

ERICSA 2023 Survey to Supplement the IRG						
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Introduction						
ERICSA would like to note on its findings whether states are state- or county-administered, along with the caveat that the state's answers may not apply in each of the state's counties.						
Question #		Nebraska	New Mexico	North Dakota	Puerto Rico	Rhode Island
1	If you are a state, is your IV-D program state- or county-administered?					
	state-administered	X	X	X	X	X
	county-administered					
	n/a--not a state					
2	If you are a state-administered state, which entities do you use for judicial actions? (select all that apply)					
	None of the above					
	county prosecuting attorneys	X			X	
	state Attorney General's office					
	private attorney contractors	X			X	
	n/a--not a state					
	Other: Please specify		Agency General Counsel	IV-D staff attorneys that are Special Assistant Attorney Generals. We also use county prosecuting attorneys for contempt hearings in some rural counties.	Our agency has attorneys but in the past we had an agreement with the Department of Justice.	State Attorneys
Birth record and court order documentation						
3	Does your state require copies of birth certificates for any child for whom paternity and/or support is requested?					
	Yes, only if the child was not born in this state			X		
	Yes, regardless of the place of the child's birth	X			X	X
	No		X			
	Explain				Our agency does not has access to this information because it is under the scope of the Vital Statistics Office.	
4	If the birth certificate is needed and the child was born in your state, will you request the birth certificate from your state or will you require the initiating state to send it to you?					
	We will try to acquire it from our state's agency.					
	We require the initiating jurisdiction to provide it to us.	X			X	X
	Other		X	X		
	Explain		Birth certificates are not needed. However, we can obtain birth information and copies of the acknowledgment of paternity forms if filed in their state.	If we determine that we need a copy of the birth certificate we will acquire it.	The agency or applicant in the initiating state must submit a request for services with documentation supporting this information. In case that another state requests us a copy, we provide the contact information of the Demographic Registry Office so they can make the request and send them the corresponding payment for the Birth Certificate.	
5	If the child was born out of wedlock and there is a second parent's name on the birth certificate, do you require a voluntary paternity acknowledgment, order, or other documents validating the paternity/parentage of a child for whom support is being requested?					
	Yes	X	X			X
	No					
	Other			X	X	
	Explain		Depending on the year the child was born, NM requires some type of action to place a second parent's name on the birth certificate. Therefore, we would request the type of document used to add the second parent's name.	We typically start with the assumption that parentage has been legally established if the noncustodial parent is identified on the birth certificate. (42 U.S.C. § 666(a)(5)(D)(i)) However, if parentage is challenged or the way in which the noncustodial parent became listed on the birth certificate becomes questionable (e.g., the parents falsely claimed to be married at the hospital when the child was born), we will require the voluntary paternity acknowledgment, order, or other document which establishes parentage.	Only if the child was born outside of Puerto Rico because only one name is shown in our Birth certificate. In PR when the father's name is on the birth certificate that is a conclusive action because the only way that the name appears is because the father signed a voluntarily acknowledgement or the paternity was ordered by a Court or by the child support agency.	
6	If the documents referenced in #5 are needed and the child was born in your state, will you request the document from your state or require the initiating state to provide it to you?					

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	We will try to acquire it from our state's agency.		X			
	We will require the initiating jurisdiction to provide it to us. X					X
	Other			X	X	
	Explain			We will obtain a copy of the voluntary paternity acknowledgment from our own state. However, if there is an administrative order or other order/documents from another state regarding the parentage of the child, we would require the initiating jurisdiction to acquire and provide that documentation.		
7	Is the court order number and county name for the order on the Transmittal #1, along with a Child Support Agency Confidential form, sufficient information for a request to enforce an order entered in your state?					
	Yes X	X	X			
	No				X	X
	Other					
	Explain		Staff do have access to pull Court Orders from our State, if needed.		Recently a law was enacted that allows attorneys to establish child support orders and they are not payable through our agency and are not reported on the state registry. Also, there are orders issued by the court that are not informed to the registry either. If we receive a request without copy of the order, and there is no case open we can't enter the information without properly corroborating the amount of current support and the amount that the CP or the state is informing as owed by the Respondent.	We would need the UIFSA petitions and documents to complete the task.
8	When the requesting state is asking for enforcement of your state's order, do you require the requesting state to provide a copy of your own state's support order for enforcement?					
	Yes				X	X
	No X	X	X			
	Other					
	Explain				Please, see the previous answer.	It may be a private filing that this agency is not aware of.
	Other Clarifications (for Trans #1 cases)					
9	By what methods can a father's name be added to a birth certificate in your state? (check all that apply)					
	Court/administrative order X	X	X	X	X	X
	Voluntary Acknowledgment of Paternity/Parentage X	X	X	X	X	X
	Birth Mother providing father's name at birth if married (father/husband not present)		X	X		X
	Birth Mother providing father's name at birth if married (father/husband present) X	X	X	X		X
	Other			X		

