

ERICSA Intergovernmental Webinar

Federal Case Closure Criteria: the Good, the Bad, and the Ugly – Intergovernmental Edition

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Federal Case Closure

- A IV-D agency may elect to close a case if the case meets at least one of the following criteria and supporting documentation for the case closure decision is maintained in the case record. **45 C.F.R. § 303.11**
- 21 grounds for case closure
- Most criteria apply to initiating cases
- Only some apply to responding cases



Keep in mind, closure is part of the process, not the goal of the process.

General Closure Rules



- Initiating states case close for any applicable reason under 45 CFR § 303.11(b), although criteria #1 - #16 and #20 - #21 are reserved exclusively for initiating jurisdictions.
- Initiating states have 10 days to notify a responding state that they have closed their case.
 - 45 CFR § 303.7(c)11(b)
- Initiating states case instruct responding states to:
 - Close their case
 - Stop an income withholding order prior to closing their case
 - 45 CFR § 303.7(c)(12)



Closure Thoughts to Keep in Mind

- All the parties leaving the state is not an appropriate ground for closure.
- Closure does not terminate the child support order.
- Limited-services cases do not need to meet an independent case closure ground.



Case Closure

- No current support order and arrearages are under \$500 or unenforceable under state law.
 - 45 CFR § 303.11(b)(1)
- No current support order and all arrearages are assigned to the state.
 - 45 CFR § 303.11(b)(2)
- NCP is in long-term care arrangement
 - No longer current support order
 - Children have reached age of majority
 - NCP has no income or assets that can be attached
 - 45 CFR § 303.11(b)(3)



Case Closure

- NCP is deceased and has no assets.
 - 45 CFR § 303.11(b)(4)
- NCP living with minor child.
 - 45 CFR § 303.11(b)(5)
- Paternity cannot be established because:
 - Child is at least 18 and action barred by statute
 - Alleged father has been excluded by genetic test or court/administrative order, and no other alleged father can be identified
 - Not in best interest of child to establish paternity
 - Identity of biological father is unknown
 - 45 CFR § 303.11(b)(6)



Case Closure

- NCP's location is unknown.
 - 45 CFR § 303.11(b)(7)
- NCP incarcerated, institutionalized, or disabled.
 - 45 CFR § 303.11(b)(8)
- NCP's income is from SSI or both SSI and SSDI.
 - 45 CFR § 303.11(b)(9)
- NCP is a citizen of, and lives in, a foreign country.
 - No reachable domestic assets
 - No federal or state treaty with the country
 - 45 CFR § 303.11(b)(10)



Case Closure

- IV-D agency has provided location-only services.
 - 45 CFR § 303.11(b)(11)
- Non-IV-A applicant requests closure.
 - No assignment to state of medical support
 - No assignment to state of arrearages
 - 45 CFR § 303.11(b)(12)
- Limited services request.
 - 45 CFR § 303.11(b)(13)
- Good cause finding.
 - 45 CFR § 303.11(b)(14)



Case Closure

- IV-D agency unable to contact applicant.
 - 45 CFR § 303.11(b)(15)
- Noncooperation of Non-IV-A applicant.
 - 45 CFR § 303.11(b)(16)
- Inappropriate referral from another agency (IV-A, IV-E, etc.).
 - 45 CFR § 303.11(b)(20)
- Case has been properly transferred to a tribal IV-D agency.
 - 45 CFR § 303.11(b)(21)

Responding State Closure

- The responding agency documents failure by the initiating agency to take action essential to next step in providing services.
 - 60-day notice of intent to close
 - 45 CFR § 303.11(b)(17)
- The initiating agency has notified the responding state that the initiating state has closed its case under § 303.7(c)(11).
 - 45 CFR § 303.11(b)(18)



Responding State Closure

- The initiating agency notified the responding agency that its intergovernmental services are no longer needed.
 - 45 CFR § 303.11(b)(19)



The Good, the Bad, and the Ugly – Food for Thought

- Isn't the responding state in a better position to know some of the closure information?
- Does 45 CFR § 303.11(b)(17) potentially open all closure codes to be available to both initiating and responding states?





