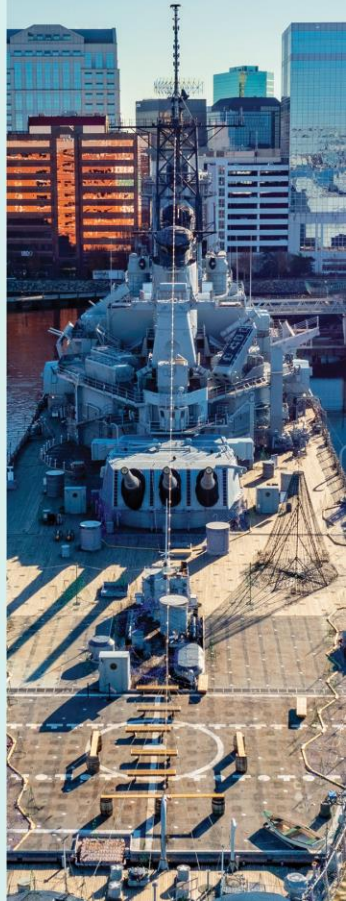
- 32 states

- **Federal Insurance Match**

<https://www.acf.hhs.gov/css/outreach-material/child-support-and-insurance-match-program>

- **FAST Levy**

<https://www.acf.hhs.gov/css/training-technical-assistance/fast-levy-overview>



Suspension of the Driver's License

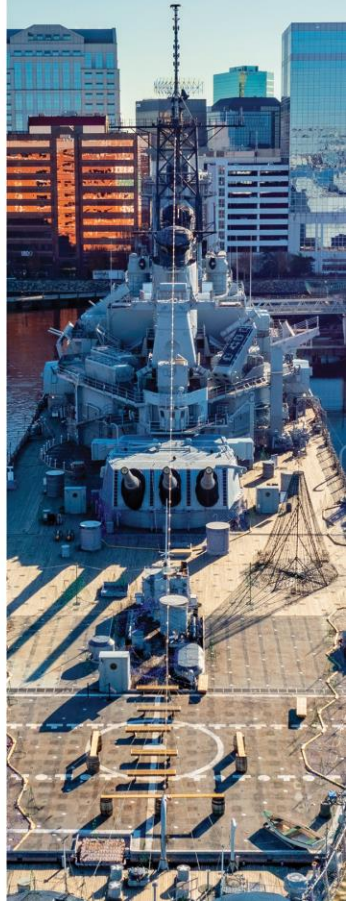
- Driver License Compact: An interstate compact used by States of the United States to exchange information concerning license suspensions and traffic violations of non-residents and forward them to the state where they are licensed known as the home state. Its theme is One Driver, One License, One Record. The home state would treat the offense as if it had been committed at home, applying home state laws to the out-of-state offense. The action taken would include, but not be limited to, points assessed on a minor offense such as speeding and suspension of license or a major violation such as DWI/DUI. It is not supposed to include non-moving violations like parking tickets, tinted windows, loud exhaust, etc.

- While it is not specific to child support, if one state suspends a drivers license due to non-payment of child support, most other states will suspend the drivers license as well.

- <https://apps.csg.org/ncic/Compact.aspx?id=56>

- How are your States handling license suspensions?

- Within what parameters do Tribes use license suspensions?



Other Remedies

- Defense Finance and Accounting Services (DFAS)
 - Active duty and retirement compensation
 - Most pay, but not allowances
- 5 CFR 581, App. A - List of Agents Designated To Accept Legal Process
<https://www.law.cornell.edu/cfr/text/5/appendix-A> to part 581
 - For service of process/IWOs on federal agencies
- Qualified Domestic Relations Order (QDRO)
 - For pension plans, stock options
 - Order must have specific language
- IRS refunds
 - Does your state apply only to arrears?
 - Deficit Reduction Act (DRA) allows current support
- Social Security Disability Insurance (SSDI)
 - NOT Supplemental Security Income (SSI)
- Social Security Retirement