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	Explain		Father and mother of child married to each other and child is born within 300 days after the marriage is terminated and proof is provided to Vital Statistics. It might be possible that the father has to be present for this.	See also N.D.C.C. § 23-02.1-13	Since 1931, the PR Civil Code recognized the voluntary acknowledgement of a child and since 1942 it is a conclusive action. Once a voluntary acknowledgement has been made, it is irrevocable, although it can be challenged within the time frame prescribed by law. The only way that a father's name is on a birth certificate of a person born in PR is because he signed a voluntarily acknowledgement or because was ordered by a Court or the child support agency. Due to the previous reasons, if the name of the father is on the birth certificate of a person born in PR after 1942, it does constitute proof of paternity and all states must give full faith and credit.	
10	What are the legal citations for the methods you selected in Q9?					
	(Open-Ended Response)	Neb. Rev. Stat 71-640.01	Chapter 40, Article 11A NMSA 2016; New Mexico Uniform Parentage Act	N.D.C.C. § 23-02.1-13	31 L.P.R.A. § 501 (Laws of Puerto Rico Annotated) 31 L.P.R.A. § 510 Act No. 5 of December 30, 1986 as amended; Part V	
11	When the support order does not have a provision for allowing the support to 'follow the child', what action does your state take to effect a change of payee? By what methods can the name of a father/second parent be added to a birth certificate in your state? (check all that apply)					
	Modification of Order ☒ New (de novo) Order ☐ No action can be taken ☐ Other ☐		☒ ☒	☐ ☒	☐ ☐	☐ ☒
	Explain			We have the ability to administratively change the payee upon request of a guardian or person who has legal custody of the child. N.D.C.C. § 14-09-25(10). Unless there is an assignment, any other change of payee would require a court order and the action taken (or not taken) would be dependent on case specifics.	The order remains the same but we can add in the case a new custodial person that acts as a payee. If the new custodial person is the former noncustodial person in the order, then we request from the other state a UIFSA package to establish a new order.	
12	If your agency cannot take action to change the payee when the order does not "follow the child," please explain why and provide relevant cites (statutory limitations, case law, etc.)					
	(Open-Ended Response)	N/A	40-4-11.4 NMSA; 8.50.108 NMAC	N/A	Does not apply.	A new filing would have to be made to address the support issue as the parties are different.
	Limited Services requested using Transmittal #3 process					

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	The following items are requested by states using the Transmittal #3. Please provide details regarding how your state addresses limited services requests from other states:					
13	Do courts in your state charge your IV-D agency for providing copies or certified copies of orders entered in your state for a IV-D case? Yes No X Other Explain		The courts will not charge the New Mexico IV-D agency if the request comes through them, but will charge other states if they send a request directly to the court instead of through the New Mexico IV-D agency.	X	X	X
14	What entity is responsible for maintaining record of voluntary paternity acknowledgments in your state? (Open-Ended Response)	Nebraska Vital Records	Dept of Health, Bureau of Vital Records and Statistics	North Dakota Health and Human Services Vital Records: https://www.hhs.nd.gov/vital	Vital Statistics Office	Department of Health
15	Does the custodian of vital records charge your IV-D agency for providing copies or certified copies of birth records or paternity acknowledgments for a IV-D case? Yes X No Other Explain			X	X	X
16	Does your state forward requests for service to the appropriate sheriff or other entity for service? Yes X No Other Explain			X	X	X
17	If you answered yes for Q16, does the sheriff or other entity coordinate payment with your agency or the requesting agency? My agency Requesting agency X Other		X	X		

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	Explain		Contracts are completed with Process Server vendors according to region and will service the area where the NCP resides. Once service is completed, the vendor invoices our agency (usually on a monthly basis).			
18	If you answered yes to Q16 do you monitor the request for completion by the sheriff or other entity and notify the requesting agency or do you close the request once it has been referred?					
	Monitor until service of process action ends and notify requesting agency	X	X	X		
	Close after referral to the sheriff/other entity					
	Other					
	Explain					
19	What entities are used in your jurisdiction to effect service in a limited-service request?					
	Sheriff	X	X	X		
	Private process (non-law enforcement) / Special Process Server		X	X		X
	IV-D dedicated/funded local law enforcement				X	
	Other					
	Explain		Our State has not had a limited service request in several years, but both the Sheriff's Department and Private Process Servers have been used in the past. Most likely, both would be used now depending on location and cost.			
20	If your state does not forward it to the appropriate entity, what action do you take with the request for service of process?					
	Return packet to requesting party with contact information for the appropriate entity					
	Serve packet using your IV-D resources				X	X
	Return packet with no action					
	N/A--we forward the service packet	X	X	X		
	Other					
	Explain					
21	Other than providing the documents to be served and the identity and location of the individual to be served, what does the requesting agency need to provide with a request for service?					
	(Open-Ended Response)	Transmittal #3	Nothing else is needed.	Completed Transmittal #3	We need a Transmittal #3 with the documents needed to be served and the information ad location of the person that needs to be contacted.	Transmittal #3
22	How can service of process be effectuated in your state?					
	Personal Service--personal to the party	X	X	X	X	X
	Personal Service--member of family/household		X	X	X	
	Mail Service		X			
	Other			X		

