

CHILD SUPPORT ENFORCEMENT ADMINISTRATION

CENTRAL OFFICE:

1400 West Washington, Room 216
Phoenix, Arizona 85007

Site Code: 966C

Phone: 255-3465

*TUCSON OFFICE:

100 East Alameda
Tucson, Arizona 85705

Site Code: 207C

Phone: 628-5071

*Services Pima County only.

APR 11 2004

CONTENTS

BACKGROUND INFORMATION..... 1

- Why Child Support Enforcement..... 2
- What Steps Did Congress Take To Correct This Situation..... 3
- What Are The Characteristics Of The Federal Child Support Enforcement Program..... 5

THE ARIZONA CHILD SUPPORT ENFORCEMENT PROGRAM..... 6

- What About The Child Support Enforcement Program In Arizona..... 7
- How Is The Program Financed..... 8
- How Does A Person Apply For IV-D Services..... 9
- Does An Applicant Have To Pay Any Fees For IV-D Services...10

THE CSEA ORGANIZATION AND TERMS.....11

- What Is The Organizational Structure Of The Child Support Enforcement Administration.....12
- What Are The General Responsibilities Of The Major Functions Within The Child Support Enforcement Administration.....15
- What Are Some Of The Common Abbreviations And Terms Used By Child Support Enforcement Administration.....18

THE CSEA/IV-D CASE.....21

- What Is A IV-D Case.....22
- How Is A IV-D Case Developed.....24

OBTAINING APPLICANT/RECIPIENT - ABSENT PARENT INFORMATION/ COOPERATION.....29

- Why Does An AFDC Applicant/Recipient (A/R) Have To Provide Absent Parent Information And Complete Various "IV-D Forms" - Why Must These Forms Be Completed By An Eligibility Worker.....30
- What If The AFDC Applicant/Recipient (A/R) Fails To Cooperate.....31
- What Is Meant By Cooperation.....32

<u>GOOD CAUSE</u>	33
● Is There Any Way In Which An AFDC Applicant/Recipient (A/R) Does Not Have To Cooperate With Support Enforcement.....	34
● What Circumstances Constitute "Good Cause".....	35
● What Role Does Child Support Enforcement Administration Play In The "Good Cause" Process.....	36
● Since It Appears "Good Cause" Is Strictly Related To IV-D Activities, Why Must The Eligibility Worker Initiate, And Validate, All Good Cause Claims.....	37
● Whenever IV-A Determines That "Good Cause" Exists, Does IV-D Ever Proceed Without The AFDC Applicant/Recipient's (A/R's) Cooperation.....	38
<u>HOW CSEA VIEWS THE IV-A REFERRAL</u>	39
● How Does CSEA View the AY-091, "Absent Parent Questionnaire".....	40
● And The AY-091A, "Requirements Of Cooperation With Child Support Enforcement".....	41
● What About The AY-140, "Assignment Of Rights To Support" Form? How Does CSEA View It?.....	42
<u>FILING THE ASSIGNMENT OF RIGHTS WITH THE CLERK OF THE SUPERIOR COURT</u>	43
● When Is The AY-140 Filed With The Clerk Of The Superior Court.....	44
● What Happens When The Clerk Of The Superior Court Receives An AY-140.....	45
● When Is Such A Notice Sent To The Clerk Of The Superior Court.....	46
● What Is The Purpose Of A Modification Of Assignment Notice.....	47
● What Happens If There Are No Arrearages Or All Arrearages Have Been Reimbursed.....	49
● Is It Correct To Tell Applicants Or Recipients Of AFDC That Once An AFDC Grant Is Terminated, It Will Be Five (5) Months Before They Receive Support Monies.....	50

<u>TREATMENT OF SUPPORT MONIES</u>	51
● How Are Support Monies Viewed By The IV-D Program.....	52
● When An Applicant/Recipient (A/R) is PENDING AFDC, What Should (S)He Do With Support Monies Received Directly From An Absent Parent Or Clerk Of The Superior Court.....	53
● When An Applicant/Recipient (A/R) Is RECEIVING AFDC, What Should (S)He Do With Support Monies Received Directly From An Absent Parent Or Clerk Of The Superior Court.....	54
● Is There Any Time Support Payments Would Be Considered As Income Against Active AFDC Grants.....	55
● And If The Applicant/Recipient (A/R) Should Fail To Report And Remit The Support Monies.....	56
<u>DETERMINING "PASS-THROUGHS"</u>	57
● Just Exactly How Are "Pass-Through" Determinations Made....	58
● How Soon Will A "Pass-Through" Be Sent To An AFDC Applicant/Recipient.....	60
● Why So Long? When Are "Pass-Through" Monies Determined....	61
● If The Books Are Closed On The Tenth Of The Month Following The Month Of Collection, Why Does It Take So Much Time Before A "Pass-Through" Is Issued To A Recipient.....	62
● What If An AFDC Grant Has Been Suspended Or Terminated For A Collection Month? Must That Individual Wait The Same Time Period For That "Pass-Through".....	63
● Does IV-D Ever Notify The Eligibility Worker Directly Of The Current Support Monies Collected.....	64
● What Should Be Done With "Pass-Through" Monies Issued To The Applicant/Recipient.....	65
● If An AFDC Grant Is Being Resumed, Reopened, Or Supplements Issued Retroactive To A Specific Time, What Should Be Done With The Pass- Through" Monies.....	66
<u>APPENDIX</u>	67
● Listing Of Forms Utilized By Both IV-A And IV-D.....	68
● Listing Of IV-A Federal Regulations Pertaining To Child Support Enforcement.....	69

BACKGROUND INFORMATION

Why child support enforcement?

During the Twentieth Century, the American Nuclear Family has drastically changed, resulting in an increase in separations, divorces, illegitimate children, and an increasing number of single parent families. These changes in turn have resulted in an increase in nonsupport and/or not providing adequate support for the children by the absent parent.

- As the divorce rate doubled between 1965 and 1975, one in every six (6) families was left with only one (1) parent in the household.
- As a result of divorce, desertion, or illegitimacy, two (2) of every five (5) children born during the seventies can expect to live in a single-parent family at some time during their childhood.
- The economic effect of these circumstances can be catastrophic. Too often, the custodial parent's limited earnings are insufficient to provide adequate support for the family. Many are forced to rely on public assistance.
- Some of the burdens of single-parent families would be eased considerably if absent parents met their obligation to provide child support. But the fact is that many are unwilling to pay.

Unfortunately, a low priority was placed on enforcing the absent parent's responsibility to support the children. Instead, society unquestionably assumed the responsibility of supporting the abandoned children. Billions of dollars have been spent on medical services, social services, public assistance, and food stamps for which these recipients also qualified. Only with the enactment of legislation would proper enforcement actions be taken to ensure the absent parent's responsibility to support the children.

What steps did Congress take to correct this situation?

Congress has made several efforts to address the problem of deserting parents, the earliest of which dates back to 1941. In 1950, the first child support related legislation was passed when Congress amended the Social Security Act to require state welfare agencies to notify law enforcement officials whenever public assistance was furnished to a child whose parent had deserted his family. This law proved ineffective in stemming the rising tide of desertions.

Another attempt at reversing the trend occurred in 1962, when legislation revising the Social Security Act was again passed. Under these amendments, the government offered 50% matching funds to states which provided special jobs for employable head of household, encouraging these persons to remain with their families. Nevertheless, the AFDC rolls continued to grow.

Additional amendments to the Social Security Act were deemed necessary by Congress in 1965 and 1967. The amendments allowed the state or local welfare agency to attempt to trace an absent parent by obtaining his last known address and place of employment through the Department of Health, Education, and Welfare. One section of the 1967 law provided for gathering address information from the Internal Revenue Service.

The 1967 amendments also sought to coordinate child support operations in each state by authorizing the creation of a central child support unit within the state welfare agency. The child support agency would utilize reciprocal agreements with other states and enter into cooperative agreements with law enforcement officials in order to locate absent parents.

Although many provisions of the 1967 act were similar to features of the current program, the earlier measure was unsuccessful, in large measure due to lack of initiative by some states in implementing the law. No mechanism existed for compelling states to locate absent parents, nor was child support enforcement given high

priority with the Department of Health and Human Services.

To correct these deficiencies, the Congress passed two bills in 1973. The bills were forerunners of Title IV-D and contained many identical provisions, the major exception being that the program would be administered through the Attorney General's Office instead of the Department of Health and Human Services. Both of these bills lapsed in House-Senate Conference.

In 1974, the House and Senate passed varying versions of H.R. 17045. The Bill was sent to Conference and the differences were resolved so that a revised Bill was passed by both houses in December of 1974. On January 4, 1975, President Ford signed this legislation, Title IV-D of the Social Security Act, into law as P.L. 93-647.