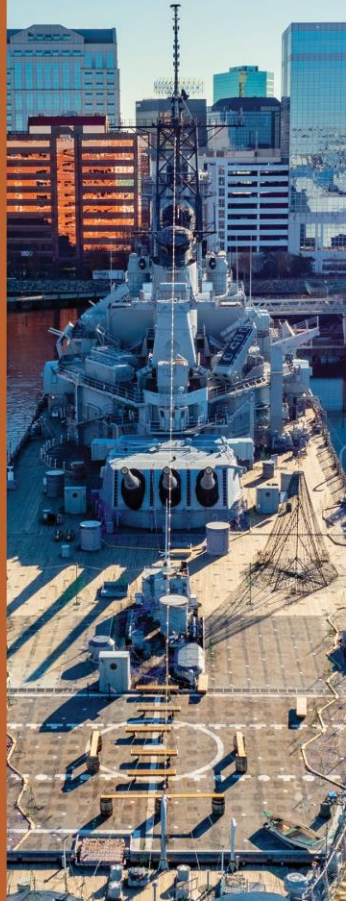
VA benefits

- Only when partially in lieu of military retirement
- Allocation of VA benefit
- Moneys owed to federal contractors
- Moneys owed to federal employees, such as travel reimbursements

Passport Denial

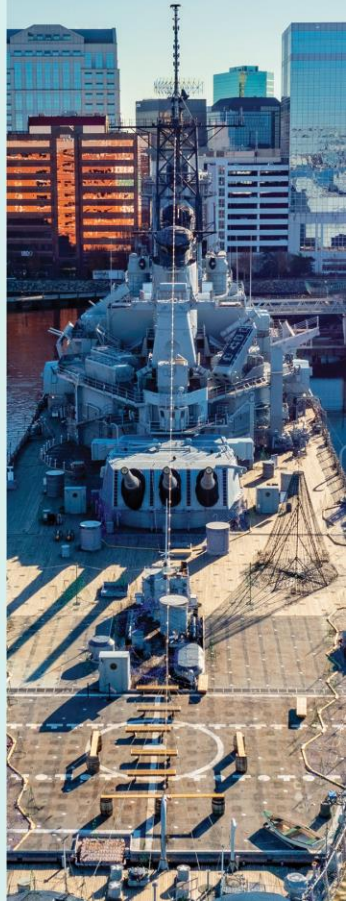
<https://www.acf.hhs.gov/css/training-technical-assistance/overview-passport-denial-program>

- \$2,500 or more in arrearages
- new or renewal
- Project Save Our Children (PSOC)
 - Federal criminal prosecution - 18 USC §228



Liens

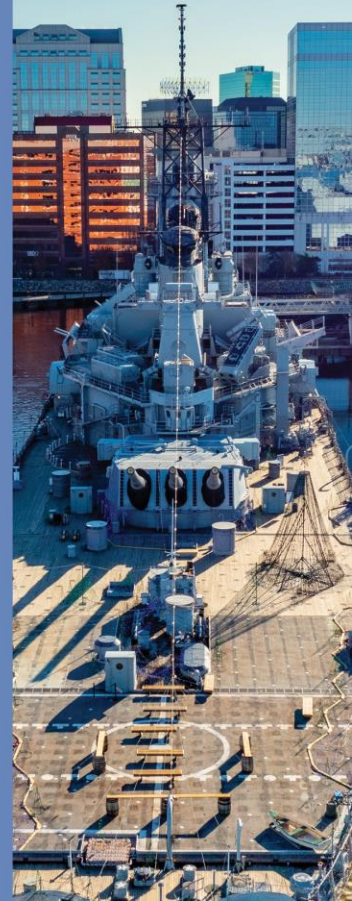
- When filing an interstate lien, you do not need to file a two-state action to the state where the property is located.
- Involvement of the child support agency in the state in which the obligor's asset is located is not required.
- File interstate lien directly to the agency authorized to process liens in the other state.
- Review the IRG for general information about each state's lien procedures.
- State's procedures may vary.
- Contact the state where the property is located to ensure that all necessary procedures and requirements are met.
- Use the Administrative Subpoena to verify the existence and/or location of the asset prior to filing the Notice of Lien.
- <https://acf.gov/css/form/administrative-subpoena-and-notice-lien-forms-instructions>