Scenario #1

- There is a California child support order for Adam to pay Alexandria \$400/month for their two children.
- Alexandria and the children move to Utah and apply for IV-D services, so payments are forwarded by CA to UT.
- Now Adam also moves to UT.
- There are no arrears due CA DSS.
- Can CA close their IV-D case?



Scenario #2

- Florida sends Georgia an establishment packet, and a GA child support order is established for Barry to pay Bonnie \$500/month for their two children.
 - Bonnie remains in FL and Barry remains in GA.
 - Barry becomes disabled, and his sole sources of income are now SSI and SSDI.
 - GA wants to close their IV-D case because they have adopted case closure criteria #9.
 - FL has not adopted this particular case closure criterion, and they want the case to remain open.
- Can GA close its intergovernmental case?



Scenario #3

- South Dakota has a child support order for Carla to pay Chuck \$300/month for their child.
- Carla moves to North Dakota, and the SD order is registered there for enforcement.
- Two years pass, and ND cannot locate Carla.
- ND asks SD for location information on Carla, but they reply saying they don't have any.
- Under what circumstances can ND close their IV-D case?



Scenario #4

- Vermont establishes a child support order on New Hampshire's request for David to Pay Diane \$750/month for their three children.
 - David resides in VT and Diane resides in NH.
 - All three of the children emancipate, but there are \$1099 in arrears owed to NH, so VT keeps their IWO for \$100/month in place and active.
 - Six more payments are made, and VT now wants to close their case and terminate the IWO.
 - NH wants VT to continue to collect on the arrears.
 - What should happen on this case?
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Scenario #5

- In 2015 New Jersey requests that New York establish a child support order for Eve to pay Eric for their one child, and a \$350/month order is established.
 - Eric remains in NJ and Eve remains in NY.
 - In early 2025 Eve is incarcerated in Pennsylvania for ten years.
 - NY and NJ are both using case closure criteria #8, but PA does not.
 - Can NY close its IV-D case?
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Scenario #6

- There is a Washington DC child support order for Felix to pay Francine \$450/month in support of their child.
 - Francine remains in DC, but Felix now moves to Kazakhstan.
 - Felix does not work for the Federal government or a company with headquarters or offices in the United States, and has no reachable domestic income or assets.
 - Can DC close its IV-D case?
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Scenario #7



- There is a North Carolina child support order for Gary to pay Georgiana \$700/month in support for their children.
- Georgiana remains in NC.
- Gary moves to South Carolina, and the NC order is registered there for enforcement.
- An enforcement hearing is scheduled in SC because Gary is not paying. SC wants Georgiana to testify electronically, and requests that NC contact her about this.
- NC sends Georgiana a contact letter, but she does not respond.
- Can NC close its intergovernmental case?

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Scenario #8

- Wisconsin establishes a child support order for Hank to pay Holly \$600/month for their child.
- Hank is a member of the Ho-Chunk Nation.
- WI determines that the Ho-Chunk Nation IV-D agency would be best suited to enforce the order due to the circumstances of the case.
- Holly agrees with this.
- Can the WI IV-D agency transfer the case to the Ho-Chunk Nation IV-D office and then close their own case?



Code of Federal Regulations

CFR § 303.11 Case closure criteria.

- (a) The IV-D agency shall establish a system for case closure.
- (b) The IV-D agency may elect to close a case if the case meets at least one of the following criteria and supporting documentation for the case closure decision is maintained in the case record:

(1) There is no longer a current support order and arrearages are under \$500 or unenforceable under State law;



(2) There is no longer a current support order and all arrearages in the case are assigned to the State;





(3) There is no longer a current support order, the children have reached the age of majority, the noncustodial parent is entering or has entered long-term care arrangements (such as a residential care facility or home health care), and the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support;

(4) The noncustodial parent or alleged father is deceased and no further action, including a levy against the estate, can be taken;