Initially, the law was to take effect on July 1, 1975. However, when it was ascertained that some states lacked enabling legislation to implement the law, a delay of one month was voted. The extra month also allowed Congress time to pass certain additional amendments to the program. As a result, on August 1, 1975, the first day of implementation of P.L. 93-647, H.R. 7710 (P.L. 94-83) was approved. Together these laws provide the basis for the current Child Support Enforcement Program.

What are the characteristics of the Federal Child Support Enforcement Program?

In brief, the major provisions of the Title IV-D Child Support Enforcement Program are:

- GOALS: Establish the paternity of children born out of wedlock; establish and enforce the financial obligations of all parents to their children.
- CONDITIONS: As a condition of eligibility, each applicant for, or recipient of, AFDC must make an assignment of child support rights to the state and must cooperate in establishing paternity and securing support.
- PROGRAM ORGANIZATION: Each state must establish or designate a single and separate IV-D Agency within the state. A parent locator service must be established in each state to utilize appropriate state and federal information in locating absent parents.
- PROGRAM RESPONSIBILITIES: Agencies are responsible for establishing paternity and securing support on behalf of all children for whom there is an assignment of support. Responsibilities are to be accomplished through agency staffs, cooperative agreements with law enforcement agencies, and collaboration with other states.
- IV-D NON-PUBLIC ASSISTANCE SERVICES: As a means of helping families to avoid applying for welfare, child support services are available to any family which submits written application.
- FUNDING AND REIMBURSEMENT: Title IV-D provides 70% federal reimbursement for administrative costs incurred by states with federally approved programs. Support collections received by the states on behalf of AFDC children are retained as recoveries of welfare expenditures. Political subdivisions and states making collections on AFDC cases are entitled to receive a 15% incentive of the monies they collect and the State retains for their participation in the program. The Federal Department of Health and Human Services is reimbursed for its original share in grant payments, minus the amount of any incentives paid to political subdivisions and states.

THE ARIZONA CHILD SUPPORT ENFORCEMENT PROGRAM

What about the Child Support Enforcement Program in Arizona?

Prior to September, 1975, Arizona had no centrally organized effort to address the issue of child support and its related activities. The district County Attorneys' Offices were mandated by State Law to provide child support services to Arizona's citizens.

On September 29, 1975, the Federal Office of Child Support Enforcement approved the Arizona IV-D State Plan. This created the Child Support Enforcement Administration (CSEA) within the Department of Economic Security.

It became the responsibility of CSEA to coordinate and administer the provision of these services to Arizona's citizens in conformity with Title IV-D of the Social Security Act, as amended; to ensure the right of all children to receive support from those legally responsible to provide such support.

How is the Program financed?

The State government receives 70% federal financial participation (FFP) for the costs incurred in administering its program.

Effective July 20, 1979, State legislation passed Arizona Revised Statute (A.R.S.) 46-406. This statute provides that "no funds shall be spent of funds appropriated to the Department of Economic Security to administer the Child Support Enforcement Program...the Department of Economic Security shall administer the...Program from...child support collections received on public assistance cases..." In essence, this law mandated a cost effective program at no cost to the taxpayer.

From that time on, appropriated funds were no longer used to operate the Program.

How does a person apply for IV-D services?

Public Assistance Applicants:

As a condition of AFDC eligibility, applicants for, or recipients of, AFDC are required to cooperate with the Child Support Enforcement Program.

Therefore, the AFDC Program, concurrently with the applicant's/ recipient's AFDC application, completes a "referral" document, and forwards it to the IV-D Program, when AFDC is granted.

Non-Public Assistance Applicants:

Non-public assistance applicants can be divided into two groups-- those who know the whereabouts of the absent parent, and those who do not.

Those who definitely know where the absent parent is exactly located, file their application directly with the County Attorney, who is under contract with the Department of Economic Security to provide child support enforcement services, in their area. (In the event the County Attorney is not under contract with the Department of Economic Security, they file their application with a DES (AFDC) Office in their area.)

Those who do not know where the absent parent is exactly located, file their application with the Department of Economic Security, either at a local AFDC Office or with the Arizona Parent Locator Service (APLS) with the Child Support Enforcement Administration.

Does an applicant have to pay any fees for IV-D service?

Some State IV-D Agencies throughout the country charge a fee to their non-public assistance applicants to help offset the cost of their program.

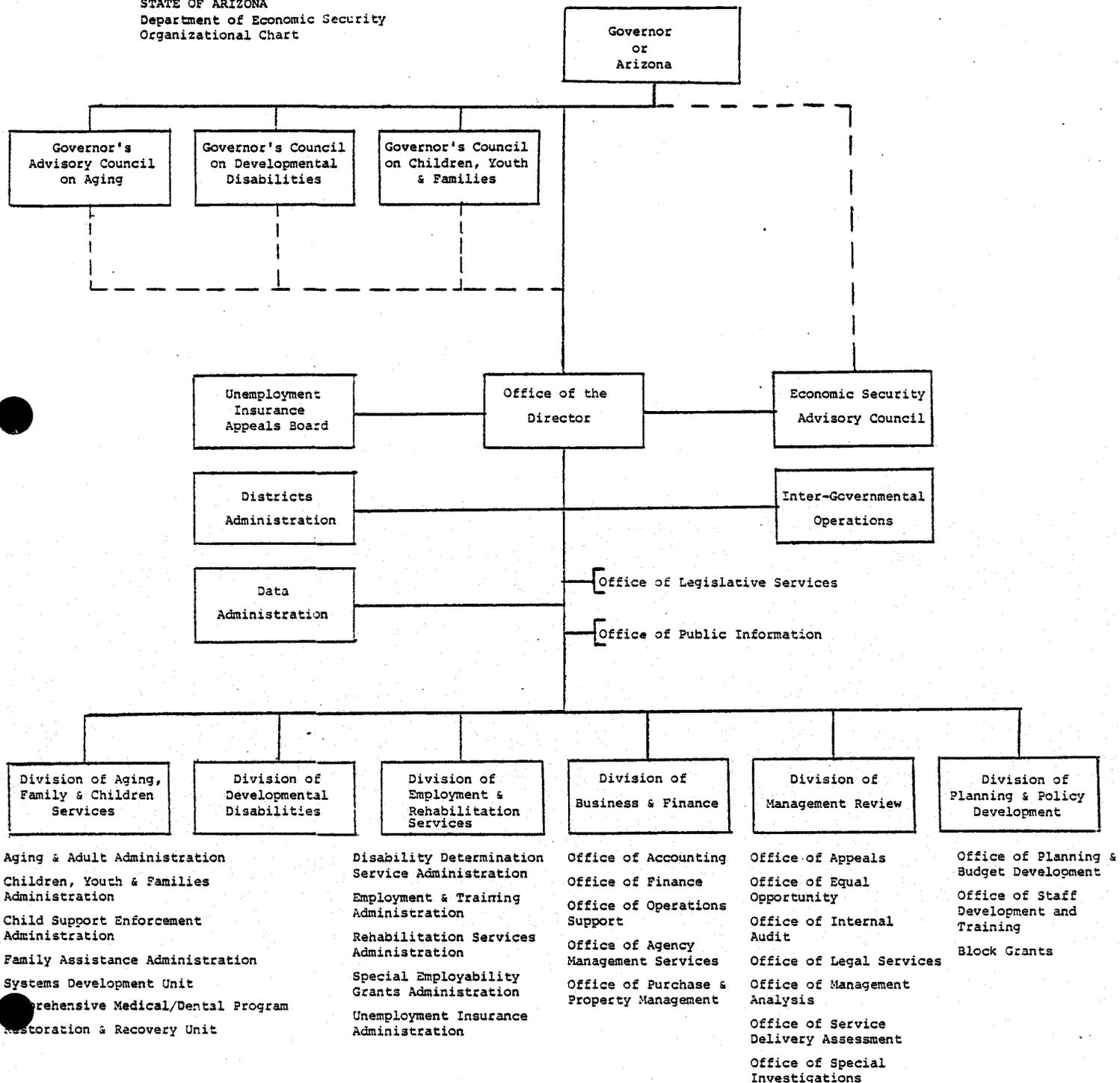
At this time, Arizona does not charge neither the AFDC nor non-public assistance applicants for IV-D services. However, this policy is currently under review and may at a later date be changed.