Considerations for Two-State Enforcement

- Communication is key. Make sure your local IV-D applicant knows what is happening with his/her case and timeframes that are involved.
- Do not over promise results. A non-compliant payor will usually not become a great payor just because another State is involved.
- Consider creating a checklist for caseworkers to utilize when deciding whether to make the case a Two-State.

Don't waste my
time telling me
what you think I
want to hear...
speak the truth,
that I'll always
respect.

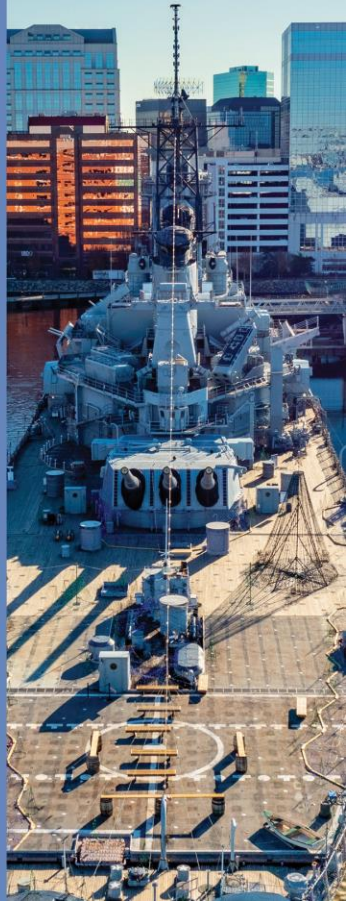


If Going the Two-State Enforcement Course...



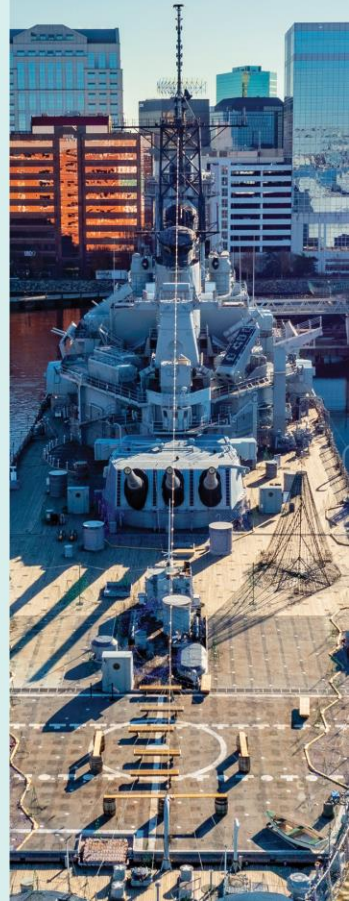
When requesting another State to enforce your support order, there are things to keep in mind:

- Terminate any wage withholding order
- Make sure to update the responding State on any Federal Tax Intercepts
- Know if the Responding State is a futures State or not. You don't want payments being sent back to the payor, nor do you want payments looping between the two States.
- If your State charges interest or processing fees, correspond with the Responding State at least once a year to update balances.



Scenario Time!

