



**THE UPSHOT ON INTERSTATE:
WHAT THE PROPOSED INTERGOVERNMENTAL
REGULATIONS MEAN FOR YOU (CLE)**

News flash! This session offers you the opportunity to learn all about the intergovernmental regulations, formerly referred to as the interstate regulations. The regulations have been updated, reorganized and revised and the Notice of Proposed Rulemaking has been published. Come and learn about the new regulations and what they mean for you! Find out how you can ensure that your voice is heard by providing the Federal Office of Child Support Enforcement with your feedback about the proposed regulations during the comment period.

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Intergovernmental Child Support: Notice of Proposed Rule Making



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Working Together for Children and Families – A “Shore” Thing

Intergovernmental Child Support NPRM

- NPRM published on 12/8/08 in Federal Register Vol. 73, No. 236 p. 74408.

http://www.acf.hhs.gov/exit_page.html?http://edocket.access.gpo.gov/2008/pdf/E8-28812.pdf

- Written comments were due February 9, 2009
- Title and scope changed from interstate to intergovernmental to explicitly recognize cases from Tribes and foreign countries.

Why Needed?



- Current regulations outdated
- Passage of UIFSA, PRWORA, FFCCSOA
- Improved technology

Purpose of the NPRM

- Addresses case processing in appropriate intergovernmental cases
- Clarifies initiating agency and responding agency responsibilities
- Assigns responsibility for determining the controlling child support order in multiple order cases
- Recognizes electronic communication advancements
- Makes conforming changes to §305.63 and §308.2

Major areas in the NPRM

- General Definitions (§301.1)
- State Plan Requirements for the provision of services in intergovernmental cases (§302.36)
- Standards for Program Operations for the provision of services in intergovernmental cases (§303.7)
- Case Closure Criteria (§303.11)
- Standards for Determining Substantial Compliance with IV-D Requirements (§305.63)
- Required Program Compliance Criteria (§308.2)



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General Definitions (§301.1)

- Central Authority
- Controlling Order State
- Country
- Form
- Initiating Agency
- Intergovernmental IV-D Case
- Interstate IV-D Case
- One-State Interstate IV-D Case
- Responding Agency
- Tribunal
- Uniform Interstate Family Support Act



State Plan Requirements for the Provision of Services in Intergovernmental IV-D Cases (§302.36)

- Amends the structure of §302.36(a)(1) and requires that the State plan provides for the provision of the full range of services to any other State.
- Section 302.36(a)(2) clarifies that the State plan must provide that States provide services in all intergovernmental cases, including tribal IV-D cases, and now references 309.65 (the statute under which tribal IV-D programs operate).
- Adds §302.36(a)(3) requiring that the full range of services also be provided to any “country” as defined in §303.1.
 - FRCs
 - Countries with State-level agreements

Standards for Program Operations for the Provision of Services in Intergovernmental IV-D Cases (§303.7)

- **Reorganized to lay out IV-D agency responsibilities**
 - Subsection (a): General
 - Subsection (b): Central Registry
 - Subsection (c): Initiating State
 - Subsection (d): Responding State
 - Subsection (e): Payment and Recovery of Costs in Intergovernmental IV-D cases

Subsection (a): General Responsibilities

- Responsibilities that apply generally in an intergovernmental IV-D case irrespective of IV-D agency's role
- New General Responsibilities
 - Transmit requests for information and provide requested information electronically as much as possible
 - Provide any order and payment record information requested by a State IV-D agency for a DCO and reconciliation of arrearages within 30 working days of the request
 - Cooperate with requests for limited services (i.e. locate, service of process, assistance with discovery, teleconferenced hearings, administrative reviews, and high-volume automated administrative enforcement)



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Subsection (a): General Responsibilities

- **General Responsibilities that were formerly initiating State roles**
 - Use of federally approved forms, and if using paper version, one copy of each form and supporting documentation meets the requirement
 - Notify the other agency within **10 working days** of receipt of new information

Subsection (a): General Responsibilities

- **General Responsibilities that were formerly responding State roles**
 - Establish and use procedures for managing interstate IV-D caseload, ensuring provision of services and maintenance of records
 - Periodically review program for effectiveness
 - Ensure adequate staffing to provide services in interstate cases, including review and adjustment
 - Notify the other agency within **10 working days** of receipt of new information

Subsection (b): Central Registry Responsibilities

- Establish a central registry responsible for receiving, transmitting and responding to inquiries on all incoming intergovernmental IV-D cases.
- Within 10 working days of receipt of the case:
 - Review case documentation for completeness
 - Forward the case for necessary action
 - Acknowledge receipt of the case and request any missing documentation
 - Inform the initiating agency where the case was sent for action
- Forward the case for any action which can be taken pending receipt of any necessary action by the initiating agency.
- Respond to inquiries from the initiating agency within 5 working days of receipt of the request for a case status review.



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Subsection (c): Initiating State Responsibilities

- **Apply to State IV-D agencies only**
- **Seven major areas of responsibility**
 - **Determination of Controlling Order**
 - **Use of Long-Arm Jurisdiction**
 - **Referring Cases to Another State for Action**
 - **Necessary Information and Forms**
 - **Initiating State Enforcement Activities**
 - **Initiating State Responsibility for Distribution and Disbursement for Collections**
 - **Initiating State Notice of Case Closure**

Subsection (c): Initiating State Responsibilities

- **New provisions**
 - Determine whether there is an existing order(s) in effect.
 - Determine which State can make a determination of controlling order.
 - Provide quarterly notice to responding agency regarding amount of interest charges owed on overdue support.
 - Submit cases with qualified past due support for Federal tax offset and other Federal enforcement remedies.
 - Report overdue support to consumer reporting agencies.