THE CSEA ORGANIZATION AND TERMS

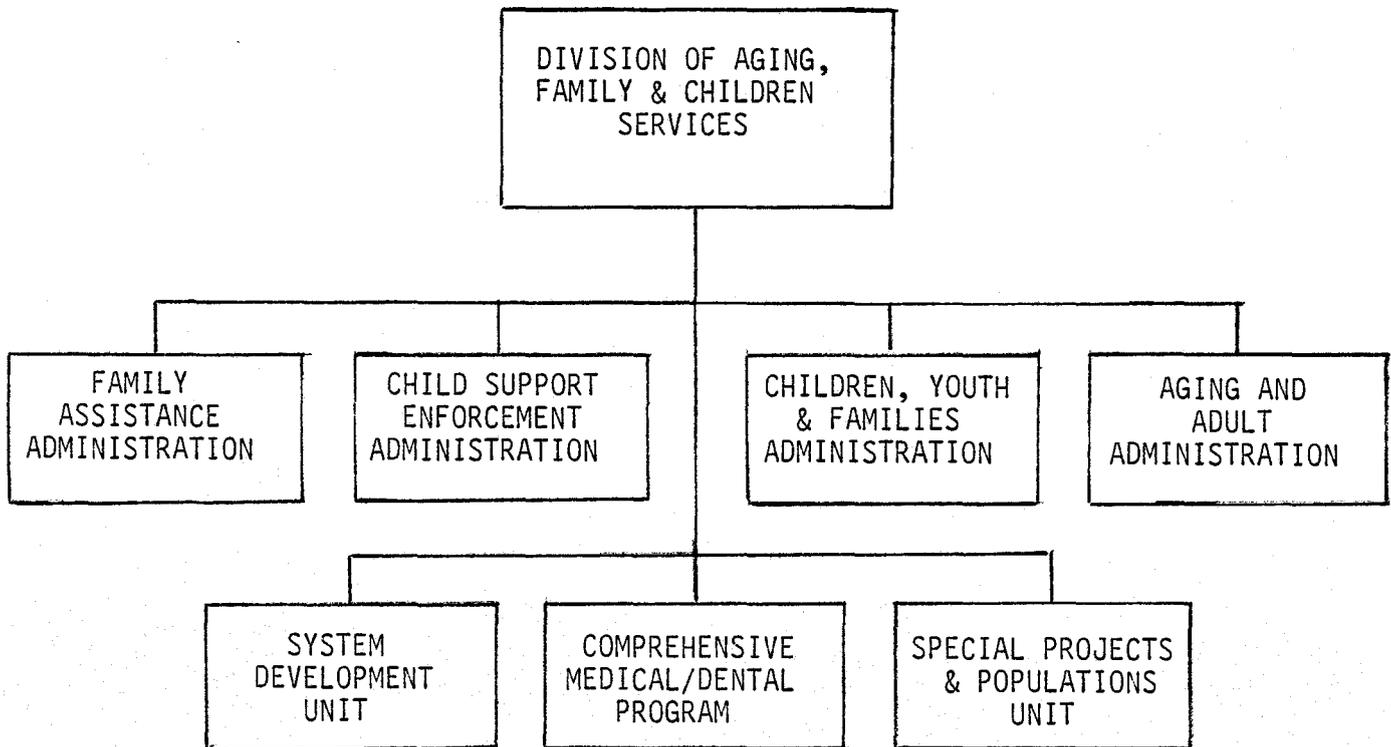
What is the organizational structure of the Child Support Enforcement Administration?

As mentioned earlier, the Child Support Enforcement Administration Program is an administration within the Division of Aging, Family and Children Services under the Department of Economic Security.

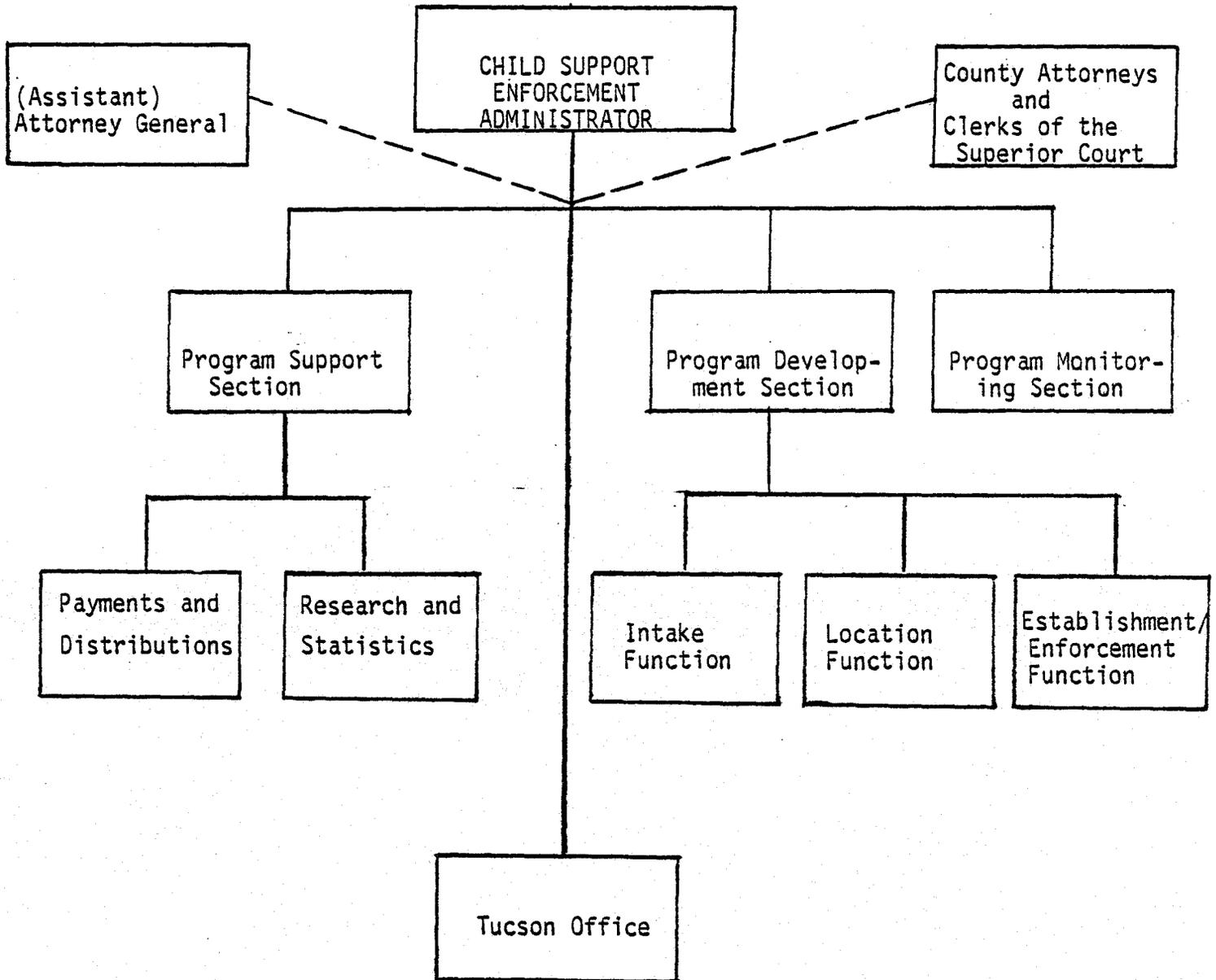
STATE OF ARIZONA
Department of Economic Security
Organizational Chart



It should be noted that the Child Support Enforcement Administration is an Administration separate and apart from any other Administration.



Within the Child Support Enforcement Administration itself,
the following organizational structure is applied:



————— DIRECT SUPERVISION

- - - - - ACCESS TO THE SERVICES OF

What are the general responsibilities of the major functions within the Child Support Enforcement Administration?

THE PROGRAM ADMINISTRATOR

- Is responsible for the Statewide administration of the Child Support Enforcement Program in the State of Arizona.
- Through the assistance of the Attorney General, provides technical legal assistance to the County Attorneys and other judiciary components.
- Represents DES when conflict of interest occurs with the County Attorneys' offices.
- Negotiates and contracts with appropriate law enforcement officials for the delivery of IV-D services.

THE PROGRAM SUPPORT SECTION

- Develops short and long-term plans for the Child Support Enforcement Program.
- Evaluates and assists in the development of legislation to enhance the Program and lobbies for legislation.
- Develops Program statistical information to support the goals and objectives of the Program.
- Performs cost analysis studies in order to establish expenditure justifications for State, district, and contractor operations.
- Compiles statistical, financial, and programmatic reports.
- Coordinates training of Program personnel, develops training materials, and provides training where appropriate.
- Assists the Program Administrator in the administration of county enforcement and collection operations.
- Interprets State and Federal laws and their impact on the Program.
- Keeps public, legislators, State and Federal Government officials aware of Program achievements and services provided.

- Responsible for the collection and distribution of all (support) monies received by Child Support Enforcement Administration/Payments and Distributions Services (PADS).