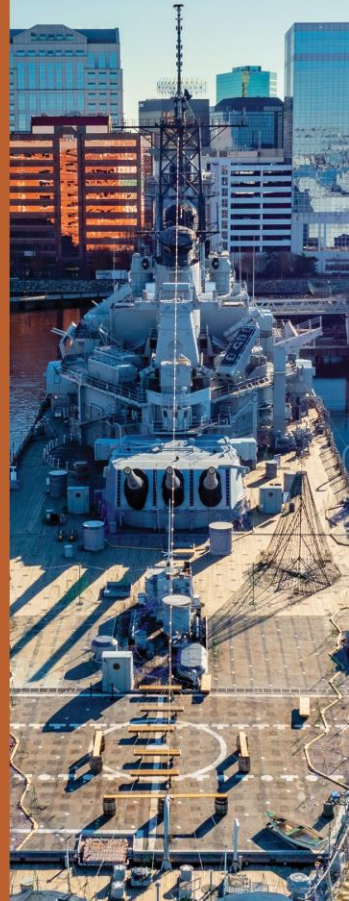
- Long time Las Vegas resident, and octogenarian, Wayne Newton, neglected to pay his child support order set in the 1980s in Nevada.
- Newton moves retires to Indiana. All funds have been depleted.
- NV requests IN to register and enforce their arrears only order. Specifically, NV wants IN to file a Motion for Contempt.
- IN law precludes the use of contempt to collect on arrears only orders. However, NV law does allow it.
- What now?
- How would the answer be different if the scenario involved a Tribe?
- Extra credit...What tie does Wayne Newton have to Virginia???



If You Decide to Reverse Course...

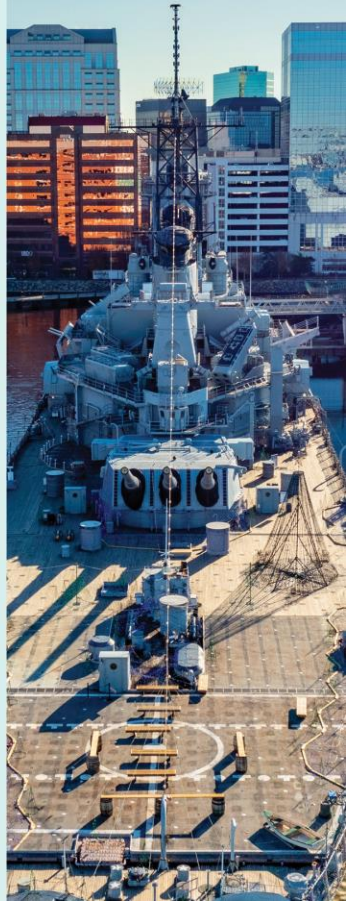


- Advise responding state to stop IWO and close case before issuing your own IWO - §303.7(c)(12).
 - Responding state must stop its IWO and close its case within 10 days of notification – §303.7(d)(9).
 - Responding state and initiating state can reach an alternate agreement – §303.7(d)(9).



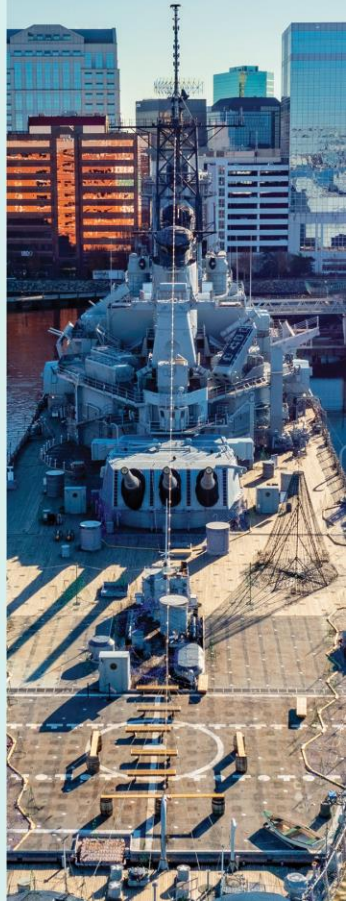
FFP and non-IV-D Activities PIQ-10-01

- <https://acf.gov/css/policy-guidance/federal-financial-participation-and-non-iv-d-activities>
- Updating addresses
- Locate
- Distribution of collections
- Customer Service—providing information
- Issuing IWOs
 - <https://acf.gov/css/policy-guidance/requirements-immediate-wage-withholding-all-orders-not-being-enforced-under>
- Answering Employer's IWO questions
- Charging Fees for non-IV-D cases