(5) The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV-D agency has determined that services are not appropriate or are no longer appropriate;



(6) Paternity cannot be established because:

(i) The child is at least 18 years old and an action to establish paternity is barred by a statute of limitations that meets the requirements of § 302.70(a)(5) of this chapter;

(ii) A genetic test or a court or an administrative process has excluded the alleged father and no other alleged father can be identified;

(iii) In accordance with § 303.5(b), the IV-D agency has determined that it would not be in the best interests of the child to establish paternity in a case involving incest or rape, or in any case where legal proceedings for adoption are pending; or

(iv) The identity of the biological father is unknown and cannot be identified after diligent efforts, including at least one interview by the IV-D agency with the recipient of services;



(7) The noncustodial parent's location is unknown, and the State has made diligent efforts using multiple sources, in accordance with § 303.3, all of which have been unsuccessful, to locate the noncustodial parent:

- (i) Over a 2-year period when there is sufficient information to initiate an automated locate effort; or
- (ii) Over a 6-month period when there is not sufficient information to initiate an automated locate effort; or
- (iii) After a 1-year period when there is sufficient information to initiate an automated locate effort, but locate interfaces are unable to verify a Social Security Number;



(8) The IV-D agency has determined that throughout the duration of the child's minority (or after the child has reached the age of majority), the noncustodial parent cannot pay support and shows no evidence of support potential because the parent has been institutionalized in a psychiatric facility, is incarcerated, or has a medically-verified total and permanent disability. The State must also determine that the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support;



- (9) The noncustodial parent's sole income is from:
- (i) Supplemental Security Income (SSI) payments made in accordance with sections 1601 *et seq.*, of title XVI of the Act, 42 U.S.C. 1381 *et seq.*; or
 - (ii) Both SSI payments and either Social Security Disability Insurance (SSDI) or Social Security Retirement (SSR) benefits under title II of the Act;



(10) The noncustodial parent is a citizen of, and lives in, a foreign country, does not work for the Federal government or a company with headquarters or offices in the United States, and has no reachable domestic income or assets; and there is no Federal or State treaty or reciprocity with the country;

(11) The IV-D agency has provided location-only services as requested under § 302.35(c)(3) of this chapter;





(12) The non-IV-A recipient of services requests closure of a case and there is no assignment to the State of medical support under 42 CFR 433.146 or of arrearages which accrued under a support order;

(13) The IV-D agency has completed a limited service under § 302.33(a)(6) of this chapter;





(14) There has been a finding by the IV-D agency, or at the option of the State, by the responsible State agency of good cause or other exceptions to cooperation with the IV-D agency and the State or local assistance program, such as IV-A, IV-E, Supplemental Nutrition Assistance Program (SNAP), and Medicaid, has determined that support enforcement may not proceed without risk of harm to the child or caretaker relative;



(15) In a non-IV-A case receiving services under § 302.33(a)(1)(i) or (iii) of this chapter, or under § 302.33(a)(1)(ii) when cooperation with the IV-D agency is not required of the recipient of services, the IV-D agency is unable to contact the recipient of services despite a good faith effort to contact the recipient through at least two different methods;



(16) In a non-IV-A case receiving services under § 302.33(a)(1)(i) or (iii) of this chapter, or under § 302.33(a)(1)(ii) when cooperation with the IV-D agency is not required of the recipient of services, the IV-D agency documents the circumstances of the recipient's noncooperation and an action by the recipient of services is essential for the next step in providing IV-D services;

(17) The responding agency documents failure by the initiating agency to take an action that is essential for the next step in providing services;



(18) The initiating agency has notified the responding State that the initiating State has closed its case under § 303.7(c)(11);



(19) The initiating agency has notified the responding State that its intergovernmental services are no longer needed;





(20) Another assistance program, including IV-A, IV-E, SNAP, and Medicaid, has referred a case to the IV-D agency that is inappropriate to establish, enforce, or continue to enforce a child support order and the custodial or noncustodial parent has not applied for services; or