THE PROGRAM DEVELOPMENT SECTION

- Designs, develops, and implements policies and projects to ensure the achievement of Program goals.
- Assists the Program Administrator in the administration of internal Program operations.
- Develops and modifies an operational and procedural Program manual.
- Develops and modifies the State Plan to ensure conformity with State and Federal Regulations.
- Prepares technical and administrative reports.
- Coordinates Program activities with other departmental programs, Federal, State, and local agencies, as well as other states' child support programs.
- Interprets State and Federal laws, and their impact on the Program.
- Assesses training needs of the various internal functions.

THE INTAKE FUNCTION

- Receives and prioritizes all "IV-A Referrals/IV-D Applications."
- Assesses Assignments of Rights to Support (AY-140's) for filing with appropriate jurisdictions.
- Creates case folders/opens and closes cases/maintains case folders.
- Tracks open and closed Child Support Enforcement Administration cases/tracks active and inactive functions on open and closed cases.
- Typing and clerical support/phone receptionist.
- IV-D Field Application Interviewers.
- Receives and distributes correspondence/out-of-town inquiry/ case processing.

THE LOCATION FUNCTION

- Location and relocation of Absent Parents.

THE ESTABLISHMENT/ENFORCEMENT FUNCTION

- Obtain stipulations (Establish: Paternity, Support, Reimbursement.)
- Referrals for legal action to Attorney General.
- Referrals for legal action to County Attorney.
- Delinquencies.
- Certifications to U. S. District Court.

THE PROGRAM MONITORING SECTION

- Monitors IV-D State Plan as to conformity with 45 CFR 232, 235, 300-305, and Part 74, plus appropriate State laws.
- Monitors the policy and procedures of the IV-D Program at both the DES and contractor levels to determine the effectiveness and timeliness of IV-D services.
- Samples individuals IV-D contractors on a regular basis, in order to:
 - a. Identify training needs through monitoring the individual case records for compliance with State Plan, IV-D Operating Manual, and Contract.
 - b. Audit contractors' financial claims against actual services provided.
- Identifies problem areas, with respect to Program policy and procedures, and recommends corrective action alternatives.
- Provides technical assistance as needed.
- Reviews and comments on proposed manual material as to its clarity and specificity, in terms of the auditing functions for the IV-D Program.
- Prepares technical and administrative reports.
- Interprets State and federal laws and their impact on the Program.

What are some of the common abbreviations and terms used by the
Child Support Enforcement Administration?

- "IV-A" Title IV-A of the Social Security Act by the Federal Government provides grants to each state to plan and administer Aid to Families with Dependent Children (Welfare) within their state.
- "IV-D" Title IV-D of the Social Security Act by the Federal Government provides grants to each state to plan and administer a child support enforcement program within their state.
- "DES" Arizona Department of Economic Security - Division of the Arizona State Government which receives federal grants to administer aid and services to economically disadvantaged individuals and families.
- "AFDC" Aid to Families with Dependent Children - The public assistance program established by Title IV-A of the Social Security Act.
- "CSEA" Child Support Enforcement Administration - An Administration within the Department of Economic Security that administers the Child Support Enforcement Program, in Arizona, established by Title IV-D of the Social Security Act.
- "APLS" Arizona Parent Locator Service - A service within the Child Support Enforcement Administration. This service locates absent parents, helps establish paternity, enforces child support payments, and monitors payments to ensure a case remains in a current payment status.

"PADS" Payments and Distributions Services - A service within the Child Support Enforcement Administration that receives and remits to appropriate areas all IV-D child support monies received by the Child Support Enforcement Administration.

"FPLS" Federal Parent Locator Service - Provides an access to APLS to information on absent parents from federal agencies, i.e., internal revenue, social security, etc.

"APIS" Assistance Payments Information Systems.

"A/P" Absent parent.

"A/R" Applicant/Recipient.

"ARS" Arizona Revised Statutes.

"CFR" Code of Federal Regulations

DEFENDENT A person required to make answer in a legal action or suit.

GRANT Money issued to Welfare recipient.

OBLIGEE One to whom another is obligated (receives child support).

OBLIGOR One placed under legal obligation (owes a duty to pay child support).

"OTI" Out-of-Town Inquiry.

PAYEE One to whom money is obligated to be paid.

PAYOR One who is obligated to pay.

PETITIONER
or PLAINTIFF The complaining party in a litigation.

RECIPIENT One that receives (usually AFDC).

RESPONDENT One who responds; one who answers in various legal procedures.

"SSI" Supplemental Security Income.

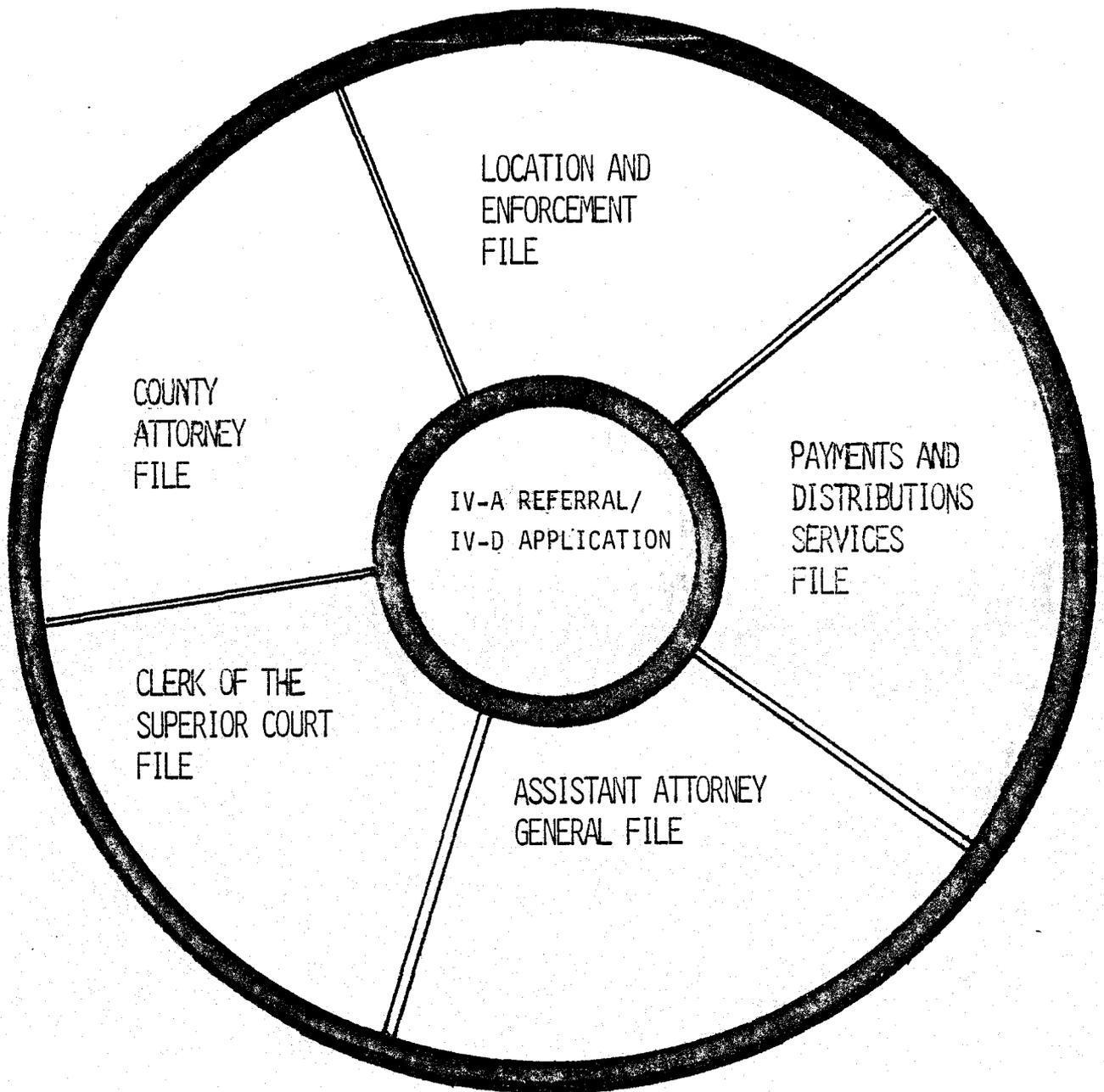
"SSN" Social Security Number.

"URESА" Uniform Reciprocal Enforcement of Support Act.
A federal act which provides for reciprocity between states to establish and enforce child support obligations.

THE CSEA/IV-D CASE

What is a IV-D Case?

As shown by the diagram, a "IV-D Case" is comprised of information from ALL areas providing IV-D services. Each area has its own functions and responsibilities, thus files are maintained by each area to accumulate the information essential to that function.