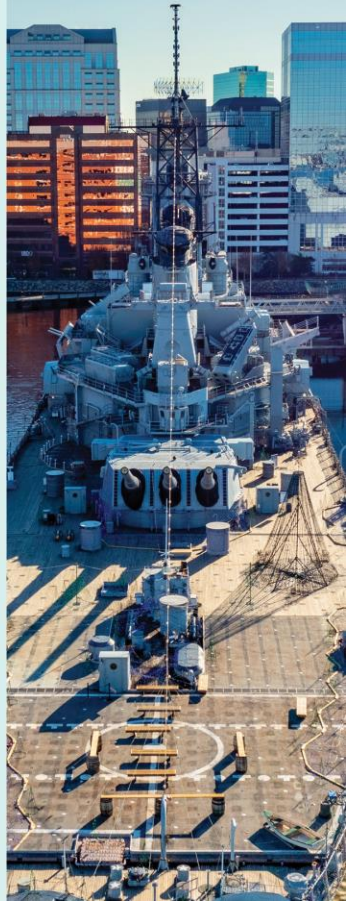
Payor Parent with IV-D and non-IV-D Cases

- [Section 454B\(b\)\(2\) and \(3\) of the Act](#) requires the IV-D agency to be able to allocate payments among a noncustodial parent's IV-D and non-IV-D cases initially issued in the state on or after January 1, 1994 and in which the income of the noncustodial parent is subject to withholding.
- Any payments through the SDU in a IV-D case and in a non-IV-D case subject to withholding must be distributed in accordance with section 457 of the Act.
- Non-IV-D orders are included in the Federal Case Registry
 - <https://acf.gov/css/training-technical-assistance/federal-case-registry>



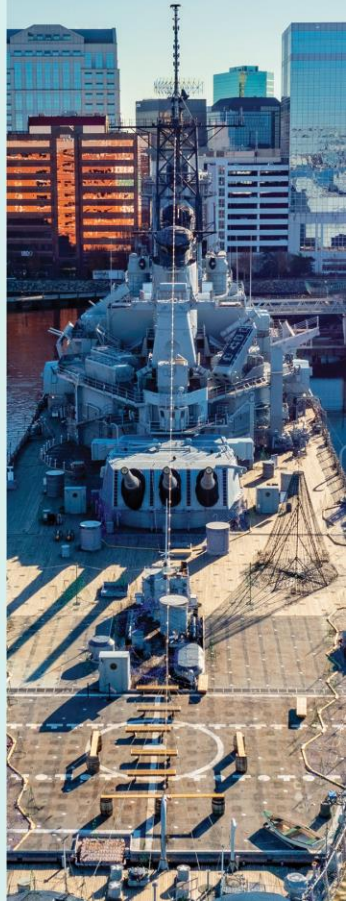
Private Side

- Has anyone received an administrative subpoena from a private attorney?
- Has anyone received and IG referral from a private attorney?
Has anyone received a request to redirect payments to a private, for-profit collection agency or a Private Collection Agency?
- No FPLS is available to non-IV-D cases except in cases of locate only for the absent parent or parental kidnapping and child custody cases—FPLS fee is then charged to resident parent, attorney, or agent of the child