Subsection (c): Initiating State Responsibilities

- **New Provisions**
 - Distribute and disburse support collections received.
 - Notify responding agency within 10 working days of case closure.
 - Instruct the responding agency to close its case and to stop any withholding order or notice before the initiating State transmits a withholding order or notice to an employer, unless the two States reach another agreement on how to proceed.
 - Make a diligent effort to locate an obligee, and to accept, distribute and disburse any payment received from the responding agency, if the initiating State has closed its case without notifying the responding agency.

Subsection (c): Initiating State Responsibilities

- Revised Provisions
 - Expands use of one-state resolution to include establishment, modification, and enforcement of orders, including medical support and income withholding.
 - Within 20 calendar days of determining that the NCP is in another jurisdiction, and if appropriate, receipt of any necessary information needed to process the case:
 - ask the appropriate intrastate tribunal for a determination of controlling order and for reconciliation of arrearages when multiple orders exist or
 - refer any intergovernmental case to the appropriate responding agency for action. (State central registry, Tribal IV-D program, or central authority of a country)

Subsection (d): Responding State Responsibilities

- Governs cases received from another State, from a Tribal IV-D program, from an FRC, or from a country with which the State has a reciprocal arrangement pursuant to §459A(d)
- Substitutes “intergovernmental” for “interstate” with some intentional exceptions

Subsection (d): Responding State Responsibilities

- **Seven major areas of responsibility**
 - Accepting and Processing Intergovernmental Requests for Service
 - Processing Cases when NCP is Found in a Different State
 - Determination of Controlling Order
 - Provision of Necessary Services
 - Allocation of Collections
 - Notice of Fees and Costs Deducted
 - Case Closure in Direct Income Withholding Cases

Subsection (d): Responding State Responsibilities

- **New Provisions**

- Accept and process an intergovernmental request for services regardless of whether or not the initiating agency opted not to use long-arm jurisdiction.
- File the DCO request with the appropriate tribunal in the State within **10 working days** of receipt of the request or location of the NCP (whichever is later).
- Notify the initiating State agency, the Controlling Order State and any other State where a support order in the case was issued or registered, of the controlling order determination and any reconciled arrearages within **30 calendar days** of receipt of the determination from the tribunal.



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Subsection (d): Responding State Responsibilities

- **New Provisions**

- Identify any fees or costs deducted from support payments when forwarding payments to the initiating agency.
- When there is an arrearage assigned to the responding State in a separate case, allocate collections proportionately between arrearages assigned to the responding State in the separate case and to arrearages owed to an obligee in or assigned to the initiating State, when the initiating State has requested assistance from the responding State in collecting those arrearages.
- Stop the responding State's income withholding order or notice and close the intergovernmental case within **10 days** of receipt of a request for case closure from an initiating agency under paragraph (c)(13) of this section.

Subsection (d): Responding State Responsibilities

- **Revised Provisions**
 - Payments that are forwarded to the initiating agency must include sufficient information to identify the case, including locator codes for FRCs (ISO codes) and Tribal IV-D programs (Bureau of Indian Affairs codes) defined by OCSE.
 - Provide notice to the initiating agency in advance of any hearing (not just formal hearings) that may result in establishment or adjustment of an order.

Subsection (e): Payment and Recovery of Costs in Intergovernmental IV-D Cases

- Requires responding agency to pay for genetic testing
- Limits the authority of a IV-D agency to recover costs in international cases



Case Closure Criteria (§303.11)

- Revises section §303.11(b)(12) to change the phrase “initiating state” to “initiating agency”, so that the case closure criteria applies to all intergovernmental IV-D cases.
 - Requires IV-D agency documents failure by the initiating agency to take an action which is essential for the next step in providing services.
- Adds section §303.11(b)(13), which requires the initiating agency to notify the responding State that the initiating State has closed its case under §303.7(c)(12).

Standards for Determining Substantial Compliance with IV-D Requirements (§305.63)

Conforming changes to correct outdated cross-references and to include cross-references to the new proposed §303.7.

Required Program Compliance Criteria (§308.2)

- Conforming changes to correct outdated cross-references and to include cross-references to the new proposed §303.7.
- Two new program compliance criteria for State Self Assessments.
 - **30 calendar days** for a State to provide any information requested for a controlling order determination and reconciliation of arrearages pursuant to §303.7(a)(6)
 - Applies to both initiating and responding States.
 - **10 working days** for the initiating State to notify the responding State that it has closed its case pursuant to §303.7(c)(12)

Helpful Resources

- AT-08-02: Distribution of Federally Approved Standard Intergovernmental Child Support Enforcement (CSE) Forms
<http://www.acf.hhs.gov/programs/cse/pol/AT/2008/at-08-02.htm>
- AT-08-12: Notice of Proposed Rulemaking: Child Support Enforcement Program; Intergovernmental Child Support
<http://www.acf.hhs.gov/programs/cse/pol/AT/2008/at-08-12.htm>
- Notice of Proposed Rulemaking: Child Support Enforcement Program; Intergovernmental Child Support (73 FR 74408)
<http://edocket.access.gpo.gov/2008/pdf/E8-28812.pdf>

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