The common factor in each file, however, is the information provided on the IV-A referral/IV-D application--the information obtained from an AFDC applicant or non-public assistance applicant. Without this information, the files--IV-D Case--cannot be developed.

The following chart highlights the main functions and responsibilities of each "IV-D area" required to provide IV-D services:

DUTIES AND RESPONSIBILITIES:	AREAS OF IV-D					
	LOCATION AND ENFORCEMENT	PAYMENTS AND DISTRIBUTION SERVICES	ASSISTANT ATTORNEY GENERAL	COUNTY ATTORNEY	CLERK OF THE SUPERIOR COURT	
Location of an Absent Parent	•					
Referral to a County Attorney	•	•				
Establishment of Paternity		•	•	•		
Establishment of Support Order		•	•	•		
Enforcement of Support Order		•	•	•		
Collection of Support Monies		•	•	•		
Transmitting Monies Collected to IV-D					•	
Receipt of Monies		•			•	
Identifying Monies Received		•			•	
Payment of Support Monies to Client			•		•	
Distribution of Monies Retained			•			
Court Proceedings/Legal Action			•	•		
Gathering IV-A Information to Determine Unreimbursed AFDC	•	•	•			
Gathering IV-A Information for Proper Distribution of Support Monies Received			•			

How is a IV-D Case developed?

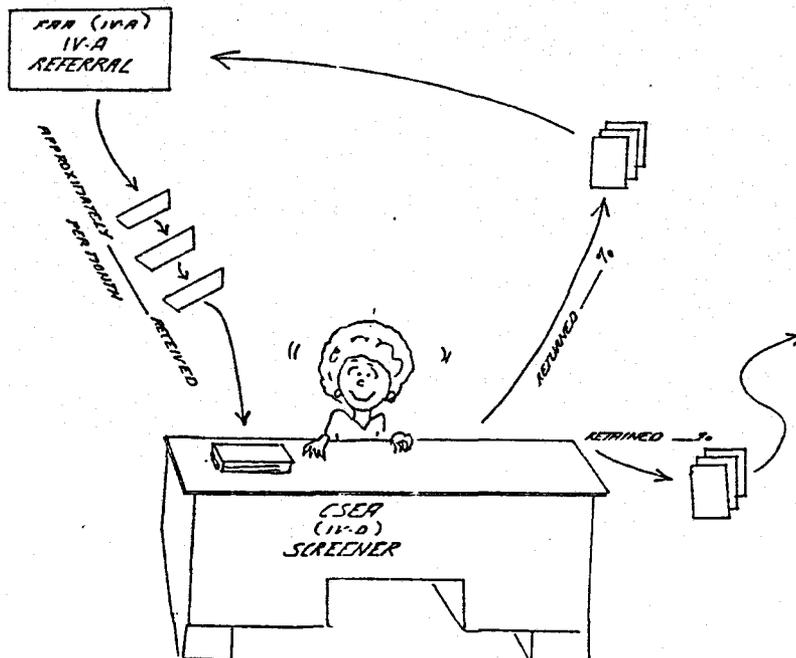
Step I. The first step in developing a IV-D Case is to obtain a COMPLETE and ACCURATE IV-A referral/IV-D application.

(The recognized IV-A referral consists of three forms - the AY-091, Absent Parent Questionnaire, the AY-091A, Requirements of Cooperation with Child Support Enforcement, and the AY-140, Assignment of Rights to Support.)

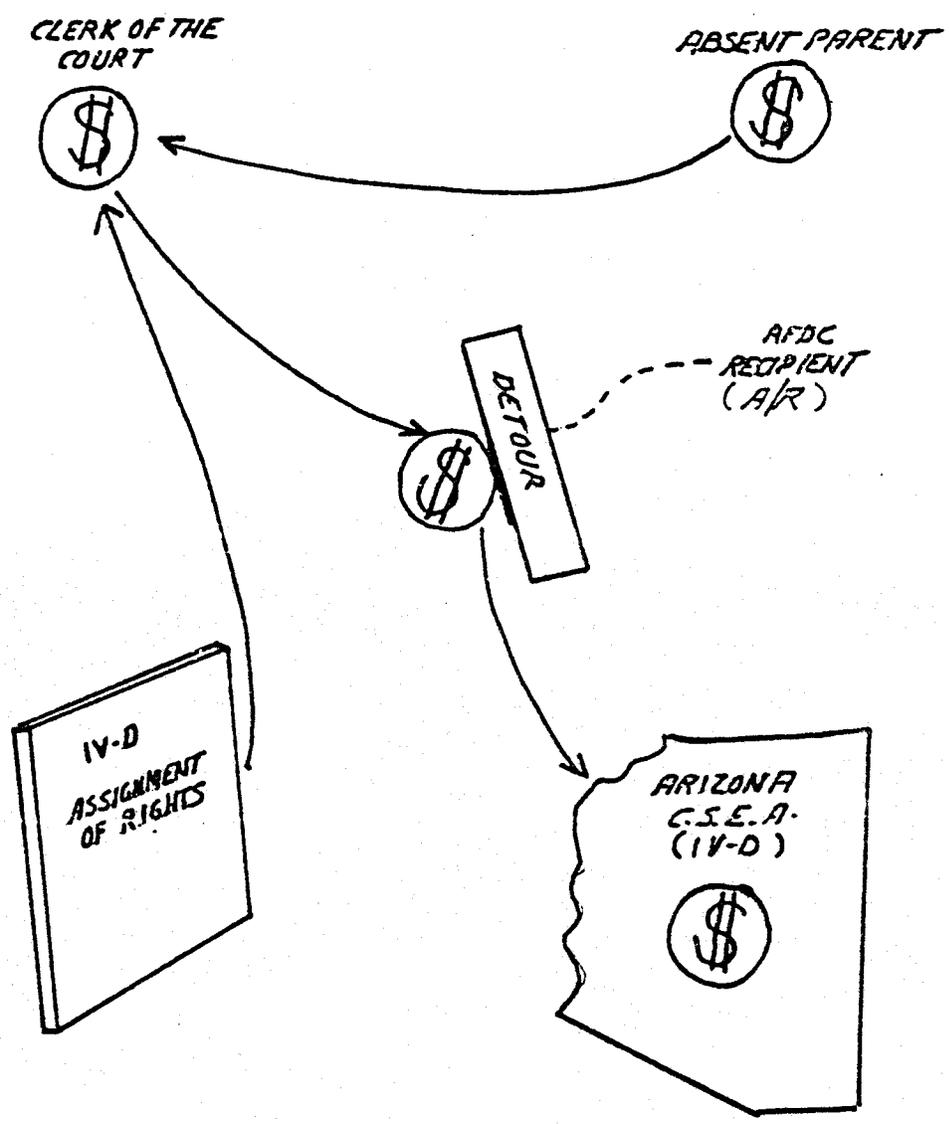
(The IV-D Application for Non-Public Assistance Applicants consists of two forms - the AY-091, Absent Parent Questionnaire and the AY-091A, Requirements of Cooperation with Child Support Enforcement.)

Note: The key words are "complete and accurate." As mentioned earlier, various areas within IV-D depend heavily on the information provided on the referral/application. Without the information, IV-D cannot adequately provide the support services required.

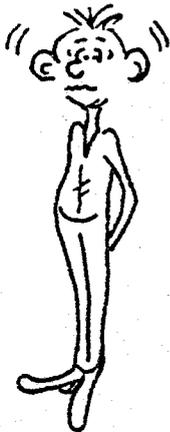
Therefore, all referrals/applications received by IV-D are first screened for completeness and accuracy. If further information or clarifications are needed on the referrals, they are immediately returned to the local IV-A office.



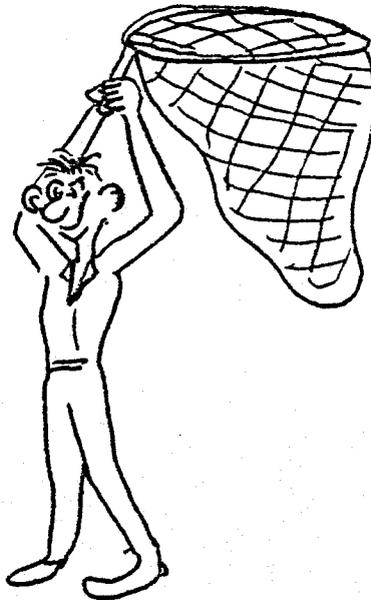
Step II. Those referrals received and retained by IV-D are then screened for accompanying court orders, or those easily accessible. Those AY-140's are then immediately forwarded to the proper Clerk of the Superior Court. This enables support monies being paid on those orders to be redirected to the State IV-D Agency instead of the AFDC applicant/recipient (A/R).



Step III. All referrals then pass through the Location Function. Based on the amount and quality of information available, location efforts are initiated to locate the absent parent(s).