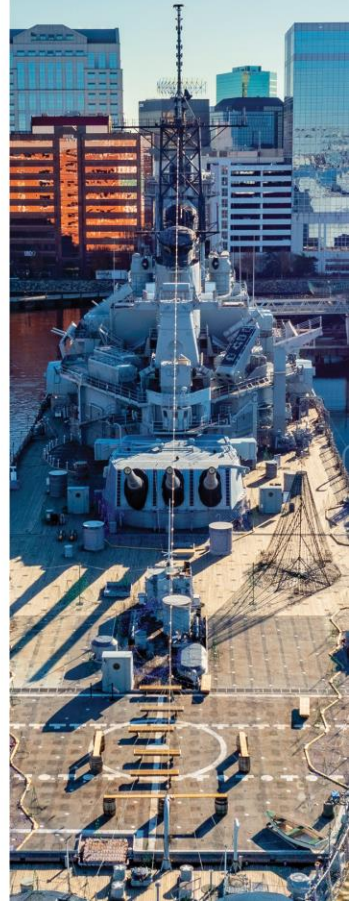
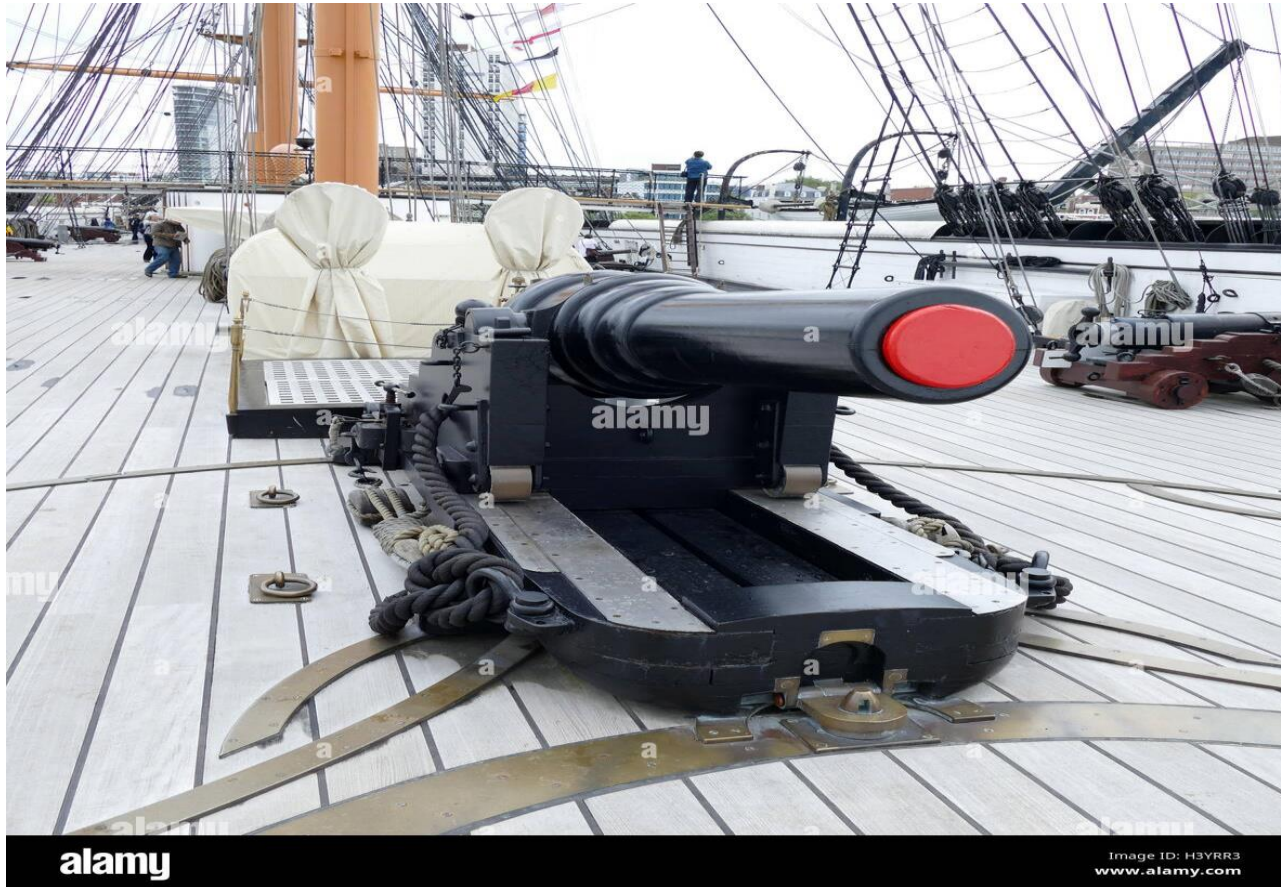