(21) The IV-D case, including a case with arrears assigned to the State, has been transferred to a Tribal IV-D agency and the State IV-D agency has complied with the following procedures:

(i) Before transferring the State IV-D case to a Tribal IV-D agency and closing the IV-D case with the State:

(A) The recipient of services requested the State to transfer the case to the Tribal IV-D agency and close the case with the State;
or

(B) The State IV-D agency notified the recipient of services of its intent to transfer the case to the Tribal IV-D agency and close the case with the State and the recipient did not respond to the notice to transfer the case within 60 calendar days from the date notice was provided;

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(21) The IV-D case, including a case with arrears assigned to the State, has been transferred to a Tribal IV-D agency and the State IV-D agency has complied with the following procedures:

- (ii) The State IV-D agency completely and fully transferred and closed the case; and
- (iii) The State IV-D agency notified the recipient of services that the case has been transferred to the Tribal IV-D agency and closed; or
- (iv) The Tribal IV-D agency has a State-Tribal agreement approved by OCSE to transfer and close cases. The State-Tribal agreement must include a provision for obtaining the consent from the recipient of services to transfer and close the case.



Code of Federal Regulations

CFR § 303.11 Case closure criteria.

(c) The IV-D agency must close a case and maintain supporting documentation for the case closure decision when the following criteria have been met:

(1) The child is eligible for health care services from the Indian Health Service (IHS); and

(2) The IV-D case was opened because of a Medicaid referral based solely upon health care services, including the Purchased/Referred Care program, provided through an Indian Health Program (as defined at 25 U.S.C. 1603(12)).

Code of Federal Regulations

CFR § 303.11 Case closure criteria.



(d) The IV-D agency must have the following requirements for case closure notification and case reopening:

(1) In cases meeting the criteria in paragraphs (b)(1) through (10) and (b)(15) and (16) of this section, the State must notify the recipient of services in writing 60 calendar days prior to closure of the case of the State's intent to close the case.



Code of Federal Regulations

CFR § 303.11 Case closure criteria.

(2) In an intergovernmental case meeting the criteria for closure under paragraph (b)(17) of this section, the responding State must notify the initiating agency, in a record, 60 calendar days prior to closure of the case of the State's intent to close the case.



Code of Federal Regulations

CFR § 303.11 Case closure criteria.

(3) The case must be kept open if the recipient of services or the initiating agency supplies information in response to the notice provided under paragraph (d)(1) or (2) of this section that could lead to the establishment of paternity or a support order or enforcement of an order, or, in the instance of paragraph (b)(15) of this section, if contact is reestablished with the recipient of services.



Code of Federal Regulations

CFR § 303.11 Case closure criteria.

(4) For cases to be closed in accordance with paragraph (b)(13) of this section, the State must notify the recipient of services, in writing, 60 calendar days prior to closure of the case of the State's intent to close the case. This notice must also provide information regarding reapplying for child support services and the consequences of receiving services, including any State fees, cost recovery, and distribution policies. If the recipient reapplies for child support services in a case that was closed in accordance with paragraph (b)(13) of this section, the recipient must complete a new application for IV-D services and pay any applicable fee.



Code of Federal Regulations

CFR § 303.11 Case closure criteria.

(5) If the case is closed, the former recipient of services may request at a later date that the case be reopened if there is a change in circumstances that could lead to the establishment of paternity or a support order or enforcement of an order by completing a new application for IV-D services and paying any applicable fee.



Code of Federal Regulations

CFR § 303.11 Case closure criteria.

(6) For notices under paragraphs (d)(1) and (4) of this section, if the recipient of services specifically authorizes consent for electronic notifications, the IV-D agency may elect to notify the recipient of services electronically of the State's intent to close the case. The IV-D agency must maintain documentation of the recipient's consent in the case record.



Code of Federal Regulations

CFR § 303.11 Case closure criteria.

(e) The IV-D agency must retain all records for cases closed in accordance with this section for a minimum of 3 years, in accordance with 45 CFR 75.361.

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