ABSENT PARENT



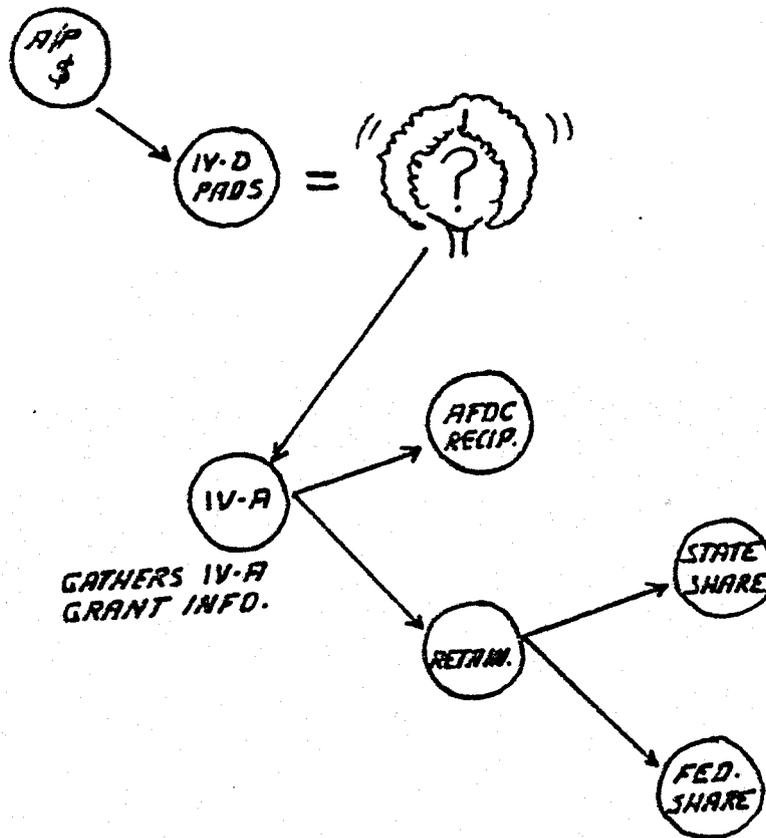
LOCATION FUNCTION

Step IV. As soon as the absent parent is located, the Location Function refers the case to the Enforcement Function. Enforcement must then determine the best means of establishing and/or enforcing the support orders. In some instances, the Enforcement Function will elicit the help of the County Attorney and/or the Assistant Attorney General.



**ESTABLISHMENT AND/OR
ENFORCEMENT
OF
COURT ORDERS**

Step V. Throughout this entire process, if at any time support money is received from an absent parent, the Payments and Distributions Service, PADS, immediately establishes their files. Proper identification and distribution of the money can then begin.



OBTAINING APPLICANT/RECIPIENT - ABSENT PARENT
INFORMATION/COOPERATION

Why does an AFDC applicant/recipient (A/R) have to provide absent parent information and complete various "IV-D forms?" Why must these forms be completed by an Eligibility Worker?

It is a condition of AFDC eligibility.

Remember, per IV-A federal regulations, every applicant for, or recipient of, AFDC must cooperate in support enforcement. Therefore, it is the responsibility of IV-A, via the Eligibility Worker, to initiate and complete the recognized IV-A/IV-D referral forms.

CS.007 AY.140
AY.091 CS.076
CS.203 AY.094
AY.091 A
AY.132 CS.084
AY.128 AY.125
CS.029

What if the AFDC applicant/recipient (A/R) fails to cooperate?

If an A/R fails to cooperate in support enforcement and "good cause" has not been established, a "Noncooperation Notice" is forwarded by the Child Support Enforcement Administration to the local IV-A office.

It is IV-A's responsibility to initiate proper noncooperation (sanction) actions.

Later, if and when the A/R does cooperate, the Child Support Enforcement Administration will notify the IV-A Agency of the "Compliance."

What is meant by cooperation?

An A/R must cooperate with any and all areas within, or related to, the Child Support Program in order to establish and enforce support orders.

This may involve, to name a few,

- Providing absent parent information.
- Identifying and assisting in locating the absent parent.
- Appearing at the County Attorney's office.
- Appearing in court.
- Appearing at a IV-D office.
- Establishing paternity.
- Providing various necessary documents, i.e., divorce decrees, legal separation papers, birth certificates, etc.
- Completing papers for the Assistant Attorney General.
- Obtaining support payments for those on the AFDC grant.
- Obtaining other payments or property due all children on the AFDC grant.
- Paying to the State any money received directly from an absent parent.
- Assigning all rights to child support to the State by signing the Assignment of Rights to Support document (AY-140).
GOOD CAUSE CANNOT BE CLAIMED FOR THIS REQUIREMENT.

GOOD CAUSE

Is there any way in which an AFDC applicant/recipient (A/R) does not have to cooperate with support enforcement?

Yes. If the A/R feels physical or emotional harm may occur, "Good Cause" can be claimed.

If the claim is substantiated, and approved by the IV-A Agency, the A/R does not have to cooperate in support enforcement.

What circumstances constitute "good cause?"

- Cooperation would result in serious physical or emotional harm to the child(ren).
- Cooperation would result in serious physical or emotional harm to the A/R and reduce the ability to adequately care for the child(ren).
- The child was born as a result of forcible rape or incest.
- Court proceedings are underway for the adoption of the child.
- The A/R is deciding whether to place the child for adoption with the help of an agency.

What role does the Child Support Enforcement Administration play in the "good cause" process?

The Child Support Enforcement Administration must IMMEDIATELY suspend all establishment and/or enforcement activities until AFTER a final good cause determination has been made by the IV-A Agency.

Therefore, the minute a good cause claim is made by an applicant/recipient, THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION MUST BE NOTIFIED. IF NOT, ESTABLISHMENT AND ENFORCEMENT ACTIVITIES WILL CONTINUE.

In addition, the Child Support Enforcement Administration must be afforded the opportunity to review each good cause claim and make a recommendation regarding it prior to the IV-A final good cause decision.

Since it appears "good cause" is strictly related to IV-D activities, why must the IV-A Eligibility Worker initiate, and validate, all good cause claims?

Once again, it is a IV-A federal (regulations) requirement.

Remember, the IV-A regulations state as a condition of AFDC eligibility applicants for, or recipients of, AFDC must cooperate with support enforcement. The only means by which they can be excused from cooperating is through good cause.

Whenever IV-A determines that "good cause" exists, does IV-D ever proceed without the AFDC Applicant/Recipient's (A/R's) cooperation?

Whenever IV-A approves a good cause claim and indicates IV-D services can continue without the A/R's cooperation, IV-D has decided AT THIS TIME NOT to proceed with support enforcement services.

The establishment and enforcement functions on that particular case are therefore inactivated. If monies are being received or should be received, from the absent parent, IV-D will continue to collect the monies and distribute them accordingly.

HOW CSEA VIEWS THE IV-A REFERRAL

How does CSEA view the AY-091, "Absent Parent Questionnaire?"

It is part of the "referral" notice from the IV-A Program to the IV-D Program signifying AFDC eligibility.

It gathers basic AFDC information about the absent parent.

It is a "legal" document that is often introduced as evidence in court.

And, it is the "input" document for CSEA's automated system.

And the AY-091A, Requirements of Cooperation with Child Support
Enforcement?

This form is also part of the "referral" notice from the IV-A Program to the IV-D Program.

It explains in detail to the applicant/recipient what is meant by "cooperation with child support enforcement."

It signifies to IV-D the applicant/recipient's understanding of cooperation with the Child Support Enforcement Program in performing various child support enforcement activities.

And, it is a document that can be presented in court when necessary.

What about the AY-140, "Assignment of Rights to Support" form?

How does CSEA view it?

This is another requirement of AFDC eligibility. (Per IV-A federal regulations, every applicant for, or recipient of, AFDC must assign to the State any rights to support from an absent parent in his/her behalf and/or in behalf of the child(ren) for whom assistance is given. If the A/R fails to do so, (s)he is failing to cooperate. REMEMBER, GOOD CAUSE CANNOT BE CLAIMED FOR REFUSING TO SIGN THE ASSIGNMENT.)

The AY-140 is part of the referral notice from IV-A.

It is a legal document which is often required in legal proceedings.

It is a "contractual agreement" between the A/R and the State, whereby the A/R is assigning to the State the rights to support in behalf of those, as listed, for whom AFDC is granted. Once CSEA files this document with the Clerk of the Superior Court, support monies from that particular absent parent are diverted to the State.