Reversing Course—IV-D to a non-IV-D

- What happens to the IV-D case when a state closes its IV-D case because the family moves out of the state?
- What happens to the official pay record when the family moves out of the order state and/or the order state closes its IV-D case?
- How do you register an out of state order when the referral doesn't have a pay record from the order state?
- Child support and spousal support payments made through income withholding must be sent to the SDU. This requirement applies to all orders entered or modified after January 1, 1994, including those in private cases not enforced by the state child support agency. Any IWO that does not direct an employer or income withholder to send payments to the SDU is not "regular on its face" and will be returned to the sender.
<https://acf.gov/css/training-technical-assistance/child-and-spousal-support-courts-and-attorneys>



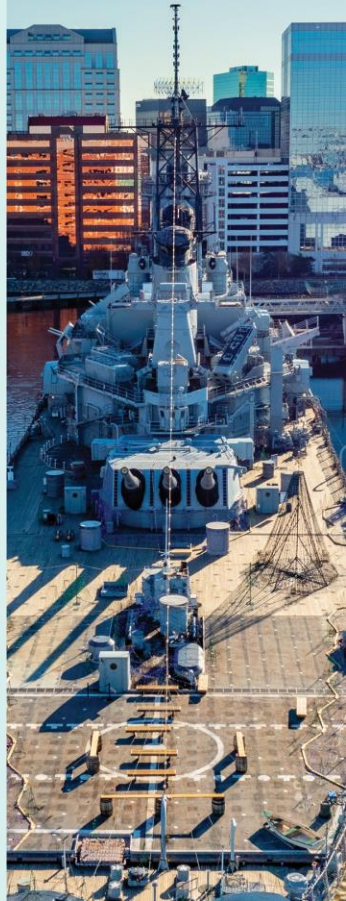
Are There ANY Non IV-D Weapons???



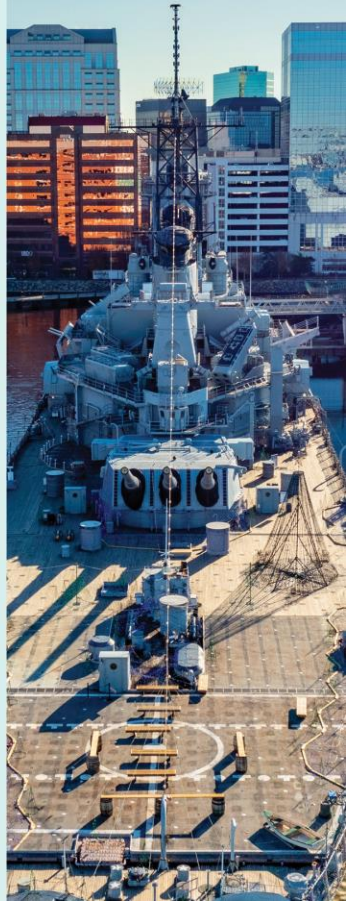
Scenario Time!



- The tabloids were correct...things have not been great in the Blake Lively / Ryan Reynolds house in a long time.
- After a highly disputed divorce, Ryan is ordered to pay \$10,000.00 a month in spousal support to Blake for the next 10 years. The order was entered in a California court.
- Ryan then moves to North Carolina to work in Tammy's office.
- What remedies does California have to collect on the spousal only order?



Questions? Discussion?



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