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	Explain		It is specifically stated in the Process Server contracts the types of service that can be done IF personal service is not possible.	North Dakota Rules of Civil Procedure Rule 4		
23	Are there procedures in your state that allow for the placement of a lien as a one-state action?					
	Yes	X	X	X	X	X
	No					
	If yes, what documentation is needed from the requesting state?					
	Explain	Use the Federal Office of Child Support Enforcement Notice of Lien form and instructions.	Address of property for property lien, proof of delinquency/debt calculation, name/address of obligor's spouse, if married.	Use the federally mandated Notice of Lien form.	We need a complete UIFSA package for this service including the information of the account and the financial institution to which the lien is requested.	
24	Regarding the coordination of genetic testing, if the requesting agency provides a collection packet, chain of custody form, and instructions will your state collect the sample from the individual in your office (not through a lab)?					
	Yes			X		
	No	X			X	X
	Other		X			
	Explain					We have a contract with Lab Co.
25	If genetic testing is requested and the requesting state's genetic test vendor is different from your state what action will your state take?					

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	(Open-Ended Response)	Nebraska will use our vendor.	Genetic Testing would have to be done using our State's vendor. The other party could go to the other state's vendor, but that would not be coordinated by our IV-D program.	We will follow the instructions to assist with collecting the sample from the individual in our state, as appropriate.	When a UIFSA package is received, the responding state must coordinate the DNA test and inform the place, date and hour that the test will be performed.	Our state will coordinate the genetic testing with our lab.	
26	What is the preferred process for coordinating the collection of genetic samples from an individual in your state upon request by another state?	(Open-Ended Response)	Nebraska will coordinate.	The request could come via a transmittal to the appropriate office where the party resides, that office's Office Manager would schedule the genetic testing date/time and location if other than the field office.	When we receive the Transmittal #3, the direct contact information for the worker in our agency will be included in the acknowledgment. Our agency will coordinate with the individual in our state to schedule the sample collection and provide status updates throughout the process, as appropriate, to the requesting agency.	We only process the DNA test using a lab when a Transmittal #1 is received with a complete UIFSA package. We don't serve or collect samples of DNA in our offices.	Processing the case with the agent in charge of the case.
27	To facilitate attendance at teleconference hearings, what information does your state need for these requests?	(Open-Ended Response)	Depends upon the county, the court procedures, and type of hearing.	Notice of Hearing with date/time of hearing and call-in number and appropriate code (if needed) and a request to contact the other party to inform them of the hearing, if necessary, including the ability of the office to allow use of the office for the other party to call into the hearing.	If a party is permitted to appear remotely at a court hearing (we do not conduct administrative hearings), the hearing information and call/join instructions will be provided in the hearing notice.	We need the information of the day and time that the hearing will be held. Many of our participants are Spanish-speaking, so they need a translator. It would be helpful if you could tell us what you expect from child support agency officials so we can be prepared.	The case must be known to our IV-D system with all the proper information and the parties' involvement.
28	Is your office open to parents to appear for remote hearings, if needed?	Yes No X Other	X		X	X	
	Explain			We do not conduct hearings.		For remote hearings, the parties do not have to come into the office.	
29	How should another agency request payment forwarding from your jurisdiction?	Send a Transmittal #1 to open a full case Send a Transmittal #3 for a limited service X Other	X		X	X	
				X			

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	Explain			It very much depends on case specifics.	We can also process a redirection request with a Transmittal #3 but the only problem with this kind of request is that the state later requests enforcement and then a Transmittal #1 is needed. This will only delay the process and the CP is usually upset because does not understand that all services are not provided.	
	Agency Information					
30	Which jurisdiction (state/territory/tribe) are you representing?	Nebraska	New Mexico	North Dakota	Puerto Rico	Rhode Island
33	What is the name of your agency?	Nebraska Department of Health and Human Services-Child Support Enforcement	New Mexico Child Support Enforcement Division	North Dakota Child Support Section	PR Administration for Child Support	Department of Human Services, Office of Child Support Services
	END					