FILING THE ASSIGNMENT OF RIGHTS
WITH THE CLERK OF THE SUPERIOR COURT

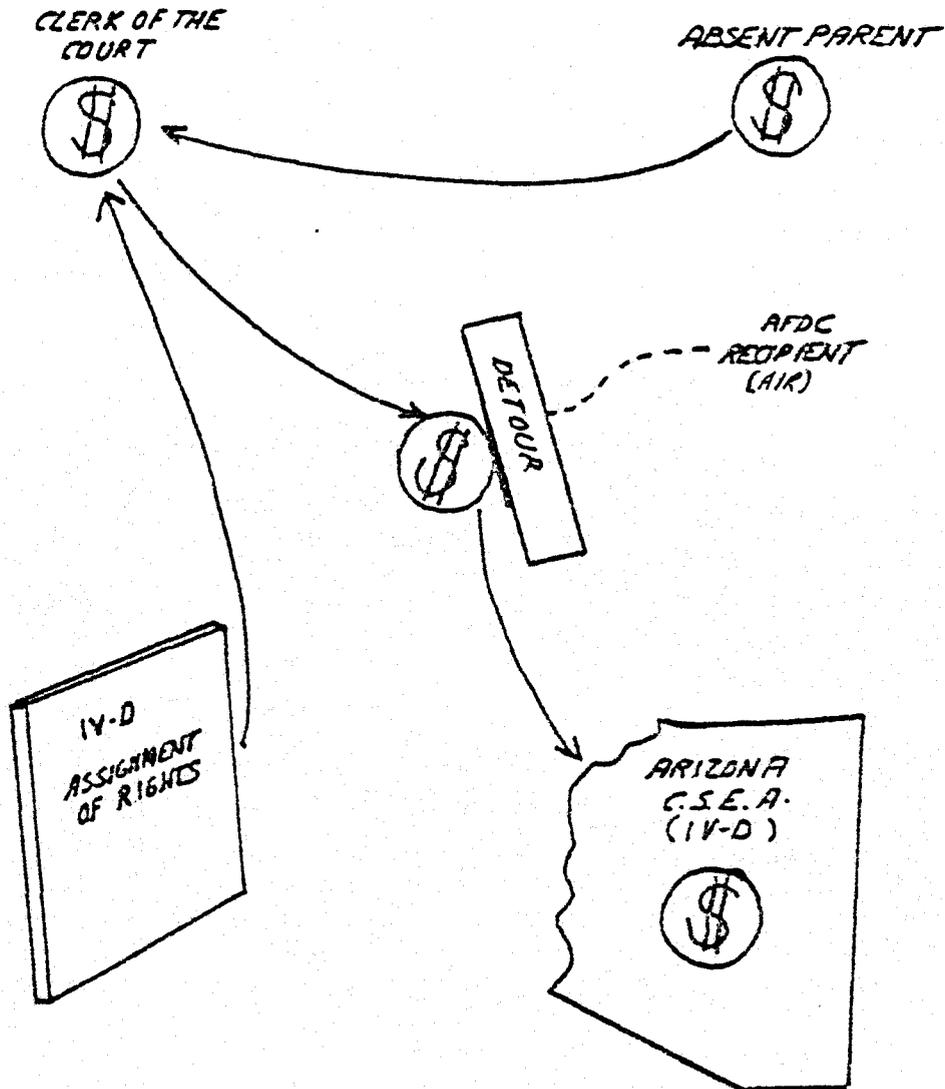
When is the AY-140 filed with the Clerk of the Superior Court?

When IV-D receives an AY-140 from IV-A, a search is made for an existing court order. Once located, the AY-140 is immediately filed with that Clerk of the Superior Court.

If an order has not been established, the AY-140 is retained by IV-D. As soon as IV-D is able to establish an order, the AY-140 is then filed with the appropriate Clerk of the Superior Court.

What happens when the Clerk of the Superior Court receives an AY-140?

Upon receipt of an AY-140, the Clerk of the Superior Court, by federal regulations and State law, must immediately forward to the State any support monies received from that absent parent. No further monies can be sent to the applicant/recipient until further notice is received from the IV-D Program.



When is such a notice sent to the Clerk of the Superior Court?

As PADS receives money from an absent parent, a check is made to determine the current AFDC case status.

If the AFDC case has been TERMINATED, and arrearages have accumulated, a Modification of Assignment notice is sent to the Clerk of the Superior Court.

What is the purpose of a Modification of Assignment Notice?

The Modification Notice allows the Clerk of the Superior Court to forward all CURRENT court ordered support amounts to the former A/R.

Any amounts in excess of the current ordered amount, however, must continue to be forwarded to the State IV-D Program. The excess amounts will continue to be forwarded to the State IV-D Program until all child support arrearages, which may have accumulated up to and during the time the A/R/AFDC Family received AFDC, have been paid.

EXAMPLE:

Mrs. Brown has received AFDC for the past two (2) years. She has finally found work and requests her case be stopped. The Eligibility Worker terminates the grant effective July, 1981.

The IV-D Program, PADS, receives a \$60.00 July support payment from Mr. Brown. In checking with IV-A, it is noted that the AFDC case was terminated effective July 1981.

It is also noted, there is a court order showing Mr. Brown must pay \$50.00 per month support, starting in July, 1979. Records further indicate this is the first time Mr. Brown has ever made a support payment. Mr. Brown is, therefore, \$1,200.00 in arrears.

PADS must do several things:

1. Pass the current ordered support payment, \$50.00, to Mrs. Brown,

2. Retain the extra \$10.00 to reimburse (some of) the AFDC which has been issued to Mrs. Brown for the past two (2) years, and
3. Send a Modification Notice to the Clerk of the Superior Court informing them to forward all future monthly court ordered support amounts (\$50.00) to Mrs. Brown. Any money in excess of this amount must still be forwarded to the State IV-D Program until all AFDC is reimbursed or there are no more arrearages.

What happens if there are no arrearages or all AFDC has been reimbursed?

If no arrearages have accumulated up to and including the time AFDC was paid, or if all AFDC has been reimbursed, and AFDC is TERMINATED, a Termination Notice is sent to the Clerk of the Superior Court. This notice informs the Clerk to forward ALL monies received from an absent parent directly to the former AFDC applicant-recipient.

Is it correct to tell applicants or recipients of AFDC that once an AFDC grant is terminated, it will be five (5) months BEFORE they receive any support monies?

NO! This is completely untrue!!

Remember, when an AFDC case is terminated, and the IV-D Program receives support monies, the current monthly court ordered amount is ALWAYS passed through to the A/R.

TREATMENT OF SUPPORT MONIES

How are support monies viewed by the IV-D Program?

IV-D considers both child support and alimony as support monies.

Both are collected by IV-D, and retained for further IV-D handling and distribution.

When an applicant/recipient (A/R) is PENDING AFDC, what should (s)he do with support monies received directly from an absent parent or Clerk of the Superior Court?

Support monies received on PENDING AFDC cases must be REPORTED to the Eligibility Worker. In turn, these monies are considered as income against the AFDC grant.

When an applicant/recipient (A/R) is RECEIVING AFDC, what should (s)he do with support monies received directly from an absent parent or Clerk of the Superior Court?

Support monies received on ACTIVE AFDC cases must be TURNED OVER to the IV-D Program. They cannot be kept by the A/R. In turn, these monies are NOT considered as income against the AFDC grant.

Is there any time support payments would be considered as income
against active AFDC grants?

When the A/R refuses to turn the money over to the State, it is then treated as income against the AFDC grant. This is the ONLY time it is considered income.

And if the applicant/recipient (A/R) should fail to report and remit
the support monies...?

The A/R is failing to cooperate. Proper noncooperation (sanction)
action must be taken.

DETERMINING "PASS-THROUGHS"

Just exactly how are "pass-through" determinations made?

The basic guides used to determine a "pass-through" are:

- Current support amounts collected in a given month are considered against the current month's AFDC grant issued to the family.
- If a grant has been paid for the collection month, any current support amount up to, but not exceeding the AFDC grant paid, is retained by IV-D. Any current child support in excess of the AFDC grant paid to the family is "passed-through."

EXAMPLE:

1. Ms. Green receives \$180.00 per month AFDC for herself and her child. The absent parent, Mr. Brown, is court ordered to pay \$150.00 per month child support.

IV-D receives a \$150.00 April support payment. Should there be a "pass-through?" NO.

April child support collected.....	\$150.00
April AFDC grant paid to the family.....	\$180.00
"Pass-through".....	<u> </u> -0-

Since the \$150.00 child support collected does not EXCEED the \$180.00 AFDC grant, the \$150.00 must be retained to reimburse some of the AFDC paid. A "pass-through" is not made.

2. Mrs. Thompson receives \$233.00 per month AFDC for herself and two children.

There are two (2) absent parents, Mr. Johnson and Mr. Gray. Mr. Johnson, father of one child is court ordered to pay \$200.00 per month child support. Mr. Gray, father of the other child, is court ordered to pay \$75.00 per month child support.

IV-D receives a \$75.00 April support payment from Mr. Gray and \$200.00 April support payment from Mr. Johnson.

Is there a "pass-through" payment? Yes. \$42.00.

April child support collected.....	\$275.00
AFDC grant to the family.....	\$233.00
	<hr/>
"Pass-through".....	\$ 42.00

3. In February 1983, Mrs. Smith received \$282.00 AFDC for herself and three children.

The absent parent of one child, Bill Low, tells Mrs. Smith he will begin to pay \$200.00 per month child support for Bill so she removes Bill from the AFDC grant, and her grant is decreased to \$233.00, effective February 1983.

Mr. Low pays his \$200.00 child support payment to the Clerk of the Court. The Clerk of the Court in turn forwards the money to IV-D.

Will there be a "pass-through?" NO.

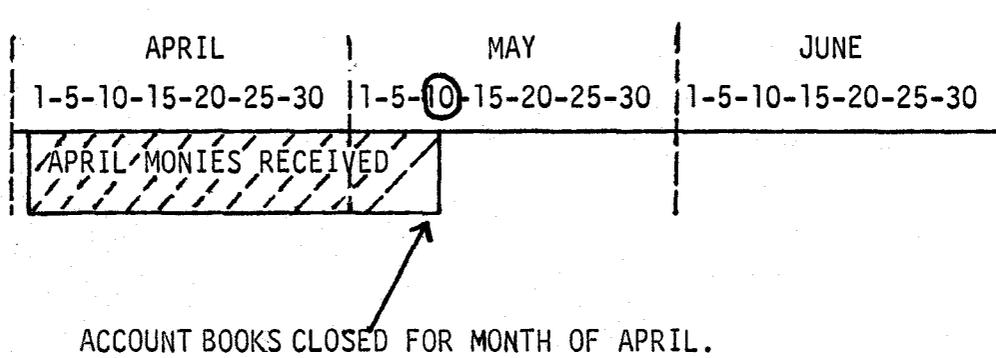
March child support collected.....	\$200.00
March AFDC grant paid to family.....	\$233.00
	<hr/>
"Pass-through".....	-0-

How soon will a "pass-through" be sent to an AFDC applicant/recipient?

It will be sent no later than the AFDC payroll date of the second month following the collection month.

Why so long? When are "pass-through" monies determined?

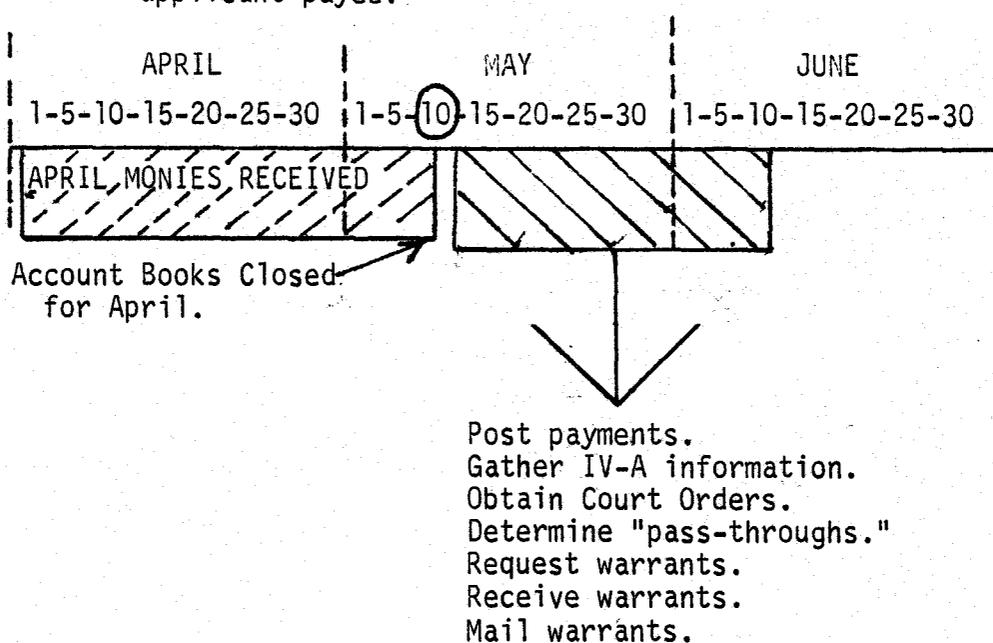
"Pass-throughs" are determined AFTER the close of the "monthly" account books. (The account books are closed the tenth day of the month following the month of collections. This is to allow time for ALL payments for that month to be received and properly credited by the IV-D Program.)



If the books are closed on the tenth of the month following the month of collection, why does it take so much time before a "pass-through" is issued to a recipient?

There are several involved and time consuming processes that must be completed before a "pass-through" can be determined.

- All payments must be posted to each individual absent parent ledger.
- IV-A basic grant information, i.e., grant amount, budget type, people on grant, etc., must be obtained.
- Court order information, i.e., monthly court ordered support amount, for whom, effective dates, etc., must be obtained.
- A "pass-through" amount, if any, must be determined.
- Request for "pass-through" warrants must be made to the Department of Finance via the Human Resources Accounting Unit. Once received, the warrants are mailed to the AFDC applicant-payee.



What if an AFDC grant has been suspended or terminated for a collection month? Must that individual wait the same time period for that "pass-through?"

No. If it is noted an AFDC grant has not been paid for the collection month, a "pass-through" warrant for the collected current support is immediately requested.

Does IV-D ever notify the Eligibility Worker directly of the current support monies collected?

IV-D will notify IV-A each month when all child support from all absent parents meets or exceeds the AFDC grant paid to the family.

What should be done with "pass-through" monies issued to the applicant-recipient?

Nothing. This is money "passed-through" to the A/R since it cannot be retained by the State. It is NOT considered as income against the AFDC grant. The ONLY time it would be counted as income is if it "passed-through" in error.

If an AFDC grant is being resumed, reopened, or supplements issued retroactive to a specific time, what should be done about "passed-through" monies?

Payments and Distributions Service (PADS) should be contacted to see if any support was collected in the error month and "passed-through." If so, the "passed-through" monies must be counted as income.

APPENDIX

LISTING OF FORMS UTILIZED BY BOTH IV-A AND IV-D

FORM	FORM TITLE	WHO INITIATES*		SEND COPIES TO	
		IV-A	IV-D	IV-A	IV-D
AS-006	Official Receipt - Welfare Accounting		X	Yes	
AY-091	Absent Parent Questionnaire	X			Yes
AY-091A	Requirements of Cooperation with Child Support Enforcement	X			Yes
AY-094	IV-D Status Request and/or Update	X			Yes
AY-125	Notice of Right to Claim Good Cause	X			No
AY-128	Decision of Good Cause for Noncooperation	X			Yes
AY-132	Notice of Claim of Good Cause	X			Yes
AY-140	Assignment of Rights to Support	X			Yes
AY-146	Requirement to Report and Deliver Support Payments	X			No
CS-007	Notification of Direct Child Support and/or Alimony Received	X			Yes
CS-029	Request for County Attorney Appointment	X			Yes
CS-067	IV-A Referral Correct and Return Slip		X	Yes	
CS-075	Notification of Child Support Payments Received		X	Yes	
CS-076	Child Support Remittance	X			No
CS-084	Information Referral/Correct AFDC Status Needed		X	Yes	
CS-201	Request for Additional Information		X	Yes	
CS-203	Notice of Failure to Cooperate		X	Yes	
CS-221	Compliance Notice		X	Yes	

*NOTE: The initiator of a form should always keep a copy of the forms they have initiated in their case file, unless instructions for that specific form indicate otherwise.

LISTING OF IV-A FEDERAL REGULATIONS PERTAINING TO CHILD SUPPORT
ENFORCEMENT

- 232.11 Assignment of Rights to Support.
- 232.12 Cooperation in Obtaining Support.
- 232.20 Treatment of Child Support Collections Made in Child Support Enforcement Program as Incomes and Resources in IV-A.
- 232.30 Cost Allocation; Joint Staff and Service Staff.
- 232.40 Claiming Good Cause for Refusing to Cooperate.
- 232.41 Determination of Good Cause for Refusing to Cooperate.
- 232.42 Good Cause Circumstances.
- 232.43 Proof of Good Cause Claim.
- 232.44 Participation by State IV-D Agency.
- 232.45 Notice to the IV-D Agency.
- 232.46 Granting or Continuation of Assistance.
- 232.47 Periodic Review of Good Cause Determination.
- 232.48 Record Keeping in Good Cause.
- 232.49 Enforcement Without the Caretaker's Cooperation.